

7TH INTERNATIONAL ASSAM ISLAMIC UNION MODEL CONGRESS

Model ASRICA Confederation
Justice System

23-24 DECEMBER 2023



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ASSAM | ADALETİ SAVUNANLAR
STRATEJİK ARAŞTIRMALAR MERKEZİ

ABSTRACT BOOK

On the Way to Islamic Unity...

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7th INTERNATIONAL ASSAM ISLAMIC UNION MODEL CONGRESS
“Model ASRICA Confederation Justice System”
Congress Abstract Book
23-24 December 2023

ASSAM ISLAMIC UNION MODEL CONGRESSES

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ASSAM | ADALETİ SAVUNANLAR
STRATEJİK ARAŞTIRMALAR MERKEZİ

ASSAM ISLAMIC UNION MODEL CONGRESSES

2017

Past to
Feature
Government
Forms

2018

Islamic
Economy and
Common
Economic
Systems

2019

Model ASRIKA
Joint Defense
Industry
Production

2020

Model ASRICA
Confederation
Defense System

2021

Model ASRICA
Confederation
Foreign Policy
Strategy

2022

Model ASRICA
Confederation
Public Order
and Internal
Security
Organization

2023

"7th International ASSAM Islamic Union Model Congress", which was held under the "International ASSAM Islamic Union Model Congresses" series; main theme FOR THE ISLAMIC UNION "DETERMINATION OF COMMON JUSTICE SYSTEM PROCEDURES AND PRINCIPLES", "MODEL ASRICA CONFEDERATION JUSTICE SYSTEM" on 23-24 December 2023, with the participation of the International Union of Muslim Scholars (IUMS), the Union of NGOs of the Islamic World (UNIW), the International Union of Lawyers (UHUB), Justice Defenders Strategic Studies Center (ASSAM) and the Association of Defenders of Justice (ASDER).





ABOUT

ABOUT ASSAM

- ASSAM: Justice Defender Strategic Studies Center
- ASSAM's Founding Year: 2013
- Purpose of ASSAM is to do: Based on the idea that the prosperity of Muslim Nations, the survival of the states they established, the establishment of peace in the world and the dominance of justice are possible with the emergence of Islamic Countries on the world political stage as a superpower; Muslim States; Intellectual studies that will enable the creation of a database regarding national power elements, the assessment of individual and joint internal and external threats, the determination of internal and external security plan principles, and the establishment and development of the institutions needed to gather them under common will and the principles and legislations of organization of these institutions.
- ASSAM's Fields of Activity: As the Strategic Studies Center (SSC), it carries out activities in academic and scientific fields. It organizes "International ASSAM Islamic Union Model Congresses" annually. It has various social activities such as seminars and training.

ABOUT SEVENTH INTERNATIONAL ASSAM ISLAMIC UNION MODEL CONGRESS (23-24 DECEMBER 2023)



- The congress was held in Turkish, English and Arabic languages. Simultaneous translation was provided during the presentation of the papers. The proceedings were compiled into a book and published on the ASSAM Congress WEB Site. Papers can also be published electronically in the ASSAM International Refereed Journal (ASSAM-UHAD). Those who submit papers to our congress and want to have their papers published in ASSAM International Refereed Journal (UHAD) must prepare their papers in accordance with the paper preparation format of our refereed journal and upload them to the system. Papers/articles will be published in the peer-reviewed journal after going through the referee process.
- Congress Result Reports prepared for execution were sent to decision-making mechanisms and guests and participants from the Islamic world and were published on the ASSAM Congress WEB Site.



CONGRESS INFORMATION

CONGRESS TITLE

7TH INTERNATIONAL ASSAM ISLAMIC UNION MODEL CONGRESS
Model ASRICA Confederation Justice System

CONGRESS DATE AND PLACE

23-24 December 2023

Online, Zoom

DISTRIBUTION OF DECLARATIONS ACROSS COUNTRIES

Türkiye-16, USA-1, Afghanistan-3, Bosnia Herzegovina-2, Burkina Faso-1,
Algeria-1, Chad-1, Palestine-1, Ghana-1, India-1, Kashmir-1,
Lebanon-2, Malaysia-1, Morocco-1, Egypt-3, Niger-1, Uzbekistan-1, Pakistan-3,
Singapore-1, Srilanka-1, Syria-1, Togo-1, Yemen-1
Toplam: 23 Ülke / 44 Bildiri

ORGANISATION

ASSAM | Justice Defenders Strategic Studies Center

IUMS | International Association of Muslim Scholars

UHUB | International Association of Jurists

ASDER | Justice Defenders Association

UNIW | Union of NGOs Islamic World

ORGANIZATION BOARD

ASSAM Board of Directors

EDITOR & DESING

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Dr. Yunus Şişman | Kütahya Dumlupınar University
Lecturer Grv. Mahmut Kayaalti | Kütahya Dumlupınar University
Suat Gün, Journalist

INTRODUCTION

On the Congress for the Determination Procedures and Principles of the Model Common Justice System for the Islamic Union;

GENERAL

The purpose of the International ASSAM Islamic Union Model Congresses is; To make determinations on an academic and political basis regarding current problems in world politics, especially the geography of Islamic countries, and **to present a solution to the Islamic world and decision makers about the institutions necessary and the legislation required for these institutions for the gathering of Islamic countries under one will.**

As a result of consultation with NGO representatives and academicians from 27 Islamic countries who attended **the first of the International ASSAM Islamic Union Model Congresses**, it was decided to ensure its continuity.

The main topics of the "International ASSAM Islamic Union Model Congresses" series, which was held taking into account the main areas of activity of the states (the first in 2017, the second in 2018, the third in 2019, the fourth in 2020, the fifth in 2021, the sixth in 2022, and the seventh in 2023), implemented in the years 2017 - 2023, are selected as below: It is aimed to present as a model the institutions and the legislation of these institutions required to bring the Islamic countries under one will;

1. Determination of the Governance Form and Bodies Legislation for the Islamic Union – 2017
2. Determination of Economic Cooperation Procedures and Principles for the Islamic Union – 2018
3. Determination of Defense Industry Cooperation Procedures and Principles for the Islamic Union – 2019
4. Determination of Common Defense System Procedures and Principles for the Islamic Union – 2020
5. Determination of Common Foreign Policy Procedures and Principles for the Islamic Union – 2021
6. Determination of Common Public Order and Security Procedures and Principles for the Islamic Union – 2022
7. Determination of Common Justice System Procedures and Principles for the Islamic Union – 2023

The first of the congress was held in Istanbul, where ASSAM headquarters is located, on 23-24 November 2017, in cooperation with Üsküdar University, the Association of Defenders of Justice (ASDER) and the Union of NGOs of the Islamic World (UNIW).

Representatives of non-governmental organizations and academicians from 27 Islamic countries attended the First International ASSAM Islamic Union Model Congress, abstracts were presented by 31 academics from 11 countries and the papers were published on the ASSAM Congress website. [i]

As a result of the congress, it was concluded that the **“Islamic Countries Parliament”** should be established and a **“Ministry of Islamic Union”** should be established in the Council of Ministers of each Islamic Country and the **“Declaration of the Islamic Countries Confederation”** approved by the ASSAM Executive Board; It was signed by 109 NGO officials, 29 from Islamic countries and 80 from Türkiye, and announced to the world public opinion through the press. [ii]

In addition, a model Constitution draft was prepared for the confederation of Islamic Countries, taking into account the provisions emphasized in the declarations. [iii]

Our second congress was held in Istanbul, where the ASSAM central office is located, on November 1-2, 2018, in cooperation with Üsküdar University, Justice Defenders Association, the Union of Non-Governmental Organizations of the Islamic World (UNIW) and International Union of Muslim Scholars (IUMS).

To the Second International ASSAM Islamic Union Model Congress; Representatives of Non-Governmental Organizations and academicians from 29 Islamic Countries participated, 58 declarations were presented by 66 academicians from 15 countries, and the presentations were published electronically in the ASSAM Congress WEB Site.

Taking into account the declarations presented in the Second Congress and the Congress final report, the Second Congress Declaration, including the First Congress Declaration, was prepared, presented to the decision-making mechanisms, all guests and participants from the Islamic World, and the world public opinion, and published on our ASSAM Congress WEB Site. [v]

Representatives of NGOs and academicians from 45 Islamic Countries attended **Third International ASSAM Islamic Union Model Congress** and 58 declarations were presented by 57 academicians from 10 countries. Congress Final Declaration [v] and Abstracts [vi] have been published on the ASSAM Congress website.

Fourth International ASSAM Islamic Union Model Congress is held on **Determination of Principles and Procedures of Common Defense System for the Islamic Union** with the main theme of “**Model ASRICA Confederation Defense System**” through video-conference method on December 12, 2020, with the participation of Üsküdar University (UU), Justice Defenders Association (ASDER) and Union of NGOs of the Islamic World (UNIW) in Istanbul.

28 academicians from 15 Islamic Countries presented 27 declarations in the Fourth International ASSAM Islamic Union Model Congress. The Congress Declaration [[vii]] and Declarations Abstracts [[viii]] and the Declaration Full Textbook [[ix]], including the first, second and third congress declarations, have been published on our ASSAM Congress WEB site.

Fifth International ASSAM Islamic Union Model Congress will be held on December 18-19, 2021 by video-conference method in Istanbul with the participation of Justice Defenders Association (ASDER) and Union of NGOs of the Islamic World (UNIW) on **Determination of Principles and Procedures of Joint Foreign Policy for the Islamic Union** will be carried out with the main theme of “**Model ASRICA Confederation Foreign Policy Strategy**”.

37 academicians from 19 Islamic Countries presented 39 declarations in the Fifth International ASSAM Islamic Union Model Congress. The Congress Declaration [[x]] and Declarations Abstracts [[xi]] and the Declaration Full Textbook [[xii]], including the First, Second, Third and Fourth Congress Declarations, have been published on our ASSAM Congress WEB site.

Sixth International ASSAM Islamic Union Model Congress was held on November 12-13, 2022 by video-conference method in Kütahya with the participation of International Union of Muslim Scholars (IUMS), the Union of NGOs of the Islamic World (UNIW), Kütahya Dumlupınar University (DPU) and Association of Justice Defenders (ASDER) on **Determination of Principles and Procedures of Common Public Order and Security for the Islamic Union** was carried out with the theme of “**Model ASRICA Confederation Public Order and Internal Security Organization**”.

34 academicians from 16 Islamic countries presented 32 declarations in the Sixth International ASSAM Islamic Union Model Congress. The Congress Declaration [[xiii]] and Declarations Abstracts [[xiv]] and the Declaration Full Textbook [[xv]], including the First, Second, Third, Fourth and Fifth Congress Declarations, have been published on our ASSAM Congress WEB site.

The Seventh congress held under the coordination of ASSAM, on December 23-24, 2024, via videoconference with the participation of International Union of Muslim Scholars (IUMS), the Union of NGOs of the Islamic World (UNIW), International Jurist Union (IJU), Fatih Sultan Mehmet Vakif University the Faculty of Islamic Science (FSMVU ISF) and Association of Justice Defenders (ASDER) and with the cooperation of NGOs of Islamic World. The congress was held with the theme of "**Model ASRICA Confederation Joint Justice Organization**" on the main subject of "**Determination of Common Justice System Procedures and Principles**" for the Islamic Union.

At our Seventh International ASSAM Islamic Union Model Congress, 44 papers were presented by 44 academics from 27 Islamic countries. This Congress Series Declaration has been prepared to include the First, Second, Third, Fourth, Fifth and Sixth Congress Declarations.

The Second Series of ASSAM Congresses, which will start in 2024 and continue in the following years, are planned to be held to offer Solution Suggestions to the Crises in the Troubled Regions of Islamic Geography.

The languages of the congresses were Turkish, English and Arabic. Simultaneous (immediate) translation was provided during the presentation of the papers. Abstracts and papers were compiled into a book and published on the ASSAM Congress WEB Site. Papers can be published electronically in the ASSAM International Refereed Journal (ASSAM-UHAD), provided that they pass the referee process. Those who submit papers to our congress and want to have their papers published in our ASSAM International Refereed Journal (UHAD) must prepare their papers in accordance with the paper preparation format of our refereed journal and upload them to the system via the link below. You can access the peer-reviewed journal at <https://dergipark.org.tr/assam>. Papers/articles will be published in the peer-reviewed journal after going through the referee process.

Congress Result Reports prepared for execution were sent to decision-making mechanisms and all guests and participants from the Islamic world and were published on the ASSAM Congress WEB site (<https://assamcongress.com>).

GEOPOLITICAL VALUE OF ISLAMIC GEOGRAPHY

57 of the 206 States in the World (27% of the member states), 1,859,779,580 of the 7,916,525,000 world population (23.49% of the world population), the Islamic geography, which is owned by 57 Islamic Countries, covers 30.9 million km² (20.6% of the lands of the whole world) of the world's 150 million km², with the bloc they formed when the borders between them are ignored:

1. Which is located in the center of the continents of Asia, Europe and Africa, known as the world island,
2. Which is controlling the Gibraltar, Bab El-Mendebe, Hormuz, Çanakkale and Istanbul straits and the Suez Canal, which are considered the gateways to the Mediterranean, Red Sea and Black Sea, which is the world's largest inland seas,
3. Which have coasts to the Atlantic Ocean, Indian Ocean, Mediterranean, Black Sea, Red Sea and Caspian Sea,
4. Which is bordered by land and sea to the continents of Asia, Europe and Africa, to the global powers of the world such as the European Union, Russia, India and, China, and to the United States by sea,
5. Which have the opportunity to be the center of the land, air and sea transportation routes without alternatives,
6. Which owns 55.5% of the world's oil reserves, 45.6% of its production also 64.1% of natural gas reserves, 33% of its production,

By combining its geopolitical position, common civilization values and historical background with its opportunities, efforts and goals, it has the potential to become the superpower of the future.

GLOBAL ATTACKS TO THE ISLAMIC WORLD

In its geography where it should be sovereign, the **Islamic world** has become the site of the **undeclared, secret, insidious, dirty and asymmetric World War III**, in which the ethnic and sectarian units within the unitary structures of each Islamic country are fighting each other.

Despite the advantages they have, Islamic countries have fallen into a great turmoil with the interventions of the imperialist western states. As a result of this turmoil, great suffering and destruction are experienced in the Islamic countries. Millions of Muslims are forced to choose between leaving their homes or dying. Thousands of Muslims die in various ways on the migration routes, and those who manage to migrate are doomed to live in poverty and misery.

According to the official data of the United Nations High Commissioner for Refugees, as of 2021, according to official records, 6.6 million Syrian citizens immigrated around the world. ([xviii]) This figure is even higher with unregistered refugees. Syrian refugees migrated to Türkiye (3,388,698), Iraq (262,218), Jordan (660,605), Egypt (145,157), Lebanon (805,326) and other countries in North Africa (41,742). Apart from these figures, there are intense attempts to migrate to Europe and most of them lose their lives in the Mediterranean. Despite these adversities, the total number of registered refugees crossing into Europe from April 2011 to January 2021 was 1,022,142. (*)

The World War III is being waged as an undeclared war (hybrid war) against Islamic countries. After the collapse of the Ottoman Empire, the Muslims, who were left without a government, tried to continue their existence by establishing small states, but because they lost their unity and solidarity, they became an easy to swallow for global powers. **The United States, European Union, England, France, Russia and China aim to establish authority in Islamic countries by waging proxy wars with the terrorist organizations they control and the asymmetric war methods they apply in order to seize the Islamic geography.**

CONGRESS SUBTITLES

1. **Religious References of the Islamic Union**
2. **Islamic Union and International Law**
3. **Regulatory Rules of the Islamic Union: Principle of Justice**
4. **Basic Principles of the Islamic Justice System**
5. **Justice Systems of Multinational Empires in History**
 - a. Principles and Procedures of the Organization for Justice in the Roman Empire
 - b. Principles and Procedures of the Organization for Justice in the Byzantine Empire
 - c. Principles and Procedures of the Organization for Justice in the Islamic State during the Time of the Prophet Muhammad
 - d. Principles and Procedures of the Organization for Justice in the Islamic State during the Time of the Rashidun Caliphate
 - e. Principles and Procedures of the Organization for Justice in the Umayyad Caliphate
 - f. Principles and Procedures of the Organization for Justice in the Islamic State during the Time of the 5th Caliph Umar bin ‘Abd al-‘Aziz
 - g. Principles and Procedures of the Organization for Justice in the Abbasid Caliphate
 - h. Principles and Procedures of the Organization for Justice in the Seljuk Empire
 - i. Principles and Procedures of the Organization for Justice in the Ottoman Empire
6. **Justice Systems of Today's Multinational Global Powers**
 - a. Principles and Procedures of the Organization for Justice in the United States of America
 - b. Principles and Procedures of the Organization for Justice in the Russian Federation
 - c. Principles and procedures of the Organization for Justice in the Republic of South Africa
 - d. Principles and Procedures of the Organization for Justice in the European Union
 - e. Principles and Procedures of the Organization for Justice in the People's Republic of China
 - f. Principles and Procedures of the Organization for Justice in India
7. **Criticism on the Global System in Context of the Islamic Principle of Justice**
8. **Model ASRICA Confederation Justice System Organization**
 - a. Inter-Islamic States Justice Commission
 - b. Principles and Procedures of Institutional Structuring of the Inter-Islamic States Justice System
 - c. Principles and Procedures of Determining the Regulatory Areas of the Islamic Justice System
 - d. Principles and Procedures of Determining the Main and Subtitles of the Principle of Islamic Justice
 - e. Principles and Procedures of Determining the Hierarchy of Islamic Union Norms of Justice
 - f. Principles and Procedures of Harmonization between the Legislature of the Islamic Union and the Legislature of the Member States
 - g. Principles and Procedures of Harmonization of the Legislation of the Member States with the Principles of Islamic Justice
 - h. Principles and Procedures of Developing the Islamic Countries Union Constitution
 - i. Principles and Procedures of Developing Fair Legislation in Islamic Countries
 - j. Relations with Non-Islamic Union Countries and the Principle of Justice
 - k. Principles and Procedures of Determining the Strategy for the Development of Islamic Union Justice System
 - l. Sharing the Islamic Union Studies with the Public Opinions of Islamic Countries; Publishing the Studies to be Presented by the Intellectual and Academic Environments for the Ideal of Unity as Turkish, English and Arabic
9. **Organization, Authorities and Responsibilities of Model ASRICA Confederation of Islamic Countries Ministry of Justice**

[ⁱ] <https://www.assamcongress.com/tr/kongreler/kongre-2017/ozet-kitapcigi-17.html>

[ⁱⁱ] <https://www.assamcongress.com/tr/kongreler/kongre-2017/kongre-bildirgesi-17.html>

[ⁱⁱⁱ] <https://www.assamcongress.com/tr/kongreler/kongre-2017/model-konfederasyon-anayasasi.html>

[^{iv}] <https://www.assamcongress.com/tr/kongreler/kongre-2018/kongre-bildirgesi-18.html>

[^v] <https://data2.unhcr.org/en/situations/syria>

FOREWORD

Empires broke up at the beginning of the last century. The nations within the empires were organized by the victors of the World War I, as guided small states. Dependent states were sentenced to totalitarian regimes, although they thought they were free. Dictators were guarded and supported by guardian states.

