

**ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL**Available Online: <https://assajournal.com>

Vol. 02 No. 04. Oct-Dec 2024. Page# 1410-1424

Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)**LAND REFORM IN ISLAM: A LEGAL PATHWAY TO EQUITY AND SUSTAINABILITY****Sajida Faraz**

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This paper investigates land reform practices in Shariah law, focusing on land ownership, its equitable distribution, and social wellbeing. Drawing upon the Quran, Hadith, and historical practices of early Islamic states, it explores forms of ownership and norms governing land distribution. The findings reveal that Islam advocates for managing land as a trust, discards feudalism, and supports social justice. Instances from the Prophet Muhammad (PBUH) and Caliph Umar (RA) exhibit Islam's emphasis on communal responsibility. The paper sums up with policy recommendations for addressing contemporary land reform challenges based solely on Shariah principles.

Keywords: Shariah, Land Reforms, Distributive Justice, Feudalism, Islamic Law, Ownership.

1. Introduction

Land reform is an important part of socio economic policy on a global scale and its effect on societies and economies is paramount. Land is either an important resource for transforming societies or a well of inequality. The problem of land reform is construed from an Islamic point of view in this paper and that Islamic teachings provide a coherent socio-economic framework towards addressing them. Land ownership is more than a legal matter viewed in Islamic jurisprudence, it is a divinely ordained stewardship of humans, which makes it their obligation to use land justly and in the common welfare as ordered by Shariah. Land ownership in Islam is based on the principle of stewardship, people are trustees of Allah, not owners in absolute terms. The Quran and Hadith instruct that the ownership of land belongs to Allah, and that humanity is entrusted with land management in a responsible manner. It is contrary to secular views that see land as a mere commodity under the control of market forces. There are a number of abuses contrary to Shariah principles of public interest and justice, and one of them is feudalism, with its concentration of land ownership. Islamic Jurisprudence while guaranteeing individual rights aims at ensuring fair distribution of land resources amongst all for the common good of all.

Quran and Hadith also sternly state that the ownership of land lies with Allah, and it is up to the people to properly manage it. This view is in stark contrast to the secular view of land as an object of economic trade with a focus on supply and demand. Its abuse, which the feudalism practice represents, is against the principles of the Shariah as it seeks to safeguard the interest of the public as well as guarantee justice. Among the defects of feudalism, of course, the central one is the focus on ownership

of the land by several individuals, based on which inequality and exploitation of the majority of people degrade societal welfare. Nonetheless, the Islamic point of view guarantees the rights of a person but, at the same time, aims to uphold these rights while upholding an efficient and fair share of land and resources for the benefit of the public.

1.1 Research Objectives

The paper's objectives are as follows:

1. It aims to critically examine the historical practices of land administration and governance reforms in Islamic systems.
2. Integrating lessons from Islamic history into modern governance framework to propose actionable strategies for addressing contemporary challenges of land inequality, sustainability, and resource management.

1.2 Research Methodology

The methods of this study are qualitative research of Shariah based land reforms. The research uses Islamic scriptures (Quran and Hadith) as the main sources for its theological and legal perspective on land ownership and distribution. These texts are analysed in order to derive and critique principles of stewardship, equity, and justice. The contextualization is provided by secondary sources, such as scholarly interpretations and historical records, within historical and current frameworks. Socio-economic impacts of land reforms are illustrated through historical examples from early Islam, that is practices of the Prophet Muhammad (PBUH) and Rightly Guided Caliphs.

1.3 Concept of Land Ownership in Islam

Al-milkiyyah, or al-milk, is the Arabic word for ownership, meaning to possess, control, and have the ability to use something. According to Ibn Manzur, the terms "malk," "mulk," and "milk" refer to the state of encapsulating an object and its disposability.¹

The notion of ownership of the land under Islamic law differs by default with the secular notion of ownership since sovereignty of the territory belonging to *Dār ul Islām* belongs to Almighty Allah. I heard from my father, Urwah that he said –: *"I testify that the Messenger of Allah (decided that the land is the land of Allah, and the servants are the servants of Allah. If anyone brings barren land into cultivation, he has more right to it."*² This custom has been passed down through