Between the two world wars, the developed states of the west were ruled mostly by fascist dictators, and the Soviets and their affiliates by communist dictators.

After the World War II, while the democratic systems were settled in the western states, taking the USA and the United Kingdom as an example, Communism was adopted as the government system in Russia and its affiliates.

The West formed the NATO bloc under the leadership of the United States against communism. In addition, the West formed the Warsaw Pact against raging capitalism in the Soviet Union led by Russia.

The last century has passed with the development and promotion of the armed forces, and the exploitation of countries that have not gained their full independence as a result of the conflict between the two superpowers and the ideologies they represent.

After the World War II, the League of Nations (January 10, 1920: April 18, 1946) was revised and reorganized by the victors of the war, and the United Nations (UN) Organization was established on October 24, 1945. Although its purpose is stated as “to provide justice and security, economic development and social equality to all countries internationally”, it works as an organization established to protect the interests of the victor of the World War II and the Permanent members of the UN Security Council (USA, England, France, Russia, China) in the world and especially in the Islamic geography.

After the World War II while Israel, which was placed in Palestine as the outpost of the 27th Crusade, is supported like the eyes, ears and fists of the Christian world in the Islamic geography, which it has entered like a dagger, and is protected by all organizations under western control, including the UN; with intense psychological operations, it was aimed to make people forget that this small state is an instrument of the west, by showing the administration of the world as under the control of Zionism and intimidating the Islamic world.

At the end of the century, the Soviet Union, which had been trying to keep Afghanistan under occupation, had disintegrated and socialist ideology had collapsed.

At the beginning of this century, the United States and NATO, remaining unrivaled, assumed the role of being the gendarmerie of the whole world and invaded Afghanistan and Iraq with the “Clash of Civilizations” mission on the pretext of bringing freedom. Since the actual occupations were costly, by declaring a new scenario to the world under the name of “Greater Middle East Project”, it led the Islamic world to social, political and economic turmoil and xii instability, starting with Tunisia, Egypt, Libya, Yemen and Syria. Recovering Russia and strengthening its economy, China also took a more active role in the areas of sovereignty left to them in the Islamic world, and in alliance with the west behind the scenes, they took the path of gaining political and economic benefits from the blood and tears shed by Islamic countries.

The Muslim States, which are members of the United Nations, of which number is about fiftyseven, pass over the land, sea and air transportation of the whole world, despite the geography of important geostrategic value dominating the center of three continents, its rich underground and aboveground resources and the supreme spiritual values it represents because they could not get rid of the domination of the west and bring their national governments to work, they could not form an alliance and reach the power they deserved. Like a prisoner whose resources and opportunities have been plundered, whose

wills have been taken away, who admire its executioner when it cannot have a common will; it waited for the international community to take action in order to get rid of all the misfortunes and oppression that had been brought upon him.

Türkiye, with the establishment of the Republic, with the acceptance that it is not possible to reach the level of developed states without changing the society with socio-cultural revolutions; seeing the religion of Islam, Islamic values and the civilization it represents as a threat, it turned its way to the west, turned its back on Islamic states and Muslim nations, and alienated the Islamic world, by showing western civilization as the ultimate goal to be reached. For a century, the administration of the country, which has been acting under the guidance of the west, has been suspicious of Islamic states, has been shown to the nation as such and has always looked at these states with the perception of threat. This point of view has led to the formation of two diametrically opposite wills (bureaucratic and political wills) in the state and their constant conflict, wasting the power of the state over the nation. While the Armed Forces, keeping the political will under their tutelage and controlling the bureaucratic authority, offended the devout people to the state due to the reactionary syndrome, they wanted to destroy the religious values that are the glue of unity and made the Kurdish people question their loyalty to the state because of their secular nationalist attitude.

It has been the true acceptance of Turkish intellectuals who have been brought up with Islamic culture that they depend on Türkiye's Leadership for the unity of Islamic countries and the national will to dominate all the institutions of the state in order for Türkiye to lead Islamic Countries.

Thanks to the political stability achieved in the last ten years, our country has largely solved its internal problems as a result of the struggle against the wrong official ideology by backing the values of the nation. It made the power of unity felt, at least regionally, and regained the prestige it should have by correcting its perspective on the Islamic world.

There are difficult days in front of Islamic countries, which are on the way to choose democracy by overthrowing authoritarian governments. Young democracies, which will struggle with corruption, poverty and the need for justice, should not be pushed back into the lap of the west in order to solve their huge problems. They need solidarity and the right guidance. There is a need for economic cooperation and support, foreign policy guidance, defense cooperation against exploiters, alternative justice systems against violations of rights originating from their own countries and third states, a common will for their welfare and security, for their and the world to be governed in peace and justice.

Ultimately, the prosperity of Muslim nations, the establishment of peace and justice in the world depend on the emergence of Islamic countries as a superpower on the world political stage.

Based on the idea that the prosperity of Muslim nations, the survival of the states they have established, the establishment of peace in the world and the dominance of justice can only be possible with the emergence of Islamic countries on the world political scene as a superpower; establishing a database of Muslim states, each of their national power elements, and making individual and joint internal and external threat assessments and internal and external security plan principles and institutions needed to gather them under a common will, and to carry out intellectual studies that will ensure the formation and development of the organization principles and procedures of these institutions.

The International ASSAM Islamic Union Model Congresses, which were initiated in 2017 and completed in 2023, were carried out with the aim of revealing these intellectual studies, solution suggestions and a way of doing things and presenting them as a ready model to the Islamic world and the political will of Islamic countries.

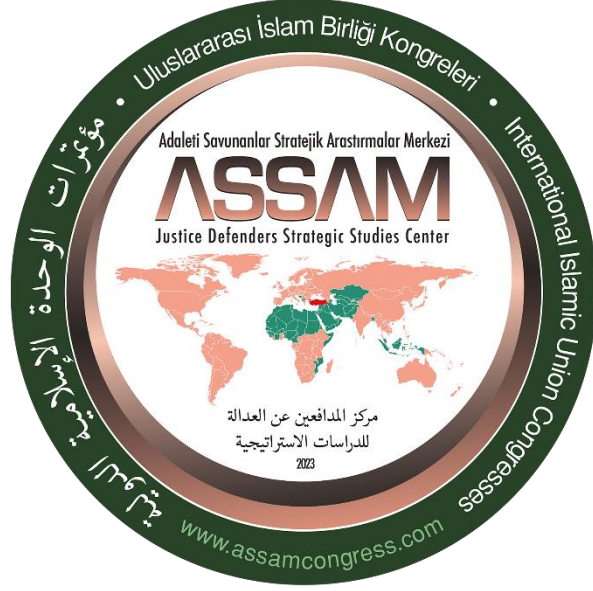
Adnan Tanriverdi
President of the Board of ASSAM

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7th ASSAM INTERNATIONAL
İSLAMIC UNION MODEL CONGRESS
ABSTRACT BOOK

I. SESSION: ISLAMIC UNION AND JUSTICE

MODERATOR: ASSOC. PROF. ALİ FUAT GÖKÇE

THE HOLY QUR'AN SYMBOL OF THE UNITY OF THE UMMAH AND SOURCE OF ITS POWER

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Elhamdüllilah, vessalatü vesselâmü alâ resulullah ve ala alihi ve sahbihi ve sellem; Emma ba'ad:

The Ummah of Islam - with great sadness- experiences the most difficult days of its life in terms of division, disintegration, fragmentation, weakness, helplessness, and power, struggles with the strife of misleading differences, is consumed by the fire of deadly wars, this situation is seen from North Africa to the West, from West Asia to the East, the heart and metropolis of the Ummah to the Arabian Peninsula.

It is killing its people, plundering its wealth, and manipulating its capabilities. This is what happened to him when he did it with his own hands, when he deviated from his path and settled for worldly things in his own world, which Allah Almighty does not like and does not approve of.

The truth is that if he turns to it, he has a symbol of his unity, and if he seeks help from it, he has a source of strength, which is the Qur'an, the words of the Lord of the worlds and the strong rope of Allah. (It is the strong rope of Allah, the wise dhikr, the straight path, the Qur'an that desires do not deviate from, tongues are not confused by it, scholars are satisfied with it, and its wonders are never-ending, it is the Qur'an that the jinn say, {Surely we have heard a marvelous Qur'an}¹ and they do not refrain from hearing it, and whoever speaks of it speaks the truth, whoever does deeds with it is rewarded, whoever judges with it is just, and whoever calls to it is guided to the right path).²

The Holy Quran is the symbol of the unity of this nation, the source of its power, honor, and glory. "Everything has an honor to which it boasts, and the glory and honor of my Ummah is the Qur'an."³

The Holy Qur'an can unite and organize the nation and its word, its ranks, revitalize and re-establish its strength and activity, renew its leadership, (Thus, We have made you an ummah free from excesses so that you may be a witness to mankind and the Prophet a witness to you...),⁴ pointing out the weaknesses and strengths of the ummah and guiding it to review its situation and then return to maturity and righteousness.

The nation should review the symbol of its unity and the source of its power through a careful, scientific, objective, and purposeful examination.

This is a modest attempt to turn the basic rules of the Holy Quran on the unity and strength of the nation, its orders and gifts in this regard into practical and implementation projects for the whole nation,

¹ Surah Al-Jinn, Verse: 1.

² Sünen al-Tirmidhi, Şakir (5/172).

³ Hilyetü'l-evliyâ' ve şabâkâtü'l-aşfiyâ' (2/175).

⁴ Surah Al-Baqarah, Verse 143.

supervised by all the application and impact departments of individuals, centers, governments and institutions.

It will have reliability in the life and working reality of the Ummah.

Model: The Rule of the Islamic Brotherhood

Legitimacy: As a matter of fact, Allah Almighty has said: Believers are only brothers, so make peace between your two brothers, and beware of disobedience to Allah so that you may receive His mercy.⁵

Project Introduction: Its concept, conditions, requirements, fruits, and consequences.

Marketing of the Project: All kinds of media.

Project Implementation: Between individuals, between families, between tribes, between two countries or states.

Keywords: Holy Qur'an, Symbol, Unity, Strength, Brotherhood.

⁵ Surah al-Hujurat, Verse: 10.

EXPLANATION OF THE CONCEPT OF JUSTICE BASED ON THE QUR 'AN

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Justice is one of the most prominent concepts in human history, which does not easily come to description, but plays an active role in determining both the form and the result of human relations. There are multiple reasons for its ineffability. First of all, justice in its widest scope is both about determining what will or will not be fair if and how it is done, and which of the options will or will not provide justice with what kind of practice. At the same time, the concept of justice is closely related to the accounting of the past and the planning of the future, since it includes what is or is not fair, what are the causes of the results caused by those practices, and what can be done in their place to ensure fairness in the future. On the other hand, justice has various forms of application in areas such as morality, religion, law, administration, politics and economics. These practices, each of which are based on different reasons and starting points, produce results that may be far from each other. However, when we delve deeper, we see that these practices are based on different perspectives, views and psychological factors, leading to the emergence of various theories of justice. Accordingly, the concept of justice concerns many fields of science and practice, from morality to religion, from economics to law, from management to international relations, from linguistics to philosophy, from education to the business world, which makes it as difficult as possible to collect the ephraidic mosque and the web under a manic description and to determine its content with precise lines. Nevertheless, almost everyone who is interested in the subject is aware that justice encompasses respecting equity, observing the right, supporting the just, obeying the law, protecting human rights, and being equal before the law.

The importance and value of justice for social life cannot be disputed. In other words, justice constitutes the backbone of the social order and the philosophy that gives soul to all practices; imagining a social order without justice is as absurd as imagining a human being without a backbone and soul. Therefore, intense emphasis is placed on justice not only in legal or political systems and ideologies, but also in all religions and their main texts that aim to regulate society. It is known to almost everyone that Islam is not only about faith and worship, but also attaches great importance to morality, sets the basic rules of organizing society, and aims to provide justice while addressing both morality and social order. It is the Qur 'an, which is its founding text, that gives Islam this feature. In addition to the words "adl" and "justice", there are also words such as "right", "qisst", "wadzn", "direction", which refer to various aspects of justice, as well as various words that mean cruelty and injustice, which are its opposite meaning. In addition, why it is necessary to be fair and just and why it is necessary to avoid injustice and persecution is sometimes discussed in summary and sometimes in detail. In this study, we aim to define the concept of justice, which occupies such an important place in the Qur'an, based on both the main sources of Tafsir and other works, and to determine its content, and then to reveal the role of the divine word in various individual and social fields by emphasizing the evil of cruelty and injustice. Our aim is to try to find a response from the Qur'an to the demands for legal and economic justice that are being loudly voiced by the masses in different geographies today, and accordingly to their aspirations for human rights, equal treatment before the law, fairness in sharing and social justice. We believe that the search for a response based on the fundamental source of Islam is important and will attract the attention of humanity.

Keywords: Qur'an, Social Order, Human Rights, Justice, Social Justice, Injustice, Cruelty.

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LEAVING SECTARIAN DIFFERENCES ASIDE IN THE ESTABLISHMENT OF THE ISLAMIC UNION JUSTICE ORGANIZATION

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The religion of Allah has been Islam since the beginning of human history. Islam is the name of an action and stance, and it includes an honorable upright stance, taking a stand and fighting against all kinds of oppression that are the opposite of justice. It requires that man, whom he describes as the most honorable of all creatures, be treated in accordance with the purpose of creation, regardless of his race, color, belief, or even sect. Unfortunately, despite having the same sacred values, sectarian differences are one of the main obstacles to the unity and solidarity of Muslims around the world. The fact that Islam's encompassing and peaceful understanding of justice has not been fully implemented has a great impact on the reason why Islamic unity, which would reflect the common attitude of the world's Muslims, has not been established in the face of thousands of representatives of disbelief who can unite under the same roof for their goals. The separations and divisions in the Islamic society unfortunately benefit the cruel administrators who are responsible for ensuring justice, so to speak. Sects, communities and sects that alienate others polarize Muslims around the same values, which need the refreshing brotherhood of Islam. Today, Islam needs visionary administrators who will bring the Ummah together under the same goal and roof, who know rights and law, who do not marginalize, but unite. Today, it is the primary duty of every Islamic administrator and society to cover up the sectarian wounds inflicted by the early Islamic societies and administrators who were unsuccessful in adapting to life without the Prophet, for the sake of lofty goals, and to put aside their sectarian identities and embrace the true mission of Islam. Even if scientists who guide humanity with their views have different opinions, they should open their hearts to opposing views within the framework of tolerance and respect in order to establish the unity of the Islamic religion, whose sources are the Quran and the Sunnah. As a matter of fact, the Quran and Sunnah, which are accepted by everyone; Shiite, Sunni, etc., which are based on political concerns. does not accept distinctions. Some Islamic states and their politicians continue to engage in behaviors that create unfair competition environments and cause the world's Muslims to divide and despise each other. For this reason, the world's Muslims are faced with sanctions that have extremely severe sociological and psychological consequences in science, art and technology, especially economic imbalances that disrupt social peace. At this point, in terms of the establishment of the Islamic Union Justice Organization, which we see as a lifeline for the independence of Islamic states, it is extremely important for all Muslims and Islamic states of the world to unite in the essence of Islam, leaving aside the sectarian differences that hinder the unity of Muslims. It is the common opinion of people of conscience that the division of Islamic states and world Muslims will only play into the hands of opponents of Islam.

Keywords: Islamic Union, Racism, Sects, Communities, Cult.

THE LEGAL TURMOIL and RECOMMENDATIONS IN THE ISLAMIC WORLD

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In addition to political, commercial and cultural areas, one of the important areas to focus on and work on in order to develop cooperation processes in the Islamic world is the legal infrastructure. There are multifaceted challenges in order to strengthen cooperation and integration in the natural legal field.

First of all, the legal infrastructure and the level of comprehension and implementation of international law and norms are weak in many states comprised of societies that see and feel themselves within the Islamic world. On the other hand, the human resources potential, education opportunities and economic conditions that can eliminate these weaknesses are not sufficient. Moreover, some states are governed with a tribal mentality and contain many victimizations even in the field of basic human rights and freedoms.

In addition to this pessimistic picture, there is no consensus on the literature that can be expressed as Islamic law. There are differences of opinion even on very basic issues, including the interpretation of the verses of the Holy Quran. On the other hand, most of the opinion leaders or experts who put forward these differences of opinion and express written or verbal comments in this context, and who identify themselves as scholars, do not have the equipment and infrastructure to interpret the Islamic law literature according to today's conditions. To give an example in this context; many experts in the Islamic world, who are described as scholars, do not even have the ability to analyze and comment in detail on the issue of interest, which forms the basis of the global financial and economic system. The education system in the madrasa model, which has not kept pace with the present day, is unable to respond to the needs of the age. On the other hand, since undergraduate and graduate education programs in the field of theology do not contain a format suitable for multidisciplinary expansions, there are also deficiencies in producing approaches that will attract the attention of the international community.

For this reason, it is obvious that there is a need for experts who are trained in an education and research system where dissenting views are not accused of apostasy and Islamic foundations are blended with contemporary models.

On the other hand, it is also important that there are many more international publications on Islamic law, new ideas on how the Islamic stance can solve global problems, and activities to accelerate integration.

In this environment, where many movements that are not suitable for human nature are tried to be normalized consciously, it is very important for the Islamic world to be able to put aside the conflicts between them immediately, to produce models that will create a new perception that can contact the nerve endings of the international community and to make rational, compassionate and moral suggestions. While creating such suggestions and models, it is necessary to define the legal infrastructure, regulations, etc. in accordance with comprehensive and international norms.

Considering that many states that can be considered within the scope of the Islamic world are strong in the field of energy, it may be more reasonable to initiate legal cooperation processes with energy law in terms of both financial and technical infrastructure and international integration. It is possible for the Islamic world to put forward recommendations and legal norms that are much more effective, compassionate and acceptable to the low-income societies of the world, especially in the processes of combating climate change.

Keywords: Islamic Law, International Law, Disputes, Climate, Energy.

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THE FIGHT FOR JUSTICE IS THE CAUSE OF THE STRUGGLE BETWEEN PRIVILEGE AND SUPERSTITIOUS

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The history of humanity is the history of the struggle between privilege and superstitious, between justice and cruelty. Our poetry is to be a party and a staunch defender of the privilege in the struggle of privilege and superstition. Our case is the case of the State of eternal duration and order. The Turkish nation has been flagging the cause of Islam and privileges for 1250 years. The pioneering duty and right of Islamic civilization is an endless duty of our nation. Our nation, which is deeply rooted in history and divine love, will not deviate from this goal. Our goal is the domination of the world, it is the duty to fight for the love of "i'lâ-yi kelimetullâh". It is the biggest goal (duty) to fight for the domination of the world to return to the historical continuity to establish the world-leading Great Türkiye.

Unjust force creates the effect of the state of cruelty and harms the right. Justice without power cannot succeed, it cannot make the right victorious. It is possible to gain superiority with knowledge, knowledge and faith. Our nation will revive the science of truth by not believing in western ideologies and fictitious science sects. It has been once again understood that nothing can be achieved with fabricated sciences that deny the presence and existence of Almighty Allah. It is an endless goal to start a total struggle against oppression and superstition in all areas of life, to work with all its strength for the establishment of Great Türkiye, which is the leader of the world, and for the Islamic spirit to dominate the world.

Our greatest goal is to reach the sovereignty of the world with the spirit of "i'lâ-yi kelimetullâh" for the sake of truth and truth and to bring eternal happiness to humanity and to make the earth an example of justice.

The religion of the state is justice, the language of justice is religion. Religion is a concept that surrounds the state. Making the earth ruler is possible with justice. The way to establish a new world order is to establish a justice order based on force.

Humanity will not find the path of light unless the sun of justice rises.

Keywords: Privilege, Superstitious, Love of "I'lâ-yı Kelimetullâh", Justice, Cruelty, Dominion of the World.

ASSAM, ISLAMIC UNION and JUSTICE!

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There are nearly 60 Strategic Research Centers (SAM) in Türkiye. Hundreds of them in the world. The only organization in Türkiye that defends the idea of Islamic Unity is ASSAM, the Strategic Research Center of the Defenders of Justice. The main purpose of ASSAM is the Union of Islam. In order to achieve this goal, very valuable studies have been carried out in seven fields so far.

These are; Partnership Legislation for the Islamic Union, Economic Cooperation, Common Defense and Defense Industry, Foreign Policy, Common Security and Domestic Security, and lastly, this year, international congresses on the Common Justice System.

The unity of Muslims constitutes the essence of Islam and the spirit of the Qur'an. "There is mercy in unity and torment in separation." (Hadith-i Sharif) Muslims solve their problems and provide integrity with a perspective according to Allah. In addition, believing means taking risks in the world. While the believers struggle to raise the banner of tawheed and justice in the world, they will have to struggle to preserve their existence in the face of the hostility of the enemies of Islam. This makes it necessary for Muslims to act consciously, as one fist in the discipline of an army.

The golden age of Islamic history is the period of Nebi SAV. Then comes the period of Hulefa-i Rashidin. Later, it was the period of Omar bin Abdulaziz. These periods are peak periods in terms of justice and welfare. In that respect, the model should be taken.

History is the old and experienced adviser of future generations. Those who do not listen to the advice of history receive advice from the calamities they experience and give advice to others. It is a fact that those who cannot get acquainted with its history cannot recognize the day they live in and cannot see the future. History is a fundamental projector of the future.

The determinant of the concept of right is not power, privilege, majority, etc., but the Right itself. Justice means being right in judgment, judging according to the truth. At the root of the current world order is the worship of power, oppression and persecution. It is this order that is responsible for the bloodshed and tears, it is racist imperialism, the main enemy of humanity is Zionism.

Islam is the ultimate and complete divine message. It is a source of peace and happiness. All humanity is in need of the inclusive and encompassing power of Islam. Only Muslims who have truly surrendered to Islam and Islam can ensure justice between each faith and community.

But how?

For this, one should look at the life story of Umar bin Abdulaziz, one of the beautiful people who followed the path of the Messenger of Allah. Omar bin Abdulaziz Rh.A., who was the grandson of Asim, the son of Hazrat Ömer and who took Hazrat Ömer as an example in governance and who was awarded the title of "5th Caliph, 2nd Ömer", offers lessons to all humanity by exhibiting an exemplary administration during his caliphate. Omar Bin Abdulaziz Rh.A. changed the fate of the world within six days. In a short time of two and a half years, he solved the 'justice and prosperity' problem of the Islamic world from the root. He established the order of justice and prosperity that would continue for twenty-five years after him.

When he was asked, "How did you achieve all this?"

"By practicing two things. I asked those who knew what I did not know and I gave the work to those who knew".

These two things are the basis of the problems that the Islamic world is in today. The same way should be applied for their solution.

Hazrat Omar said, "Justice is the basis of property."

If the foundation is broken, the building is demolished. It rises on the basis of justice in the state, in the order...

"Justice and mercy are like a pendulum, they go and return to their owner."

"A state that sows cruelty will reap rebellion."

"... when you judge between people, God commands you to judge with justice." (An-Nisa, 58).

Based on this divine order, Muslims have established various institutions in history to realize justice. The Messenger of Allah (PBUH) handled the cases himself. This situation continued during the time of Hazrat Abu Bakr, and during the time of Hazrat Omar, some of the Companions were assigned to the judicial affairs as the lands of Islam had expanded considerably. It was tried to prevent injustices and distribute justice with organizations such as Divânü 'l-Mezâlim, Şurta and Hisbe. The Ayyubids established a justice department in Egypt under the name of "Dârü'l Adl" and presided over this court personally by taking some advisors with them. During the Ottoman period, the 'justice organization' was established and expanded in a regular manner. (Şamil İs. Ans. 'Justice' Art.)

The Islamic Union to be established must be based on justice. I hope that the Islamic Union established on this basis will bring compassion, mercy and prosperity not only to Muslims, but to all humanity...

Keywords: ASSAM, Islamic Union, Justice, Omar Bin Abdulaziz, Ottoman, Zionism.

**II. SESSION: ISLAMIC UNION JUSTICE
SYSTEM AND PRINCIPLES
MODERATOR: OĞUZHAN AKYENER**

Bismillahirrahmanirahim

FUNDAMENTAL PRINCIPLES OF THE JUSTICE SYSTEM IN THE ISLAMIC STATE

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The title of the declaration I will present within the scope of the Seventh International ASSAM Congress, which will be held under the title of "Model ASRIKA Confederation Justice System for Islamic unity", will be "Basic principles of the Judicial System or Justice System in the Islamic State", in this declaration, with the permission of Almighty Allah, I will address the following issues:

- The importance of the justice system
- **The importance of justice and the justice system in Islam in terms of the continuity of states and political formations.**
- The principles of the justice system in Islam

The judicial system or justice system needs certain principles in order to present an Islamic model and these principles can be summarized as follows:

First principle: Integrating the institutions of the justice system

Second principle: Assumption of powers by qualified persons

Undertaking the judicial office by a person with the qualifications determined by the sharia, in the most important features that the person who is authorized in the institutions of the justice system should have; maturity, reason and freedom, Islam, piety and piety, financial honesty, being away from accusations, complying with what is stated in the prevailing morality, being qualified with justice and knowledge, reaching the level of jurisprudence and adhering to the morality and thought required by the position of the judiciary, mastering the age and knowing the requirements of the age.

Third principle: Complying with ideal judicial procedures

The basic issues of the ideal justice system include compliance of courts with judicial principles and procedures, the most important of which are considered as follows: full and complete justice and adherence of the courts to the system of confrontation, adherence to the principle of equality before the law and sharia, the principle of publicity and the principle of respect for the right of defence, and the right to appeal if the defendant objects to the judgment of the court.

Fourth principle: Independence of the justice system

One of the important principles of the justice system in Islam is its independence.

The independence of the justice system and the judiciary, the independence of the justice system and the judiciary should be included in the constitution and laws of the state, the courts should decide all the cases presented to them free from any external influence or interference in their affairs, all issues of a judicial nature should be under the jurisdiction of the judiciary, no one should interfere regardless of who is in the jurisdiction, every member of the society should have the right to be tried and prevented in ordinary courts, preventing the establishment of special courts for the trial of some persons such as military courts or others, the judiciary should maintain its independence by adhering to and not deviating from legal procedures, and the state should provide sufficient resources for the judiciary to be independent.

Fifth principle: Ruling according to Shari'ah standards

One of the important principles of the justice system in Islam is that the judgment is given according to the measures of sharia and does not deviate from it.

Sixth principle: Provision of safeguards for execution of judgment

One of the basic principles of an ideal justice system is that it has the guarantees to be provided by two things for the implementation of the decision made by the judiciary:

To prepare the hearts to accept the decision of the judiciary by linking the judgment to the doctrinal and religious aspect of the citizen.

Having the financial power to implement the decisions of the judicial authority within the state.

Keywords: Judicial system, judicial procedures, independence of the judiciary, qualifications of judges, Sharia ruling.

FINETUNING THE CONCEPT OF JUSTICE TO BRING IT CLOSER TO ISLAMIC PRINCIPLES

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This article asserts that the concept of justice as applied today needs to be finetuned to truly reflect Islamic principles. Current focus appears to be more skewed towards the juridical and political aspects but less so from the moral and ethical perspectives. What is recommended here is to adopt a human-centric approach to define justice, which is in line with the Objectives of Shariah (*Maqasid al-Shariah*). The Qur'an as a primary source focuses on welfare of mankind; it is not only about laws. Set against this background, the author recommends adopting a balanced focus, where the concept of justice should encompass not only juridical-political justice but is also virtue-based or human-centric justice. By examining and comparing the approaches to justice from the Islamic and Western perspectives, it is shown that the concept of justice in Islam differs from its Western counterpart wherein Islamic justice is rooted in religious and divine principles and is consistent in its definition. More efforts should therefore be made by Muslim nations, leaders, and scholars to realign themselves to the traditional Islamic concept of justice, specifically as a virtue, and not solely from a juridical and legal perspective. It is recommended in this paper, that ASSAM Islamic Union in their policy paper on justice, should give greater weight to welfare of humans to balance out the lop-sided attention given to the laws of justice. Being human-centric is better than being too legalistic. The author concludes in this paper that righteous humans are needed for a society to operate with full justice; and for peace and justice to prevail in society, people of justice are needed, not only laws of justice.

Keywords: Laws of Justice, Religious and Divine Principles, Human-Centric Justice, Juridical, Political and Legal Justice, Welfare of Mankind, People of Justice, Righteous Humans, Balanced Focus, Lop-Sided Justice.

THE IMPORTANCE OF THE JUSTICE SYSTEM ON BEHALF OF ISLAMIC COUNTRIES AND THE PARADIGM OF THE JUSTICE SYSTEM TO BE ESTABLISHED

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The need to establish a common justice system for Islamic countries is an important point. The justice system is an important institution with the aim of ensuring the rule of law in every society, ensuring fair trial and legal protection. Islamic countries face various differences and challenges in their justice systems, although they have similar cultural and religious values.

Our aim is to emphasize the importance of creating a common justice system for Islamic countries and to provide basic suggestions on how this system can be developed. We will discuss these objectives in detail below

To establish a common justice system, primarily to ensure justice in Islamic countries

Establishing a common perspective on the administration of justice among Islamic countries is of paramount importance. A common justice system can ensure that justice is applied uniformly for all, based on the principle of legal consistency, equality and impartiality.

Secondly, the impartial, effective and accessible presentation of Justice: The common justice system should aim to ensure that justice is delivered in accordance with the principle of impartiality. The independence and impartiality of judges should be ensured, the judicial process should be fair and the accessibility of legal assistance should be increased.

Finally, the third objective is the establishment of justice based on the principles and values of Islamic law. The common justice system should be based on the fundamental principles of Islamic law and applied more consistently across legal systems in Islamic countries. In order to ensure justice, the Qur'an, hadiths and existing Islamic legal sources should be analyzed in detail and necessary arrangements should be made to ensure justice.

Valuable points will be emphasized to create a common justice system by using certain methods.

First of all, the analysis of the justice systems of the existing Islamic countries, that is, the justice systems of Islamic countries, will be analyzed in detail in order to determine the problems encountered. Differences in justice system practices, laws and judicial processes will be identified and basic data will be provided to establish a common perspective.

Secondly, the analysis of Islamic law sources, that is, the Qur'an, hadiths and other Islamic legal texts, which are the main sources of Islamic law, will be analyzed. In order to ensure justice, the principles and values obtained from these sources will be examined and the guidelines to be used in the establishment of a common justice system will be determined. Finally, cooperation and information sharing between Islamic countries will be encouraged, that is, cooperation and information sharing between Islamic countries on the justice system. It is aimed to establish an active cooperation network in international platforms to share experiences, identify best practices and develop common solutions.

The results of the statement aim to provide positive effects in the following areas: Strengthening the justice system based on the principle of consistency and equality, Ensuring judicial independence and impartiality, More consistent implementation of the principles of Islamic law, Providing legal

guarantees and protection of human rights, Increasing trust among Islamic countries and ensuring social stability with the provision of justice.

The importance and contributions of this declaration to the establishment of a common justice system among Islamic countries at this point are to increase cooperation between Islamic countries for the provision of justice, to protect human rights and to raise fair trial standards, to ensure the further integration of Islamic countries with global justice systems and to play a more effective role in the international arena.

As a result, I emphasize the importance of creating a common justice system for Islamic countries and offer basic suggestions on how this system can be improved. The common justice system supports the provision of a fair, effective and accessible justice based on the principles of Islamic law. In addition, it encourages cooperation and information sharing among Islamic countries on the justice system.

The importance of your goal is to increase cooperation among Islamic countries to ensure justice. The common justice system presents an opportunity for the protection of human rights and the raising of fair trial standards. At the same time, it will contribute to the more active role of Islamic countries in the international arena by ensuring their integration with global justice systems.

It serves as a starting point for ensuring justice and preserving the rule of law among Islamic countries. The common justice system is an important step for Islamic countries to ensure social stability, increase trust and provide legal guarantees.

The establishment of a common justice system on behalf of Islamic countries will help societies to live in a more fair, egalitarian and reliable environment based on justice and the rule of law. The statement emphasizes that a common vision and effort is required to achieve this goal.

Keyword: Islamic Countries, Common Justice Unit, Justice System, Middle East, Justice.

MAIN AND SUBTITLES OF THE PRINCIPLE OF ISLAMIC JUSTICE DETERMINATION OF PROCEDURES AND PRINCIPLES IN THE DETERMINATION:

BASES AND PRINCIPLES FOR DETERMINING

THE MAIN AND SUBHEADINGS OF THE PRINCIPLE OF ISLAMIC JUSTICE

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Modern Western civilization has failed despite its different material philosophies and international human rights organizations. The secular capitalist Western countries, with their colonial and supremacist tendencies, have oppressed weaker peoples. Due to the absence of Islamic justice on the global stage and the absence of international justice, Western humanitarian organizations have started shouting hollow slogans that have no effect on eliminating the injustice suffered by these peoples.

Justice in Islam is one of the attributes of Allah Almighty, a humanitarian Qur'anic value, a divine obligation, an important and indispensable purpose in the Islamic life processes, and a necessity in resolving conflicts, eliminating grievances, and ensuring safety and security after the earth is filled with injustice and injustice. Islamic justice is a religious principle that encompasses the rights related to Islamic needs, requirements, and transactions. Therefore, the researcher decided to focus the paper on the following title: "Bases and Principles for Determining the Main and Subheadings of the Principle of Islamic Justice" The main and sub-headings under this title are as follows:

First: The principle of Islamic justice from a doctrinal point of view. Second: The principle of Islamic justice from a social point of view. Third: The principle of Islamic justice from a political point of view. Fourth: The principle of Islamic justice in economic point of view.

The principle of "Islamic justice from a doctrinal point of view" refers to the belief in tawheed, which is the foundation and first pillar of the religion and is defined by the verses of the Qur'an, the Sunnah of the Prophet and the consensus of the ummah. These three rules of jurisprudence are essential in determining the main and sub-headings, the first main heading in the introduction section is "Faith in Allah, the Lord of the Worlds" and this heading is divided into three headings:

First: The Monotheism (Tawhid) of Godhead, second: The Monotheism (Tawhid) of Uluhiyyah, third: Acquaintance in the names and attributes of Almighty Allah. The Monotheism (Tawhid) of Godhead and the Monotheism (Tawhid) of Uluhiyyah disappear among those who deny Islamic justice, the existence of God Almighty, deny the divinity and the lordship of God and multiply gods and lords, deny the attributes of God Almighty and liken the attributes of God Almighty to the attributes of the creature.

As for Islamic justice, it is under the main heading of "social aspect", which includes the following sub-headings:

First: The principle of Islamic justice in the dimension of "Individual Behavior" is not to underestimate anyone's right. Second: From the point of view of the family entitled "Protection of the Rights of Women", the principle of Islamic justice, the texts of the Holy Qur'an and the circumcision of the Prophet require husbands to treat and serve their wives well, and women to be equal with men except for inheritance.

Third: The Qur'anic texts and the Prophet's Sunnah, under the heading of "Protection of Orphans", which is a principle of Islamic justice from a social perspective, require the protection of the rights of orphans who have lost their paternal affection. Fourth: The principle of Islamic justice entitled "Fighting against Poverty" obliges society and the Islamic state to quickly meet the needs of the poor and needy in order to achieve social justice.

As for the basic principle of Islamic justice entitled "The System of Governance of the Islamic State", which is the alternative to the secular, nationalistic Arab and Islamic state, which is incapable of establishing justice in its entirety, which Allah Almighty has enjoined upon the Ummah in His book, "The System of Governance of the Islamic State", where justice is united with faith.

Allah Almighty has commanded our Prophet Muhammad (PBUH-peace and blessings of Allah be upon him) to rule among the people as Allah sees in the Book and Sunnah in the judgments and laws. This shows that the judgment belongs to Allah Almighty, He is the only one who commands, forbids and enacts the law.

The principle of Islamic justice, which is called "Islamic economy", is the proposal that stands out with its justice and is an alternative to the capitalist and socialist economy. The texts of the Holy Qur'an indicate the necessity of fulfilling the covenants and contracts in commercial transactions, and that they should be "fair", fulfill the measure and rule with justice. The optimal distribution of money cannot be achieved outside the Islamic system. The Islamic economy is divided into sub-headings as follows: First: Private property, second: Public property, third: Government property. Hence, the balance of justice in social, political, and economic terms, for which there are proofs and details, will not be balanced except in an Islamic state based on the justice of the Islamic methodology, which has the elements of the necessity of the unity of the Islamic Ummah.

Keywords: Tawheed, Justice, Rights, Unity, Ummah.

ECONOMIC JUSTICE TO ENSURE ISLAMIC UNITY

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Islamic unity, the return to a single nation, where wealth is distributed everywhere, where governments have their own will, where development becomes a tangible reality in their lives, is a goal that Muslim peoples aspire to.

However, so far, the Islamic world has been experiencing the absence of this unity not only economically but also politically.

However, in a world that understands not only the language of economic blocs and the power of logic, but also the logic of power, hopes and sincere invitations are renewed from time to time to ensure Islamic unity, especially economic unity.

In this context, this paper aims to explore this problem, to make a scientific effort to find the common denominators of economic unity among Islamic countries with economic justice, which is the main objective of a rational economic structure, sustainability of economic unity and the goals of Islamic economics, to achieve a fair standard of living for people, to benefit from meaningful employment opportunities, fair income distribution in return for their productive activities, to ensure the horizontal balance of income and wealth within countries and the vertical balance of wealth between generations, and to find the common denominators of economic unity among Islamic countries with economic justice as the main objective of a rational economic structure, the sustainability of economic unity and the goals of Islamic economics and is based on four principles: these are freedom, equality, participation and solidarity, effectively contributing to the mobilization of these common denominators among Islamic countries and pushing towards the achievement of Islamic economic unity.

Keywords: Economic Justice, Economic Freedom, equality, Participation, Solidarity

WOMEN 'S RIGHTS IN THE ISLAMIC JUSTICE SYSTEM AND THE PROBLEM OF KNOWING THEM; THIRD THEME: PROCEDURES AND PRINCIPLES IN DETERMINING THE ORGANIZATIONAL AREAS OF THE ISLAMIC JUSTICE SYSTEM

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Islam has emphasized the importance of women and their fundamental role in building and protecting societies by guaranteeing their full rights in all aspects of life.

It guarantees the right to live with dignity and respect, the right to education, the development of personal and professional skills, the right to marry and divorce, as well as the right to work, ownership and manage property.

In addition to the rights to health and social care and the right to motherhood as the first teacher of children, Islamic law has not neglected to ensure the participation of women in political life and their election to leadership positions.

Islam strictly prohibits violence against them and emphasized the protection and preservation of women as the basic incubator of the righteous individual, who is the building block of a virtuous society. However, despite hundreds of years having passed since the issue of women's rights in Islam was clarified, it is still questioned to this day, as a result of inaccuracies in understanding and circumstances on the one hand, and the varying interpretation and application of these rights from one country to another and from one society to another, according to culture, traditions and even the system of government, on the other.

Misperception is accompanied by the misconceptions of the Muslim individual, in contrast to the religion of Islam, which clearly regulates and determines it, resulting from the opening to other cultures that defend women's rights on the grounds that they do not have a religious, legal or social condition that guarantees them. By measuring the extent to which Algerian

women are aware of their rights guaranteed in the Islamic justice system, this study aims to promote awareness free of any conceptual deficiencies. This ensures that the role of women in various social, cultural, and political spheres is activated in a way that contributes to the development of society on a solid foundation.

Keywords: Women, Women's Rights in Islam, Islamic Justice System, Algerian Women.

**III. SESSION: ISLAMIC UNION JUSTICE
MECHANISM MODELS**

MODERATOR: ASST. PROF. ERDAL AYDIN

RULER AND JUSTICE IN MEDIEVAL ISLAMIC POLITICS: THE WHEEL OF JUSTICE

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In most of the works written in the style of a political treatise, there is a description of the wheel of justice that every ruler is advised to take into account absolutely. The initial component of this wheel, in which a circular system and its components are connected to each other, is the ruler and its center is justice. According to this wheel, the sultan gets his power from the army. The army is established thanks to the treasury. The treasury is filled with the collection of taxes. Tax is obtained through agricultural production. Production increases by providing a safe environment for producers (farmers). This can only be achieved thanks to the sultan's justice being achieved. In classical works, there are also combinations of the wheel of justice with different rankings and richer variety.

The wheels of justice have a feature that first puts the ruler or would-be monarch who may fall into the delusion of having absolute power into a dilemma and then guides them. They remind the ruler that if he uses his power in a way that goes beyond the framework of justice, after a while this power can be completely taken away. The subject who will take away the power of a ruler who has strayed from the path of oppression is not a divine or abstract power, but the people themselves. The possibility of a counter-front of the umera, the ulama, the aristocratic or the merchant class, the revolution of the army, the formation of chaos (sedition) or a general popular revolt are threats that require the ruler to be vigilant in this regard. Thus, it can be understood that the monarchical power in the medieval Islamic states was actually within narrower limits than thought. The authority of a sultan who deviates from the line of justice can easily be called into question.

Even a sultan who is not interested in filling the state treasury (bayt al-mal) in a fair and equitable manner or in spending the money in the treasury in the public interest, provided that it is moderate, who does not create a safe environment that will allow production and trade to continue in the ordinary course, and who even acts contrary to the values of the people he rules, may face a fierce opposition from that people, and even more dangerously, an act of indifference against himself. For these reasons, rulers in the history of Islam are presented as more visible figures than thought, in other words, as figures whose mistakes are more glaring. Any behavior can be strictly monitored and subject to various misinterpretations. So much so that they have to secretly perform their actions, if any, such as drinking wine, which we consider too personal in terms of our time, acting as a self-opinionated ruler.

Keywords: Islamic Civilization, Medieval, Political Philosophy, Management, Wheel of Justice.

NŪR AL-DĪN MAĤMŪD ZANGĪ'S REINSTITUTION OF JUSTICE AND DAR UL-ADL

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During Nūr al-Dīn Maĥmūd Zangī's reign over Halep and its surrounding territories, which began in 541 AH (1146 CE) after his father Atabeg **Imād al-Dīn Zangī**'s killing, he embarked on a mission to restore unity among Muslims in the Damascus province. His initial focus was on fostering trust between the state and society, facilitating a coalescence between the two. Upon assuming control of Halep, Nureddin established justice forums every Tuesday at Maşjid ul-Ma'alak, welcoming both Muslims and non-Muslims, demonstrating his commitment to impartiality. This move aimed to rectify the court of justice for atrocities.

These forums gathered various legal experts, including kadis, alfakis, and muftis from different Islamic schools of thought and irrespective of his/her social status, anyone with grievances against state officials could present their claims before Nureddin Mahmud, and the matter would be promptly resolved. This practice earned him the title of "al-Maliku'l-Adil" (The Just Sultan) not only among his subjects but also among contemporary powers. Some consider him the second individual to be called "as-sultanu'l-adil" after Sultan Malikshah of the Great Seljuk Empire.

After Nureddin Maĥmūd gained control of Damascus, he constructed Daruladl, a dedicated venue for addressing cases of court of justice for atrocities. Although the concept of such courts can be traced back to the Prophet, Nureddin was the first to erect a physical structure for this purpose. Daruladl represented a novel contribution to Islamic justice. Some scholars note that Daruladl had unique functions that set it apart from ordinary courts for injustices, making it a distinctive institution.

Nureddin Maĥmūd's commitment to justice extended beyond Damascus. He built similar structures in other Syrian cities, and the institution's existence perpetuated through Ayyubid and Mamluk rules, becoming a permanent institution. At Daruladl, kadis and alfakis presided, and Nureddin himself often attended hearings to listen directly to the grievances of the oppressed. Because of his dedication to justice he was likened to figures like Omar and Omar ibn Abdulaziz. His name went down in Islamic history as a pioneering figure who revived the importance of justice.

The example of Nūr al-Dīn Maĥmūd Zangī provides a valuable case study for examining the restoration of justice in the Islamic world, a topic that will be explored in detail during the presentation.

Key Words: Nureddin Mahmud Zengi, Daruladl, Courts of Justice for Atrocities, Justice, Islamic Unity.

THE ROLE OF THE FAQIHS (ISLAMIC LAWYER) OF OLI MOZA IN THE POLITICAL, SOCIAL AND CULTURAL LIFE OF BUKHARA IN THE XI-XIII CENTURIES

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The activities of the Oli Moza family in Bukhara coincided with a military conflict between the Western Karakhanids (280-608 / 894-1212) and the Seljuk rulers (431-590 / 1040-1194).

Burhanu-l-Kabir, the founder of the Oli Moza family, came to Bukhara as a result of accompanying Sultan Sanjar on his military campaigns in Movarounnahr. Since the main activity of the sadrs and faqihs from the Oli Moza family, originally from Merv, took place in Bukhara, the Bukhara ratio was added to the ratio of faqihs from this dynasty.

“Ali Burhan or the founder of the Ali Moza family and the first sadr of Bukhara, Sadru-l-Kabir Abd al-'Aziz ibn Maza al-Marvi al-Bukhari (d. 517 / 1123-1124). After that, his son Husamuddin Sadr Shahid ibn Abd al-'Aziz ibn Umar ibn Moza (483-536 / 1090-1141) became the chairman and was martyred in the battle of Qatavan.

There are two different genealogies about the Oli Moza family. This genealogy is related to the period of their rule in Bukhara and to the faqihs who came from the family:

Islamic sources include Burhanu-l-Kabir the founder of the Ali Moza family in Bukhara. (d. 518/1124). Al-Kafawi said, “He was a Persian, so he spoke Persian. He also issued fatwas in Persian and Arabic. In the sources, information about the scientific heritage created by Burhanu-l-Kabir and his personality is rare. There is information about his commentary on al-Jami 'as-Saghir, created by Muhammad al-Shaybani, but this commentary has not reached us.

Omelyan Pritsak reported that Burhanu-l-Kabir was married to Sultan Sanjar's sister. Also, in Bukhara, in 495 / 1101-02, Burhanu-l-Kabir was appointed to the position of "Sadr" and "Qazi al-quzot". This means that the family's ties with the Sultan Sanjar family were strong, both politically and in terms of kinship. The appointment of Burhanu-l-Kabir to this position may have strengthened the local clerics' opposition to the family.

Under the political patronage of Sultan Sanjar, the Oli Moza family's contribution to the development of culture, science and education and jurisprudence in Bukhara can be seen. For example, they established the Khizonat al-Kutub library in the district Sikkat ad-Dehqan. In enriching the library and strengthening its position in Mawarounnahr, Sultan Sanjar sought to portray Burhanu-l-Kabir and his two faqih sons, Husamuddin Sadr Shahid and his brother Tojuddin Sadr Sa'id, as devotees of science. This policy, in turn, has yielded partial practical results. The reason is that many Bukhara jurists later wrote their works using the sources in this library.

The Oli Moza family is also known for its patronage of jurists and intellectuals in order to restore its prestige among the local population. For example, the family reportedly sponsored 6,000 faqihs.

The dominance of the Oli Moza family in Bukhara can be assessed differently. Before the family entered Bukhara, the city was ruled by a family founded by Ismail as-Saffar (d. 534/1139). The transfer of power to another dynasty from Merv was not to the liking of the Saffarids, known in Bukhara as the leading community of local scholars, and for a long time they were opposed to the Oli Moza family.

Keywords: Oli Moza, Faqih, Hanafi Law System, Seljuk Period, Sadr Judge family.

THE "SPONSOR COUNTRY" MODEL FOR EQUITABLE DEVELOPMENT OF MUSLIM COUNTRIES

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It is obvious that some of the Muslim countries are self-sufficient thanks to both underground resources and industrial production, and even give more and are rich countries. However, it is also true that most of the world's poorest countries are Muslim countries. Due to both internal political strife and external interference, poor Muslim countries are unable to develop and it will take a long time for them to complete their development under the current conditions. It is well known that poverty is not a fate and that every person and society has the intelligence to do well in many areas. However, the lack of opportunities or being deprived of opportunities pauses progress.

This paper discusses the "sponsor country" model in order to make maximum use of the resources of poor Muslim countries and to pave the way for their development. Accordingly, a rich or relatively better positioned Muslim country leads its development by guiding a poor Muslim country of its choice and providing financial resources. If there is no financial resource, the country that will act as a patron helps the poor country to develop at least in a certain area by supporting the poor country in the field in which it is the most expert. For example, one country supports the agricultural sector of another country, while another helps someone else to improve their education services. However, if support is to be provided in a certain field, it is essential that the field in question is education. Another suggestion is that countries with better conditions should operate together in all or some of the poor countries (such as supporting schooling). On the other hand, all financial resources to be used are used as investments, not as cash donations, and the investments are made by the authorities of the patron country.

It is envisaged that it would be appropriate to conduct a pilot trial by selecting one or more pilot countries for the implementation of the aforementioned model. In our paper, we elaborate the model by giving country and sector examples and discuss the results.

Keywords: Muslim countries, development, poverty, humanitarian assistance, education

EXEMPLARY CALIPHATE AND JUSTICE PRACTICES OF CALIPH OMAR BIN ABDULAZIZ!

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The caliphate years of His Holiness Omar (r.a.) ... Place, Medina-i Münevvere... Time is midnight... As usual, all the people of Medina are sleeping soundly in their warm beds while he was wandering around the city streets. It was almost morning. Voices are heard from a house. The Caliph approaches the house and eavesdrops. A mother and her daughter are talking. The woman says to her daughter, ***“Get up and add water to the milk!”*** The girl responds, ***“The Amir of the Believers forbade adding water to milk.”*** His mother asked, ***“How will the Amir of the Believers hear about it?”*** and the girl answers, ***“Should we pretend like obeying him and secretly defy?”*** When His Holiness Omar (r.a.), who admires this honesty of the girl, comes to his office by scratching into his memory which house it is, he calls his son Âsım. He said: ***“There is a girl in the neighborhood, at that house. If he is not married to anyone, go and marry him to yourself. Maybe Allah Almighty will bestow a better son on him.”*** And premonishes as such. Âsım goes and marries that girl to him, whom he learned to be single. From this marriage, a girl named Ümmü Âsım is born. This Ümmü Âsım is no one but the mother of Omar bin Abdulaziz, who is called the ***“Fifth of Hulefâ-yi Râşidîn”***.

He has ruled a large state from the border of China and India in the east to Spain and even France in the west, from Azerbaijan in the north-to-North Africa in the south. In the short time he has served, there were no poor, people in need within the borders of the Umayyad State, and no one to give zakah could be found. He was poisoned and martyred in the year 720, and after his death, and after his passing, no poor people had been found living on the territories of Islam to be entitled for zakah for 25 years. The person we are talking about is referred to as Omar the second, Omar Bin Abdülaziz, grandson of His Holiness Omar, accepted as Rasit Caliphate by Islamic historians and Islamic scholars.

Omar bin Abdulaziz (r.a.) changed the fate of Islamic Geography in the first six days of his 33-month caliphate between 717-720... He (r.a.) summoned like following to all his administrators among the people. ***“Where are the debtors? Let them come, let us pay their debts. Where are the people who want to get married? Where are the poor? Where are the orphans, the oppressed? Come, rights owners and people in need, take your rights”*** He is a ruler, a leader, a reformer, a mujtahid, a mujadid, a leader with fund of knowledge, who is not afraid of death, a fair, honest and sincere political intelligence and statesman like his grandfather. He has served in the capacity of caliph for 33 months only in the Umayyad State. During this short time, he was able to deliver solutions for the two main problems of the Islamic World; justice and prosperity.

“How did you solve it, Omar? “...

He said ***“I asked those who knew what I did not know and I delegated the work to those who knew”***.

Here is the solution to our problems!

Strict adherence to the principles of justice, merit and entrustment.

May Allah grant intercession to Azza and Jelle. Amin!

Keywords: Justice, Fair Ruler, Competency, Entrustment.

JUSTICE FOR SOCIAL HAPPINESS

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The adventure of human coexistence dates back tens of thousands of years on earth. People have preferred to live together for various reasons, especially for the safety of life and property. It is important that they can meet their material and spiritual needs among the factors that bring people together. With the unity of people, the understanding of justice that was previously based on the individual has left its place to the understanding of collective justice. This collective understanding can be related to the relations between the members of an ordinary community as well as to regulate the relations between other communities. Justice is the most important figure in human life. Because it is needed at every moment of human life. If we look at the obligatory benefits in Islamic law: mind, life, religion, generation and property are presented. In fact, these topics constitute the foundations of the understanding that societies need justice in almost every period. Today, the justice sought in every meter of the earth circulates in our minds as an abstract concept. This abstract concept is a force that has penetrated every visible aspect of human life. Why is justice, which draws its source from its inexhaustible self-existence, so absent in the world when it is in such a field of existence? In this article, the common justice system will be tried to be mentioned based on the book What is Justice by the philosopher of law Hans Kelsen.

Keywords: Justice, Law, Hans Kelsen, Human, Society

IV. SESSION: CURRENT PRACTICES
ABOUT JUSTICE
MODERATOR: DR. DÜNDAR HOCAOĞLU

PRINCIPLES AND PROCEDURES OF DEVELOPING THE ISLAMIC COUNTRIES UNION CONSTITUTION: THE NIGER REPUBLIC JUDICIARY SYSTEM

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Before the colonial era, the exited Empires in the spaces of Niger adopted the traditional law system then, the Islamic rules and principles.

The current Judiciary of Niger was established with the creation of the Fourth Republic in 1999. The constitution of December 1992 was revised by national referendum on 12 May 1996 and, again, by referendum, revised to the current version on 18 July 1999. It is based on the Code Napoleon "Inquisitorial system", established in Niger during French colonial rule and the 1960 Constitution of Niger.

The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews application of the law and constitutional questions. The High Court of Justice (HCJ) deals with cases involving senior government officials. The justice system also includes civil criminal courts, customary courts, traditional mediation, and a military court. The military court provides the same rights as civil criminal courts; however, customary courts do not. The military court cannot try civilians.

The Kadhy system (*Islamic rules*) still continue in Niger, and play important role within resolution of local social, familial and even professional conflicts. **The Kadhies** are under control and nomination of Sultans and chief of provinces.

Keywords: Colonisation, Kadhy system, Justice, Niger, ASRICA.

DETERMINATION OF THE PRINCIPLES AND PROCEDURES OF THE ORGANIZATION FOR JUSTICE IN INDIA: A CASE OF KASHMIR

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'There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice.'-Charles-Louis de Secondat. French philosopher.

“The 2023 ‘World Day of Social Justice’ provides an opportunity to foster dialogue with member States, youth and relevant UN institutions and other stakeholders on actions needed to achieve social justice by strengthening the social contract that has been fractured by rising inequalities, conflicts and weakened institutions,” excerpts from the concept paper of ‘World Day of Social Justice, February 13, 2023.’

The international community has recognized that national institutions such as the judiciary is important to ensure the promotion and protection of human rights. It often serves as effective supplements and correctors of State and non-State actors when the organ will not police itself.

Although the United Nations has written declarations that affirm the right of vulnerable populations, there must be greater worldwide effort on the part of governments, NGO's, businesses and UN agencies to incorporate peace, justice and human dignity into internationalization and globalization. Peace, justice and human dignity cannot take a back seat as societies globalize their trade, supply chaining, and outsourcing. Freedom and justice must prevail above all political and economic aspects of international trade relations, and treaties even if it requires canceling trade agreements with countries that blatantly allow gross human rights violations to continue. It is the responsibility of everyone operating in the international arena to ensure that peace, justice and human dignity are protected. Global ethics must be fully integrated into the process of globalization.

Mr. Dipak Misra, the Chief Justice of India (CJI) has articulated the administration of justice system in india in these words, "The fundamental rights are in the core value and the bedrock of the Constitution. An independent judiciary with the power of judicial review has been conferred with the power of the ultimate guardian of the Constitution to strike a balance ... to ensure that respective governments are functioning as provided by the law within their respective domains...There can be no compromise on a citizen's fundamental rights...The citizens' rights have to be at the pinnacle.”

Now, let us analyze the conditions of administration of justice in Indian occupied Kashmir where the justice system has failed the hapless population of the State. According to the Human Right Watch / Asia Report and entitled, ‘India’s Secret Army in Kashmir,’ it is the case that “Under pressure from the authorities, the courts routinely grant government official extended time to respond to petition. Detainees who have been held for up to one year have not been granted access to legal counsel...Fearing reprisals, judges have been reluctant to challenge the actions of the security forces.”

We know that in particular the minimum standards for the respect of the most fundamental rights and dignity of detainees are absent in Kashmir. More shockingly, these arrogations of internationally recognized norms have been codified in laws passed by the Government of India which apply only to

Jammu & Kashmir, specifically, ‘The Jammu and Kashmir Public Safety Act’ and ‘Armed Forces Special Powers Act.’

Under the Jammu and Kashmir Public safety Act (PSA), the Indian army or paramilitary are able to detain civilians for up to one year without trial or due process of law for a wide variety of reasons, including the exercise of free speech. This is contrary to the principles of the United Nations which states that ‘a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority.’ Under Principle 17, it is stated that ‘A detained person shall be entitled to have the assistance of a legal counsel,’ and under principle 18 that ‘A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.’ Amnesty International calls PSA as ‘Lawless Law.’

According to Amnesty International, these broadly defined powers facilitate the shooting of the suspects in custody. Many members of the United Nations Human Rights Council and Human Rights Watch, International Commission of Jurists, and other international NGO’s have expressed concern that these provisions contravene the right to life provided in the International Covenant on Civil and Political Rights (ICCPR).

The arbitrary powers conferred upon the armed forces with virtual impunity from any legal action, are a part of deliberate Indian State policy wherein, arbitrary arrest, detention, torture, extra-judicial killing, killings of civilians and unarmed and peaceful demonstrators have been used as a weapon of war. The motive behind these crimes against humanity is to force the Kashmiri people to abandon their struggle for fundamental human rights of self-determination.

The problems associated with attempting to curtail human rights abuses in Kashmir are further complicated by India’s steadfast refusal to allow non-governmental organizations, like Amnesty International or United nations Special Rapporteurs to investigate allegations in Kashmir.

In reality, the people of Kashmir are prisoners – prisoners of their conscience. They have been deprived of their non-derogable human rights including their right to life and liberty, and access to justice only because they are demanding the exercise of their fundamental inalienable and non-derogable right to self-determination. In order to restore the basic human rights of the detainee, it is necessary that India is compelled to concede the right of the people of Jammu and Kashmir to the exercise of their self-determination and stop its crimes against humanity in Kashmir.

By virtue of our shared humanity, we are obliged not to sit idly by, but to act swiftly and surely to repair the disastrous human chaos that daily threatens human life and dignity in Kashmir.

SECTARIAN UNREST AND VIOLENCE AGAINST MUSLIMS IN INDIA AND SRI LANKA: RECOMMENDATIONS, ANALYSIS AND RESEARCH ON BUILDING ISLAMIC UNITY AND PEACEFUL COEXISTENCE

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The aim of this research is to talk about the history of Muslims in the Indian subcontinent and the island of Sri Lanka and to introduce Islam, the causes of unrest, acts of violence, the reasons for their occurrence and to provide recommendations to prevent such incidents. The history of India and Sri Lanka in the spread of Islam represents the oldest influence of written history, since the relationship of the Arabs with these two countries is due to commercial contacts, and the intellectual and religious similarity and trade between the two sides played an important role in documenting this connection and consolidating its roots for years before the dawn of Islam. During the arduous and frightening voyages, the pleasant climate with its harbors, ship piers and rest houses was favorable to Arab sailors and merchants, and the coastal regions had the advantage of being the first places to learn Islam when Islam came. After the birth of Islam, there is a history that talks about the exchange of ideas and goods between the Arabs of these countries and the Persian kings. India was under Islamic rule for eight centuries and there were distinguished Muslim scholars in the fields of exegetics, hadith, history, mysticism, sīra (prophetic biography), Islamic ideas and so on. Likewise, this country did not hesitate to mingle with non-Muslims, including Hindus, Buddhists, Christians, Sikhs, and others. It represented an honest picture of the nature of this country, with its different religions, languages and cultures coexisting throughout the country's long history. The environment of sectarian unrest and religious hatred has not been experienced in any past period. On the contrary, this country and these races were known as a society of tolerance, cooperation, and solidarity among the various sections of the country, so much so that they had initiated intermarriage and kinship between them. With the passage of time, false historical narratives were used to divide and separate the different classes of citizens of these two countries, and sectarian unrest and acts of violence between Muslims and non-Muslims in India and the island of Sri Lanka erupted, leading to religious oppression, sectarian hostility, and the destruction of the rights of Muslim citizens. There were massacres, bloody events, looting, robbery, insult to honor, violation of the saints, destruction of mosques, burning of the Book of Allah, slandering the sanctity of the Messenger of Allah, cursing him and his family, etc. As a result, Muslims have been subjected to cultural, religious, social, and economic persecution. The researcher examines these events and identifies the reasons that led to the outbreak of these conflicts. Finally, the researcher talks about the results and suggestions to eliminate these conflicts of views and evidence, to draw evidence from the Qur'an and Sunnah, from the words of the predecessors and successors, and to build the Islamic unity that cannot be stabilized without building the Islamic society because it is a comprehensive religion. Spiritual energies have a great need to play a necessary role in contemporary life. The value of theoretical and intellectual endeavors for the sake of Islam is of inestimable importance and value.

Today, the Islamic Ummah lacks reform and reform because it faces many and different challenges from within and without, from its sons and enemies, from conspiracies and intrigues, from within and without, from its sons and enemies, from conspiracies and intrigues, from conspiracies and intrigues that have weakened its structure, corrupted its foundation, paralyzed its forces, weakened its responsibility, and

weakened it in fulfilling the role of guidance and leadership given to it. Today, the Islamic community is facing serious weakness and decay, today it is like a house that has been destroyed in some aspects, all its inhabitants have to repair it to protect it from the heat of the sun and the hardships of the rain, today Muslims around the world are living in difficult conditions, in bad situations, we are politically dispersed despite our majority.

Keywords: Sectarian Unrest, Violence, Suggestions, Unity Building, Coexistence in Peace.

THE SOCIAL AND LEGAL STATUS OF AFGHAN WOMEN IN TALIBAN POLITICS IN AFGHANISTAN

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Over the past three decades, Afghan society has been faced with many political and social situations. The civil war and ethnic conflicts, the dominance of the Taliban group over Afghanistan, and the twenty-year presence of the US and NATO forces in Afghanistan have greatly affected the living conditions of Afghan society. Meanwhile, the emergence of the Taliban group and its domination over Afghanistan is recognized as one of the most controversial periods in Afghanistan's history. During the Taliban rule, Afghan society, and especially the status and position of Afghan women, has become a controversial issue. Therefore, after analyzing the politics and ideology of the Taliban, this study will examine the status of women in Taliban politics. This study is important in terms of defining and analyzing the situation of Afghan women. In the analysis of this issue, some important parameters will be tried to be determined. The most difficult period for Afghan women is thought to be the period of Taliban rule. During the Taliban rule, Afghan women were discriminated against in all respects. They have been subjected to inequality and discrimination in the economic, political, and social spheres. In addition, major restrictions have been imposed on women's law, freedom, equality, social and political status. Afghan women have faced social, political, and cultural problems on the one hand, and all kinds of torture, persecution, and violence on the other. During the Taliban rule, the harshest rules and strict policies were implemented against the role, position, and rights of women. During the Taliban period, women were deprived of politics, education, employment, art and many other areas of life.

Keywords: Afghanistan, Taliban, Politics, Afghan Women, Violence, Discrimination, Women's law, Patriarchy.

FAILURE OF INDIAN JUDICIARY IN JAMMU AND KASHMIR

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Every year ASSAM Islamic Union Congress gives an opportunity to intellectuals and policy makers across the world to discuss matters related to public order and security. Justice and rule of law are foundations of public order and to evolve a society based on justice. If this system is politicized or biased, it is a fatal recipe.

Jammu and Kashmir is a Muslim-majority region under dispute since 1947 and has been held by India. Past 70 years people in the region are struggling for their right to self-determination. While it is a known fact what security agencies do with the people and leaders in the region, not much has been discussed about the biased nature of Indian judiciary. In many cases, it has thrown its own laws to winds and helped security agencies to keep people in jail for longer years, without any chargesheet or indictment.

Few years ago, Kathmandu-based South Asia Forum for Human Rights (SAFHR) in a study mentioned that judiciary in the region has even failed to protect right of life in the region. It has merely perpetrated the myth of justice and, the myth of functioning particularly on the cases of custodial death or missing persons.

In almost 62 cases where inquiries were ordered by no less by the High Court, the accused unit did not participate in the inquiry proceedings. Even in some cases where Inquiry Judge recorded adverse remarks against the conduct of a unit of security forces, they did not produce records. A case in the point how judiciary in the region has failed to protect lives is killing of noted lawyer Jalil Andrabi and the culprit Major Avtar Singh was made to fly out of country and settled first in Canada and then in US by the Indian government.

There are many cases, where accused are held behind bars without any charges. And if charges are filed, cases are moving at snail's pace. There are cases, where persons have been acquitted after 20 to 25 years. Who will pay them back these 25 years?

Ghulam Mohammad Bhat, an aide of late Hurriyat leader Syed Ali Shah Geelani is in jail past 12 years. He has been charged with arranging money for the political movement. But this case is not moving anywhere in the court. In many cases, where government fears that the person may be acquitted if they do not have any material against the person, they just ask courts to prolong the trial, so the person remains in jail.

Concerns about Indian judiciary's role in Jammu and Kashmir are often highlighted such as:

Security and Human Rights: There were allegations of human rights violations and excessive use of force by security personnel in the region. Indian judiciary did not do enough to address these allegations and hold those responsible accountable.

Detentions and Legal Procedures: There were concerns about the lengthy and often opaque detention of individuals under various security-related laws. Indian judiciary should have been more proactive in safeguarding individuals' rights and ensuring fair legal procedures.

Landmark Decisions: Indian government's revoking region's autonomy, land ownership laws, and special status were not addressed by judiciary to protect rights of people.

Public Confidence: There are concerns about public confidence in the judiciary. Indian judiciary did not adequately address the unique legal and constitutional challenges posed by Jammu and Kashmir.

I will deliver the paper verbally and discuss how despite India calling itself as mother of democracy had failed Kashmir and particularly its judiciary. India's judiciary has failed to check human rights abuses in Jammu and Kashmir and has behaved as an arm of security agencies rather than holding them accountable.

Keywords: Kashmir, India, Internal Security, Judiciary, Public Order, Law, Legal Processes.

WHEN THE DESTROYED JUSTICE IS PROVIDED, SYRIA WILL RETURN TO THE MUSLIM WORLD

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For more than a decade, the Syrian people have seen the absence of justice and the presence of oppression in all its forms, colors, types and shapes. It established its power through a front known as the Ba'ath Party in 1963, through the tactics of killing, imprisoning and displacing its own people, which has turned Syria into one big prison since it took power in 1963.

This would not have been possible without the regional and international support it received along the way.

And when he handed over power to his son, as if it were a dynastic rule, the son, after ten years in power, was subjected to a popular uprising that he could not resist, inviting foreign invaders and cross-border sectarian militias to counter the aspirations of the people demanding freedom, repeatedly using all kinds of internationally prohibited weapons against his people, such as napalm bombs and chemical weapons, more than 217 times without accountability.

Throughout its rule, the Syrian regime has been based on a dichotomy: Internal repression and external blackmail, for decades it has blackmailed the outside world with the weapon of terror, either by using the PKK militia in Türkiye, or by using sectarian gangs to kill its opponents and those of its allies in Lebanon, Jordan and Iraq, or even by reaching out to and liquidating opponents in Spain, France and Germany, or, as is the case today, by using the weapon of drugs, through Captagon, to force neighboring countries to cooperate with it.

But this was met with opposition from the United States, which passed a law to fight terrorism and resist normalization with it, as long as the drugs, according to the legislation, threaten world peace, a term the United States first used for the Syrian regime.

The Syrian regime, which has displaced more than half of its people and is holding the other half hostage, today we see these hostages, as in Suwayda, Jaramana and others, rising up in protest against the economic and vital deterioration and the minorities in its embrace who do not see the light at the end of the dark tunnel that the regime has put them in.

Today, while the Syrian regime is trying to spread the scourge of drugs in Europe, Asia and Africa, it has shown that it is a threat not only to its people and environment, but to the whole world, after this wound spreads to the environment, the wound of the Syrians is no longer only half of the Syrians, and perhaps one of the most important manifestations of this is the increasing racism against Syrian refugees in Türkiye, thus the regime has managed to turn the presence of Syrian refugees from a value in the hands of the revolution and its allies in Türkiye into a burden for everyone.

In short, justice will not be served and Syria will not return to the square of the Muslim world until the murderer is punished and the rewarding of Syrians for their groans and suffering is stopped. Holding the regime to account means cutting off communication with it, calling for its overthrow, and holding it to account so that it can serve as an example to every murderous regime that rebels against its people and humanity, otherwise, if it remains in power, we will be in a big jungle with its people as victims and its monsters as cruel rulers.

Keywords: Muslim Nation, Assad, Captagon, Refugees, Syrian Revolution, Türkiye, Chemical Weapons, Russia, Iran, Sectarian Militias, Terror, PKK, ISIS.

**V. SESSION: JUSTICE SYSTEMS IN
GLOBAL ORGANIZATIONS**

MODERATOR

ASST. PROF. TUBA HACER KORKMAZ

TOWARDS AN INTERNATIONAL ISLAMIC COURT OF JUSTICE [IICJ]: ISSUES, CHALLENGES AND PROSPECTS

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Islam as a religion that came to unify humanity is itself divided into madhahibs affecting the effective delivery of justice. Muslims living across the various continents are grappling with the confusion of getting a fair and just judicial solution. Within this conflict of madhahib the opportunity to form an International Islamic Court Justice becomes an uphill task. But Islamic legal system that preceded the modern court system had indeed managed this confusion very effectively and prudently. The annals of Islamic history are replete with the effort made by the various Caliphs to bring about such a unity in delivering justice. This paper traces the historical effort to bring about unity in diversity by striking the commonality in dispensing justice and how that effort could be extended to accommodate in incorporating elements of modernity by critically examining the issues, challenges and prospects of creating an international Islamic Court of Justice.

Keywords: Justice in Islam, International Court of Justice, Qada', IICJ, ASRICA.

FOUNDATIONS AND PRINCIPLES OF JUSTICE IN THE UNITED NATIONS

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We, the peoples of the United Nations, thus began its charter in 1945, in which it defined four main goals for its establishment: maintaining peace and security, emphasizing basic human rights, respect for international law, and economic and social progress for states.

To achieve global peace and security, the United Nations granted the Security Council unlimited power, and by granting veto power to five countries: China, Russia, America, Britain, and France, the United Nations Charter enabled these countries to prevent any action that contradicts their interests.

In order to confirm respect for international law, it is forbidden to infringe on the sovereignty of states and not to interfere in their internal affairs and internal security. The Human Rights Council and the High Commissioner do not have the right to direct orders to sovereign states, and international investigators are summoned by governments that are themselves the subject of investigation.

The United Nations pledged to promote social and economic progress, so the World Bank was established, which is associated with the United Nations, although it is not actually part of its system, and the United States finances the World Bank, which made development aid a political tool that is not linked to the actual problems of the peoples of developing countries.

Has the United Nations achieved any or some of its objectives? Or has it become an obsolete organization that has become worthless? Or that its many shortcomings can be fixed?

Keywords: United Nations, Security Council, Regional Wars, Sovereignty of States.

PROCEDURES AND PRINCIPLES OF THE ORGANIZATION REGARDING JUSTICE IN THE EUROPEAN UNION

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The three-pillar European Union structure was created with the Maastricht Treaty (Treaty on European Union). The third column of this structure was "Justice and Internal Affairs". Justice and home affairs policies in the European Union also aim to protect human rights. Justice Policy aims to harmonize the legal system in EU member states. This includes the reorganization of EU citizens in accordance with the effective administration of justice and fair trial and sentencing processes. Justice policies are supported by the European Court of Justice to facilitate the recognition and enforcement of court decisions among EU countries. The main purpose of the Court of Justice is to ensure that European Union law is interpreted and applied in the same way everywhere within the European Union. The Court of Justice of the European Union is the judicial body of the European Union and consists of a tripartite structure: the Court of Justice, the General Court and specialized courts.

Keywords: Court of Justice, Fair Trial, Human Rights, European Union.

INTERNATIONAL ISLAMIC UNION AND SEARCHES FOR JUSTICE

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Justice is briefly defined as "putting everything in its rightful place". Mevlana Celaleddin-i Rumi described giving water to the tree as "justice" and giving water to the thorn as "cruelty". In fact, the saying "*The shoe is for feet and the hat is for head*" belongs to him. Everyone knows that the late Alija Izetbegovic said, "*We only owe the world one debt, and that is justice.*" Of course, many studies have been conducted so far on what justice is and what it should be. Again, it is possible to identify the basic principles of justice in the Holy Qur'an and the Prophet's hadiths/sunnah.

The need for a more just world is urgent for humanity, especially for Islamic countries/Muslim societies. Because most of the conflicts, disagreements and problems take place among Muslims and Islamic countries themselves. It is also Muslims who are exposed to the injustices, double standards, massacres and genocides of global imperialism. Differences in ethnicity, color, language, tribe, sect, tribe, sect, sect, sect among Islamic societies are also instruments that are exploited against us by the same forces.

The execution and protection of justice requires a power and authority. Because justice, which is not based on a legitimate power, becomes "incapable", and power, which is not based on justice, becomes "cruel". As a matter of fact, due to this necessity, it was decided to establish the Islamic Court of Justice at the III Leaders' Summit of the Organization of Islamic Cooperation (then known as the Organization of the Islamic Conference) in 1981. However, this institution could not be put into operation even though more than forty years have passed. The reasons for this need to be particularly pondered.

Keywords: Justice, Islamic Court of Justice, Cruel, Incapable, Legitimate Authority.

COUNTERING EXTREMISM THROUGH CIVILIZATIONAL DIPLOMACY

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The ubiquitous rise of violent and non-violent extremism has prompted a critical rethink on advancing new and innovative narratives to counter this global phenomenon. One such narrative is the practice of civilizational diplomacy as a form of an art and culture which can arguably serve as a useful and effective countermeasure against extremism due to its proclivity for engendering social stability, durable order, global harmony and international peace. Centering inter-civilizational cooperation in diplomatic practice consonant with soft power influence helps provide a toolkit for conflict resolution in neutralizing extremism such as through mediation, negotiation and peace-building. Taking inspiration from the renowned South Asian poet Allama Muhammad Iqbal and in particular, his poetry about humanity, revival of the Islamic civilization and the spiritual basis of the universe, we can think of civilizational values of harmonious coexistence, moderation, inclusivity, mutual respect and understanding and unity in cultural diversity as being integral to countering extremism through the prism of dialogue and diplomacy. Against the backdrop of what can be described as an interconnected global village of physical and online spaces, the prognosis of civilizational diplomacy rests in the use of digital technology including new media art and artificial intelligence to provide the much-needed boost in countering extremism in the digital age.

Keywords: Extremism, Civilizational Diplomacy, Conflict Resolution, Digital Technology, Allama Muhammad Iqbal

UNDERSTANDING FOREIGN POLICY TRENDS OF MUSLIM- MAJORITY STATES AND THEIR IMPACT ON NEW INTERNATIONAL ORDER

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Muslim-majority states from Morocco to Indonesia have revealed new foreign policy trends in recent years, raising important questions about the prevailing international order and the role of the Muslim world in it. Muslim-majority states are more independent, neutral, or self-confident in their behavior. Their foreign policy today is what can be called a “practical”, “cautious” or “uneasy” neutrality. They also demonstrate a new readiness to de-westernize their international affairs; establish strategic partnerships with different great powers; reduce their dependence on arms suppliers from the US; and decrease their interstate rivalry. This article discusses their balanced foreign policy approach in three directions - descriptive, explanatory and predictive.

Keywords: Muslim-Majority States, New Foreign Policy Trends, Muslim World and International Politics.

GAZA GENOCIDE IN THE CONTEXT OF INTERNATIONAL LAW AND ISLAMIC UNION: FROM GAZA TO ISLAMIC COUNTRIES COMMON DEFENSE PACT

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The use of force in the context of international law is discussed in the context of the concept of just war. In relation to the concept, the concepts of *jus ad bellum* (the law of recourse to war), *jus in bello* (the law of in-war) and *jus post bellum* (the law of post-war) have been developed in international law terminology. At the point where Israel violated the values that stabilize global peace, such as international law and human rights, what happened in Gaza turned into genocide. The indiscriminate targeting of tens of thousands of civilians, humanitarian institutions such as hospitals and places of worship, without any religious or humanitarian discrimination, and the silence of the international system on this, causes world peace to evolve to a point where it is questioned what point it is heading towards. At the point where the principles that sustain the international system are violated, it remains a question mark to what extent the international system will be able to continue in its current state. The establishment of sustainability in terms of the international system seems to depend only on the establishment of an international criminal court that will ensure that those responsible for war crimes are punished with a fair trial. In this context, it is proposed to be established the International Criminal Tribunal for Gaza for the prosecution of those who participated in war crimes.

If the Gaza genocide is to be evaluated from the perspective of Islamic countries; the fact that Islamic countries have not been able to come up with a real solution with their existing cooperation and organizations since the first moment the war broke out also shows that the existing structures have remained inert in establishing a solution. In this research, taking into account the updating of the participating states and network chart according to the current conditions, which was previously discussed by the author under the title “The Islamic Union in the Context of Collective Defence: The Supra-Regional Collective Defence Architecture” at the 4th International Islamic Union Congress held in 2020; it is proposed, in particular, to convene the Organization of Turkic States (OST) with a defense agenda and sign the “Organization of Turkic States Defense Pact” by going beyond defense cooperation, and similarly, to establish a “Supra-Regional Defense Pact” that can be called the “Islamic Countries Joint Defense Pact” by states ready to participate in a defense pact to be established primarily among Muslim and allied states and to include Palestine in this pact. This research also recommends establishing the basis of “a joint army”, which includes “expeditionary commands” in addition to the corps commands of the pact member countries; establishing pact command and communications centers for coordination purposes and determining the necessary communication procedures and standards.

Keywords: Islamic Union, Islamic Countries, International Law, Gaza, Gaza Genocide.

**VI. SESSION: THEORETICAL
DISCUSSIONS IN THE CONTEXT OF
JUSTICE**

MODERATOR: ASST. PROF. DR. SERKAN ÜNAL

THEORETICAL FRAMEWORK FOR PRACTICAL STEPS TOWARDS ESTABLISHMENT OF ISLAMIC LEGAL SYSTEM

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Abstract: In this paper I will discuss the possibilities of establishment of Islamic legal system within Muslim Geography due to global changing processes and need for Islamic reframe. There are two key points to be emphasized. First, above mentioned global change and second theoretical framework for practical steps. As all we know major problem for Muslim states is a lack of central political authority who could implement the authority of the Qur'an in its multidimensional and multi-perspective nature including legislative as a crucial societal tool.

While first key point, due to global sociopolitical developments in last decade, is almost understandable to well informed commoners, the second one is under serious scrutiny because of misunderstandings and ambiguous actions taken by proponents and opponents of Islamic worldview. It means that theoretical framework has to discuss core position of Islam toward secularism, type of government(s) and simultaneous internal integrative dynamics versus external challenges (some of the questions related to external challenges I already explained in my previous texts on joint forces etc.)

Putting in this order it is clear that theoretical framework has to answer on the questions; a) who has ultimate sovereignty, b) what core tasks of government(s) and c) are how to quick and easy centralize legal system within Muslim geography without significant threats from outside. Finally, I will try to underline once again the need for liberated Islamic sociopolitical thought versus hegemony of neoliberal paradigm and ruthless authoritarianism.

Key words: Islamic legal system, global shift, Muslim geography, theoretical framework, Islamic thought

THE ISLAMIC JUDICIAL SYSTEM

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The Philosophy of Justice began with Plato and Aristotle. Later on, Averroes applied Islam's ideologies and perfected Aristotle's models. The paper will attempt to restore the Muslim philosopher's impactful fingerprint on the subject of justice.

The Holy Quran contains many verses that tackle the concept of justice. The paper will explore the explanations of such verses. It will also extract written laws from them.

We'll explore a history of applied examples in former Islamic powers such as the Ottoman Empire. We'll also delve into Hadiths of the prophet's implementation of justice. This will shed a light on previous successful executions of Islamic law.

Criticizing the counterargument and exposing its flaws provides a stronger claim. The main area of focus will contain the works of Thomas Nagel, Friedrich Nietzsche, Karl Marx, etc. Agnostic principles have become rooted in societies' justice systems. That needs to be addressed and changed.

The heavy load is translating the topics above into firm constitutional laws that can be used and implemented. This will help supply a more grounded and applicable set of rules. Reference will be taken from said rules whenever a verdict is to be reached.

This will finally provide a reliable structure of justice. The goal is to build a complete judicial system that functions effectively. Loopholes will be searched for and addressed properly.

Comparing our results with current constitutional laws in modern western powers will confirm the superior principles of our model. It will affirm that our laws are better and serve a higher justice. The paper will conclude with firm solid grounds on which a just judiciary system can be constructed.

Keywords: Justice, Quran/Hadith, Ottoman Empire, Constitutional laws, Western Society.

INCONSISTENT OR INCOMPLETE LAW PROMOTES INJUSTICE

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Together, the Quran and the Sunnah form the basis of Shariah, or Islamic law. Shariah covers all aspects of human life, from worship and ethics to family and social relations, from business and politics to environment and human rights. Islam provides comprehensive guidance and a general framework for regulating human affairs in accordance with Allah's will and human welfare to develop complete laws ensuring equality, fairness, and Justice in society. Moreover, developing laws under the light of the Quran and Sunnah requires a careful and scholarly approach that takes into account the objectives, principles, and spirit of Shariah, as well as the historical, cultural, and social realities of each time and place. In Sharia, laws should protect the economic rights of all the members during the execution of economic activities. This can be assessed that the "Value" of a single gram cannot be taken unjustly from any other member of the society.

In the modern financial world, the unequal exchange of value in financial economics is a pure business, however, it is haram in Islam. Islam is a religion that does not allow unequal exchange of value during any economic activity in any situation. This is the reason hadith is that "there are 'seventy degrees of usury', the least of which is equivalent to a man having intercourse with his mother". The lawmakers don't understand financial economics, this is the reason the world's developing economies are victims of injustice.

Currently, in Developing countries, all over the world, the laws linked with financial-related economic activities are formulated to protect the interests of a particular class (Lenders, Rich class, ruling families, etc.) deceptively. The law is either incomplete or inconsistent, and adverse outcomes reflect the deceptive actions of a statutory body or parliament. These deceptive actions in the formulation of law are abridging the fundamental rights of the people as granted in Islam and also as per multiple conventions of United Nations (UN) and the core international human rights treaties.

The Law in developing countries is formulated to i) serve the interests of a corrupt politician or a powerful group who wishes to exploit, oppress, or harm the people deceptively, ii) justify or conceal illegal, immoral, or unethical actions that violate the rights, freedoms, or dignity of the people, iii) apply selectively or arbitrarily to favor some people over others, Moreover, the law is ignored or violated by the statutory body or parliament itself or by those who are supposed to enforce it. The law is not subject to public scrutiny, consultation, participation, or accountability. Such a law reflects that the regulator is doing good however it creates injustice, inflation, and harm for the people, deceptively, without their will, and their knowledge. Such deceptive practices and laws are repugnant to the injunctions of Islam.

Current Financial Systems in the world are promoting economic injustice by promoting economic injustice. – in fact, there are limited research papers in the Muslim world that support lawmakers, firstly to understand current financial systems and secondly, how current systems are repugnant to injunctions of Islam, and thirdly, how these systems are promoting riba and economic injustice. The Financial Economists in the Muslim world are not empowered in this respect, all the policies are being imported from the Western world mostly repugnant to injunctions of Islam

We, Muslims need to develop a consultative process to update laws in accordance with the true spirit of Islam to establish Justice - and this same consultative process will lead to “Determine Principles And Procedures of Common Justice System for the Islamic Union”.

In order to solve the problem, the initiatives were taken by drafting two research papers and submitting them to Federal Sharia Courts during the hearings of Riba Cases. The initiatives were taken to prove mathematically that the Rulings of the Quran are perfect without any doubt and riba creates economic injustice. These research papers shall be of great assistance to lawmakers in understanding facts. “Real Business Valuation” shall expose deception hidden in interest-based policies with a challenge to Nobel prize winner theories and “Real Economic System” shall be a light to bring Economic Justice and Peace in the world.

Keywords: Quran, Justice, Perfect Law, Islamic Law, Inconsistent Law, Injustice, Abridging Fundamental Rights, UN Treaties On Human Rights, Valuation, Islamic Economic System, Equity Valuation, Debt Valuation, Riba, Financial Economics.

ISLAMIC ECONOMIC GOVERNANCE AND THE JOINT JUSTICE SYSTEM: CHALLENGES AND OPPORTUNITIES FOR THE ISLAMIC UNION

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The Present scholarly discourse endeavors to delve into the multifaceted intricacies surrounding the formidable obstacles and favorable prospects that manifest themselves in the realm of Islamic economic governance. This comprehensive analysis is conducted within the broader framework of the joint justice system within the Islamic union. Islamic economic governance aims to establish a comprehensive and resilient framework that upholds the principles of justice, transparency, and accountability in various facets of financial transactions, policies and institutions. The joint justice system of the Islamic union offers a distinctive platform for tracking these challenges and capitalizing on opportunities within the realm of a fair and prosperous economic system.

The present study undertakes an examination of the various challenges encountered in the realm of Islamic economic governance within the context of the Islamic Union. The subject matter at hand explores intricate matter encompassing corruption, insufficiency in the institutional capacity, and deficiencies in the regulatory framework. The paper elucidates the paramount significance of fortifying governance structure, propelling transparency, and combating corruption as pivotal measures to cultivate an equitable and enduring economic milieu.

The text examines the inherent capacity for collaboration and synchronization among constituent nations to achieve policy harmonization, regulatory alignment, and institutional framework enhancement. The paper underscores the paramount significance of collaborative endeavors in fostering economic justice, trade facilitation, and investment promotion within Islamic union.

Furthermore, the study analyzes the role of legal systems and dispute resolution in Islamic economic governance, with a focus on harmonization and incorporating Islamic jurisprudence principles. It examines the complexities and challenges of incorporating alternative dispute resolution mechanisms.

The paper explores challenges and opportunities inherent in the realm of Islamic economic governance, contributing to the discourse on enhancing Islamic institutions within the Islamic Union. It emphasizes cooperation, structural modification, and incorporating Islamic economics for an equitable framework.

Keywords: Islamic economic governance, Joint justice system, Islamic union, Economic Transparency, Economic justice.

ECONOMIC JUSTICE IN ISLAM: IMPLEMENTATION IN THE MODERN CONTEXT

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Many research works have been conducted on the concept of economic justice in Islamic social thought over the years. It is now without question that there exists a notion of economic justice uniquely Islamic in nature. In the history of the Islamic empire, governments have strived to implement a just economic system on the basis of this conception. This study seeks to explicate how the Islamic concept of economic justice in the modern context. Two issues are outlined as obstacles to an effective implementation of the concept. First, it is established that Muslim communities around the world are no longer purely Islamic due to historical factors, such as colonialism and neocolonialism, and a more recent phenomenon known as globalization.

Consequently, socio-political institutions in Muslim communities are no longer purely Islamic, but are mostly western (the dominant social force) with Islamic decorations. A typical example of this is Islamic banking in a predominantly conventional banking environment. The second issue, which is a by-product of the first in some respect, is the global predominance of the market economy, an idea that is starkly inconsistent with any normative concept of economic justice.

The study tries to navigate through these problems in order to establish a basis for the creation of an economic justice system that is largely Islamic in spirit and form.

Keywords: Islamic, Economic, Justice, Modern Era, Globalization, Market Economy.

ASSESSING PROGRESS IN ISLAMIC SOLIDARITY ON THE BASIS OF NEEDS AND OPPORTUNITIES

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ABSTRACT: Islamic countries have been in search of solidarity and unity for about 100 years. As a result of this search, organizations such as the Organization of Islamic Cooperation and Developing 8 (D-8) countries have emerged. However, these organizations have not produced sufficient results and failed to meet the expectations of Muslims. The establishment of these organizations took place within the needs and possibilities of Islamic countries. Today, it is thought that the needs and opportunities of Muslims have progressed to a new stage. For this reason, it is an important issue to investigate why these examples of organizations have not been successful so far and what needs and opportunities can open the door to today. In this study, first of all, the reasons why OIC and D-8 have not been successful are analyzed. Then, it was emphasized that a new understanding should be adopted to achieve the expected result within the framework of these reasons. In this new understanding, it was stated that Islamic countries should create a power center within themselves in order to act together. It has been argued that this power center will only be shaped by having a common view and understanding and the capacity to cooperate. Among Islamic countries, the countries where the most common conflicts such as the quest for political authority, class power struggles, nationalism, sectarianism and border problems are least common have the potential to cooperate the most. In this context, the identification of these countries, their areas of cooperation and the power center they can create will be discussed. In addition, the opportunities and challenges of this power center formation process were evaluated. It will be supported by the theses put forward in the study that the examples of OIC and D-8, which were subject to the understanding of unity and solidarity of Islamic countries in the 20th century, will not yield the expected results in the future, and it is predicted that if a new understanding is adopted, Muslims will take the understanding of Islamic solidarity or Islamic Unity to a new level.

Keywords: Power, Common View, OIC, D-8, Islamic Countries, Islamic Solidarity, Islamic Union.

**VII. SESSION: ISLAMIC UNION COMMON
JUSTICE SYSTEM**

MODERATOR: ASST. PROF. ÜVEYS ATEŞ

DETERMINATION OF THE PROCEDURES AND PRINCIPLES OF THE COMMON JUSTICE SYSTEM

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Bismillahirrahmanirahim

Praise be to Allah, the Lord of the worlds, Who created mankind, and who regulates life in a just manner with rules and balanced boundaries so that people may establish justice in all their worship and dealings: ((Verily, this is your Ummah, a single community of religion, and I am your Lord. So worship me))

May blessings and salutations be upon Muhammad, the Prophet of Guidance, who was sent to the worlds with mercy, peace and security, and his companions, his followers, and those who follow his Sunnah until the Day of Judgment, and may bless and salute him and them very much.

Emmâ ba'd: as for the main issue:

Distinguished participants, first of all, I would like to convey my congratulations to the valiant Turkish people, the brother of the people of Burkina Faso, on the occasion of the re-election of Mr. Recep Tayyip Erdogan as the President of the valiant people of Burkina Faso, we wish him success and prosperity on his way to further prosperity and stability in the great country of Türkiye, we congratulate the Islamic Ummah on the new Hijri year, and we pray to God that the new year will be a year of transition to years of stability, unity and solidarity among Islamic countries, free from problems, divisions and disagreements.

Distinguished participants, the main pillar of the survival of the Ummah, whether religious, ideological or social, is justice, and the Islamic Ummah, by the grace and providence of Allah, has become a great Ummah in terms of its population, geography and history, but it has faced many difficult problems since the disappearance of the Caliphate, the last of which was the Ottoman Caliphate, If the dream of an Islamic caliphate is considered a common dream for our time and circumstances, then if each of us, our groups and countries strive for it, we can achieve Islamic unity, because it is one of the requirements for our survival as a strong Ummah with a global influence that cannot be underestimated.

For this reason, it is of great importance that the subject of our congress is the determination of the procedures and principles of the common justice system for Islamic unity, because justice would not be together without it.

Islam is a strong religion that does not accept fragmentation in any way and will remain within a strong polar circle, because it is a house, and the house is composed of various elements, blocks, bricks, stones... etc., and it stands on strong columns and the walls are difficult to move, and it is not shaken by storms from its enemies or its sons who deviate from their goals and the purpose of their religion, and the issue for the Muslims in this house is to cooperate and solidarity to realize their public and private interests in the protection of this comprehensive Islamic egg.

At the same time, they need to mobilize to protect their mass and eliminate the loneliness among the people of the nation, the hopelessness of their members in society, to avoid the separation, failure, hatred and jealousy that lead to compliance with ambitions and passions and everything that touches the dignity of Muslims.

Therefore, this issue is sensitive and important and they call on Islamic institutions and organizations to support the general principles within the society in order for Muslims to realize their ambitions in this world.

It also invites individuals to sincerely reform their intentions and relationships so that they can fulfill their roles as institutions and achieve their goals through the efforts of individual candidates within them, so we have clarified some of the proposed plans for Allah to have mercy on us and protect us from the disaster of sedition:

Sincerity: We have focused on sincerity because it is a measure of acceptance of the efforts and actions of Muslims, it makes one humble, recognizes the source and cause of these blessings, so what is man's role in these charity projects other than being the cause, this belief distances him from arrogance, bullying, racism and arrogance, he does not strive for anything other than the success of the nation.

We are also dedicated to protecting the public interest, because the public interest is more general, comprehensive, permanent and valuable for the nation, and everyone benefits from it, whereas the individual interest is limited to the individual, and its benefit is limited to the individual, so it is destroyed by the incapacity or death of the individual, and no trace or trace of it remains.

We have shown in it (sincerity) what extinguishes the fire of sedition and many destructive calamities which Islam does not recognize and which have no place in the faith, and that is that man should be sociable and try to be with everyone as much as possible, and treat them according to his intellect and awareness, so that good relations with others is a legitimate goal and a humane behavior, and every scholar or jurisprudent who knows Allah should make every effort to keep the role of Islam as it was before, until alienation is replaced by embrace and respect.

Avoiding disagreement and taking into account differences: In this regard, it is to entrust the works to those who deserve them so that they do not turn into compulsory haram and compulsory obligations due to the fact that people are different in terms of memory, comprehension, understanding and environment, and to make decisions from documented sources and by researching their meanings.

Since people's memories, perceptions, understandings and environments are different, it is not possible to place them in anything without humanity, so this difference remains as the circumcision of life in this universe.

The renunciation of selfishness, which causes the decline of the sound Islamic methods that make it possible to work together, because with selfishness this work becomes individualistic, that is, everyone tries to improve his environment without seeking the equipment of the tools he uses and works with, and his only desire is not to accept those who disagree with him, so that everyone loses, because the salvation of this person is in unity, not in separation.

Therefore, Islam cannot be limited to worship without treatment, on the contrary, our religion includes social, political and economic treatment; however, the basic criterion here is to work in the way of Allah and to provide the hope of reward in all movements and rest, whoever limits Islam to worship is insufficient both for himself and for others.

Respecting the principles of others in order to achieve lofty goals, which is required by the promotion of peace and the organization of systems of coexistence, every missionary must call in his invitation to strive for the reasons for uniting the ranks, to renounce selfishness, the love of leadership, the love of authority, It should also work to prevent the causes of partisanship that lead to internal disputes and

conflicts and hinder the progress of the cause, such as selfish ambition, extremism, and partisanship that leads to general confusion for the sake of attracting the attention of a part of the people, for the purpose of making money and other superstitions.

The biggest point that I see as very important is to try to suppress and stop the formation of new groups or the birth of a new community, because the goal of some groups is to make a living from it, instead of using their ideas and experiences on the path of development or change for the ruling and Islamic Ummah.

The attempt to get rid of everything that affects the nation and disrupts its structure, to stop the internal conflict between politicians, lawyers and government intellectuals who do not know anything about Arabic and do not study it deeply in Islamic thought is the desired goal. Sooner or later, what God says happens. This is the point I have reached. May Allah help us, Allah is behind the intention and He guides us to the right path. And I say my last word by saying, "Praise be to Allah, the Lord of the Worlds."

PROCEDURES AND PRINCIPLES FOR DETERMINING THE ISLAMIC UNION'S STRATEGY FOR THE DEVELOPMENT OF THE JUDICIAL SYSTEM

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The Islamic judicial system, which was introduced after the completion of the Islamic Shari'ah in the Farewell pilgrimage when Allah Almighty said, "Today I have perfected your religion for you, I have completed My favor upon you, and I have chosen for you Islam as your religion," is a complete and comprehensive system that encompasses the past, the present and the future and is a mercy for all mankind. The Shari'ah has laid the foundation on which the Islamic judiciary was initiated, represented in the judge, the case, the judgment or the arbitration, as Allah Almighty says: "Judge between them by what Allah has revealed, and do not follow their desires, and beware lest they lead you astray from some of the judgments which Allah has revealed to you". It has specified the conditions and procedures to be followed for the judge in terms of obligation or attorneyship, and also determined the procedures of the case in terms of acceptance, rejection and witnesses, and explained the methods of adjudication and the mechanisms used in this, research, examination, reasoning, thinking on the nas and finding appropriate solutions in terms of time and space.

The judicial institution was practiced by the Prophet (PBUH) and the caliphs after him, and the judicial system in Islam developed in different periods, from the time of the Umayyads, Abbasids and Andalusians to the time of the Ottoman Empire, Muslims still practice it in their various countries, despite the dominance of man-made laws after the colonial period. As a matter of fact, after the blessed Islamic awakening, many Muslims demand the implementation of Islamic sharia and the demands continue to increase day by day in this direction.

The judges were ruling according to what they understood from the texts of their time, from the texts that had reached them, so they were using their intellect to come up with what was better and more beautiful in terms of communiqué and facilitation, because the Prophet (PBUH) said, "Make it easy and do not make it difficult, bring glad tidings and do not make to hate. Be harmonious and do not create discord) and (When the Messenger of Allah (PBUH) was given a choice between two things, he used to choose the easier one, unless it was sinful).

No matter how ideal a society may be, no matter how dominant its values and morals, it cannot be devoid of crimes, so it is clearly known that there are cases where violations occur, the rights of others are attacked with a whim or suspicion. Therefore, the existence of a party that responds to complaints and resolves disputes is considered necessary for a decent life and for the safety of the society. (There is life in retaliation for you.)

These institutions must evolve to respond to the renewed needs of the people and to answer complex questions, because there is a need for well-established jurists and judges who find solutions to the disasters that occur and emphasize the validity of the Sharia in time and space. As we plan to revitalize this vital role in ASRICA, we demand what is good and beneficial in this life and the hereafter, so that humanity can live in prosperity and security and offer the world an ideal model of governance and life.

As we come to the end of the activities of the seventh congress within the framework of Assam congresses aiming at the unity of the Islamic world, we hope that the papers presented during this period

will serve as an introduction to contribute to the establishment of the Islamic model we seek, and as a prudent guide for decision makers to be enlightened by the decisions and recommendations presented and to take from them what is applicable, and that ASSAM, through its various mechanisms, will contribute to the publication of these researches in various means of publication.

This paper has come in three parts, including introduction and conclusion, the first part is the historical development of the judicial system in Islam, the second part deals with the problems and obstacles in front of the Islamic judiciary in two axes, the first one is related to the judge, the second one is related to the judiciary and the judicial institution, the third part deals with the ways of developing judicial institutions in Islam, and then the conclusion with conclusions and recommendations, I wish success from Allah to complete this research properly.

PROSPECTS AND CHALLENGES FOR JOINT JUSTICE SYSTEM IN CONTEMPORARY MUSLIM WORLD

By Major General (retd) Dr. Shahid A. Hashmat / Pakistan

The concept of Justice System demands and advocates that all people must be treated impartially, equally, and without any. Indeed, justice is the foundation of any civilized, enlightened, progressive and egalitarian society.

A good justice system provides that everyone should be treated justly, fairly, and equally. In practice, application of justice varies among various societies and states depending upon their history, and political / governance systems. A fair justice system also ensures due process and correct procedures are followed impartiality and remedial action are taken to redress genuine grievances of the complainants without any fear, coercion and duress.

Traditionally, a justice system has two main branches: the civil law and the criminal law. With passage of time, many other branches of law, such as, international law, mercantile law, and family laws have been developed. Most of the countries that have remained erstwhile colonies of many European powers still following mixture of laws introduced by their colonial masters, such as Britain, France, Spain, Dutch, Portuguese etc.

As regards the 'Justice System in Muslim Countries', it must be kept in mind that it varies from one state to other, in its form, principles, standards and practices depending upon respective state's political history, cultural tradition, social structures, colonial heritages, current ruling system, and the influence of various other factors. Conceptually speaking, the Islamic concept of justice is derived from Qur'an, Sunnah of the Holy Prophet (Peace ne Upon Him – PBUH), and judicial traditions of Rightly Guided Caliphs (*Khulafa i Rashidoon*). Undoubtedly, it is an ideal and comprehensive system, which lays special emphasis of socio-economic justice for all citizens of state, alongside the criminal and civil justice.

The principal sources of Islamic Law and Justice System are: the Qur'an, and Sunnah that are universally accepted by all Muslims. All Muslims believe that Qur'an is the Holy Scripture and unaltered word of Allah. Whereas, the Sunnah (Hadith) consists of the actions, practices and sayings (quotations) of the Holy Prophet Muhammad (PBUH). However, some schools of jurisprudence use different other sources as well to formulate Islamic jurisprudence.

In addition to primary sources, most common secondary sources, according to Sunni schools of law, are 'Consensus among Muslims Jurists', analogical deduction, al-Ra'y, independent reasoning, benefit for the Community and Custom. There are some minor variations and difference of interpretations and opinions among jurists ascribing to Hanafi, Maliki, Hanbali and Shafi'i schools. Among Shia, Usuli school of 'Ja'fari Jurisprudence' uses four sources, which are 'Qur'an', 'Sunnah', 'Consensus' and 'Aql'. They use 'Ijma' under special conditions and rely on 'Aql' (intellect) to find general principles based on the Qur'an and Sunnah, and use 'Usul al-Fiqh' as methodology to interpret the Qur'an and Sunnah in different circumstances. Whereas, 'Akhbari Jafaris' rely more on 'Hadith' and reject 'Ijtihad'. In essence, despite some different interpretation by the Sunni and Shia schools of law and jurisprudence, there are fewer differences in the practical application of Islamic Law and jurisprudence, leaving aside personal family laws.

In order to understand, the differences that have arisen over the last 1400 years in judicial practices in various Muslim majority countries, one needs to study the Islamic history carefully. After the death of

Prophet (PBUH), four Caliphs (*Khulafah*) ruled for about 30 years, from 632 AD to 661 AD. These three decades witnessed large scale expansion of Islam to various adjacent areas and regions. Therefore, many new issues of law and jurisprudence had to be considered and evolved as result of increased interaction with other, mostly non-Muslim or recently converted communities.

During the era of Caliph Ali and his dispute with Amir Mu'awia, the Governor of Syria, Khilafat plunged into political turmoil and later on ended up in monarchy. Thereafter, during the rule of Umayyad, Abbasids, and Ottomans, Islamic Law and Justice System remained subservient to the interest of various subsequent rulers.

The most vulnerable period, in the recent past, is of the colonial occupation of most of the Muslim world during 18th to 20th centuries. During this era, colonial powers, having captured and fragmented Muslim countries, enforced their laws and justice system on their subjects. These colonial rulers destroyed the old traditional justice system, in order to establish supremacy of colonial imperialists. They suppressed their Muslim subjects into perpetual servitude. Colonization has also destroyed the, the languages, traditional sources of knowledge, socio-political structures, religious institutions, customary laws, and established judicial systems.

During the post-colonial era, nothing much could be done to restore and revive the traditional Islamic justice system due to various factors including: continuation of political and economic control / dominance of erstwhile colonial masters, fragmentation of Islamic world into many small states, arbitrary / unnatural divisions during / after decolonization, lack of any unifying political forces after dismemberment and disintegration of Ottoman Khilafat, and perpetual rule of autocrats over most Muslim states, who were sponsored and imposed by erstwhile colonial masters. The situation was further worsened by stagnation of intellectual and academic debate about evolution of rule of law and judicial system to correspond to the changing demands and challenges of contemporary world.

Due to factors mentioned above, it is not an easy to evolve a uniform Islamic law and justice system that can be applied to and practiced by all OIC members / Muslim states. However, a process must be started to attain common understanding and mutual acceptance of minimum standards and procedures that can pave way for a universally agreed Islamic legal / justice system. Therefore, there is need to establish an independent 'Commission on Islamic Legal and Justice System' under the auspices of the OIC. The Funds for functioning of the Commission should be provided by 10-15 Muslim countries depending upon their annual GDP. The Commission should comprise 15 -20 renowned Islamic law experts, Ulema (experts of Islamic philosophy and theology), Muslim jurists, and former Chief Justices of Supreme / Highest Courts of Muslim countries. All Islamic schools of Islamic thoughts must get due representation in the Commission.

The above mentioned scholars and experts be tasked to deliberate upon and develop a modern Islamic Justice System. Later on some sub-committees can also be formed to work out details of specific laws and procedures. The recommendations of the Commission should be presented a special summit meeting of all head of states / governments of all OIC members for approval and adoption. A clear Five year implementation roadmap of these recommendations, in order to harmonize prevalent justice systems in respective states with suggested system should also be accepted.

The joint Islamic Justice System can only be established much cherished political unity among all Muslim countries. The most important prerequisite of such unity and solidarity is political consensus, agreement, and desire for unity. ASSAM has made concerted efforts in creating awareness, among scholars, philosophers, intellectuals, professors, policy makers, practitioner, academia and media about urgency and significance of Islamic unity and solidarity by organising annual international congresses on various issues since 2017. I recommended that ASSAM may form voluntary Consultative Committee

of scholars and jurists, who may offer concrete recommendation, in the light of this (7th ASSAM) Congress and their further deliberations. A concise, report may also be compiled and shared with the OIC Secretariat, its members, supreme / highest courts of all Muslim countries, prominent Muslim jurists, and leading universities of Islamic world that have established faculty of law and jurisprudence.

THE EFFECT OF HUMAN AND DIVINE JUSTICE SYSTEMS ON THE PEACE AND PEACE OF HUMANITY DURING CRIME-EXECUTION-RECREATION PROCESSES

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The Divine Justice System started from the time of the first human being, Prophet Adam (peace be upon him), and in the process from the advancing human history to the present day, in addition to the Divine Justice system, various human justice systems have also come into force, to an increasingly dominant degree. In parallel with the development of technology, although people's crimes are recorded with photographs and videos and used as evidence in courts, it is not possible to prevent the increasing number of crimes, from the mildest to the most serious, today; Although prisons are overcrowded, we watch as those who have served their sentences return to society as a great scourge without being reformed. Except for the violence, which is applied in increasing doses, the number and types of crimes that come to mind are increasing; Humanity is going through a severe socio-psychological crisis. It is seen that; Human justice systems, as implemented in some countries, cannot provide a solution to the spiritual crises of humanity, no matter how harsh and brutal punishment executions are imposed. The human justice systems of the modern world, including the sharia of some religions that were sent before Islam and have been distorted over time and lost their originality or are fake, cannot prevent the commission of the crime and are not enough to reform the prison process. So, in today's day when the apocalypse is approaching, full or relative justice can be achieved with an uncompromising, fully effective execution system, where the reform of people is determined only by the principles of Islamic Law, not approaching crime, deterring crime, and finally, if a crime is committed, by giving the punishment it deserves. Otherwise, Humanity will not have peace and tranquility; people, families, societies, tribes, nations, and finally states will vanish, respectively. If people try to provide the justice that cannot satisfy the souls, humanity will self-destruct as a result of a full-blown hesitation. Final Word: The Salvation of Humanity is in Islam.

Keywords: Justice, Islam, Human, Crime, Punishment, Execution, Peace, Tranquility.

COMBINING OUR EFFORTS ON THE BASIS OF ISLAMIC JURISPRUDENCE TO ACHIEVE OUR PROSPERITY AND DIGNITY

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Praise be to Allah, the Lord of the worlds, peace and blessings be upon the Prophet Muhammad, the last of the prophets and messengers, and peace and blessings of Allah be upon Him, his family, his companions, and those who follow them with goodness and beauty.

Dear - President of the Republic of Türkiye

Dear - President of the Islamic Association of ASSAM and dear participant brothers and sisters.

Assalamu alaikum wa Rahmatullahi wa Berekatuhu.

Praise be to Allah, who has allowed us to come to this blessed country from all over the world, we have come together to act jointly on the path ordered by Allah within the framework of making decisions about the principles and procedures of the common judicial system of our Islamic Union.

For this reason, members of the Islamic invitation association in Togo convey to you the brotherhood and Islamic greetings of the Togolese nation. These honorable organizations, which we are proud of, are a channel for all Muslims on the path of progress towards goodness and justice with the example sent by Allah, the Islamic Union.

Therefore, scholars of this society walked on this path to raise the flag of Islam for the recognition of the prosperity and dignity of the people of this nation at all times and in all places.

Regarding the further renewal of the procedures and principles of our judicial system, we were able to observe the progress and achievements of our Muslim brothers and sisters in this field around the world.

We are trying to publicize this discovery, which is very valuable to us and especially among Muslims, so that we can unite our efforts to achieve our prosperity and dignity based on Islamic jurisprudence. Considering the feasible actions that can lead to the life of our union, let us first begin to strengthen our actions as new members, and we pray to Almighty Allah to gain the pleasure of Allah with joy and pride today, and we invite you to join our union.

These new members desire to join us in the hopeful path of goodness and justice that Allah will give us. The purpose of addressing the concerns concerning our nation and the world we live in is to address the press statements made by the Union at home and abroad about the achievements and positions taken in the face of this ever-changing world of the nation. It requires an intense mobilization to better understand these issues and to develop fair, fundamental and practical positions that will only benefit the Islamic nation.

Dear brothers and sisters of Islam, before concluding my speech, the indescribable opportunity that confronts us today in this blessed land is the result of a fierce struggle to reach the stage of victory in the long history of our nation in order to consolidate the unity and solidarity of our nation.

There is no doubt that by collaborating and looking in the same direction, by strengthening the unity and solidarity of our nation every day, we will easily overcome the difficulties and tests that all humanitarian institutions are experiencing as easily as in the past.

Fundamental achievements will be achieved in the peace, security and stability of our country, and with our progress, we will achieve this victory for Muslims and philanthropists all over the world with the eternal message of Islam, which is based on the values of right and goodness, tolerance and justice, free from any kind of civilizational connection. This was also the case with the countries before us, let us all remain faithful to the nature of this religion, which seeks the path of Islam through wisdom and peaceful preaching, keeping in mind the principles and morals of Islam and works to apply them all over the world.

I would like to congratulate you all for the good work that will help you overcome the difficulties you have encountered and help you to be among the participants again in this forum. Greetings to the President of the Republic of Türkiye, states-persons and scientists who provided all the opportunities and elements of success for this blessed meeting that aims to realize the hopes of our nation on the path appreciated by Almighty Allah. Experiencing and exercising the religion of Islam passes through the peace and tranquility of the Islamic Ummah.

Wassalamu alaikum wa rahmatullahi and blessings.

Keywords: Unity, Solidarity of Effort, Judicial System, Islamic Ummah.

CAPITALISTIC TAXATION LAWS AND ISLAMIC PERSPECTIVE: AN ABSTRACT

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In early tribal societies, there was no need for any taxation because everything belonged to tribal chief. It was a sort of natural commune system where all people worked according to their ability and were provided basic- need livelihood by the tribal chief. Replacement of tribal chiefs with kings and the advent of private property gave birth to institution of government and need for taxes to meet government expenditure. Thus, tax was levied on income from agriculture since being first form of property in the society. Later on, tax was also levied on trade which had indirect incidence because traders used to shift such levies to buyers in shape of increased prices. By the end of 6th century, tax on trade was in place in both world superpowers of Iran and Rome. Before Islam, tax on trade was also in vogue in the whole of Arabia. In Madina, there were four Jewish markets and traders had to pay tax to the owners of market. After migration to Madina in 622, prophet Muhammad (SAW) established a new market under a big tent and abolished all sorts of taxes on trade. This new initiative brought magic results as traders and customers shifted from four established markets of Jews to the nascent tent market of Islam simply due to ease of doing business brought about by nil tax on trade. Furious with the popularity of tax-free tent market, Jewish leader Kaab Bin Ashraf cut ropes of tent under which market was working.

Tax-free trade initiative of prophet Muhammad (SAW) was based on the Quranic injunctions which prescribed only two taxes in the economy; a low-rate tax of 2.5 % on income from trade and other assets (Zakat) and 10 % tax on income derived from land (agriculture and other such income) known as Usher. Third tax-import duty- was imposed by Caliph Umer on imports from other countries into Arabia. Thus, Islam gave concept of very few taxes to promote trade and entrepreneurship. To complement this low tax regime, Islam put in place two more initiatives; (i) minimum salary and perks for rulers as demonstrated by prophet Muhammad (SAW) and the rightly guided caliphs and (ii) massive spending by affluent public on the poor. This Islamic model of political economy resulted in expansion of trade and concomitant shared prosperity in the days of second and third caliph. Later on, this model of shared prosperity was abandoned by Muslims rulers and a number of taxes were levied which made life of common people miserable.

In 1776, Adam Smith described four principles of taxation viz. Fairness, Certainty, Convenience and Efficiency. Although current taxation system of Capitalism is based on principles of Smith yet ultimate incidence of multiple taxes is on the poor as evident by recent global poverty. For alleviation of poverty, Capitalism has an indirect approach; every person-rich or poor- has to pay tax on purchase of goods (Valued Added Tax) followed by a number of Transfer Payment Programmes in shape of subsidies etc. meant for the poor. Such transfers not only involve huge administrative expenses but also do not fully reach poor target groups particularly in less- developed countries. Islamic taxation system adopts direct approach as its main two taxes are direct in nature as these could not be passed on to the poor. These taxes fully conform to the four principles of taxation described by Adam Smith. The Quran has also mentioned avenues of spending by the government on infrastructural development and weaker sections of society. This constitutes huge Public Sector Development Programme (PSDP) of Islamic government. Further, these spending could not be outsourced to private sector as is happening in the highly advanced countries under Neo Liberalism. This assigns fiscal stance to Islamic Economic System (Madina

Economics) as against monetary orientation origination from working under interest and huge private sector spending under Capitalism. This fiscal orientation of Islam is supplemented by substantial voluntary spending by rich on poor from their hard-earned income which is in excess of their needs as ordained by the Holy Quran. In this paper, we shall first narrate in detail theory and practice of Islamic taxation and then present Islamic Taxation Model based on real time taxation data of Pakistan to prove that sufficient funds could be raised to meet modern needs of government from two low-rate flat taxes of Zakat and Usher. After successful implementation of this model in Muslim countries, it could be offered for discussion in inter-faith dialogues, global academic sessions and World Economic Forum which would reflect true face of Islam in modern time thus leading towards elimination of global poverty.

Keywords: Zakat, Usher, Excess of Need, Poverty Alleviation.



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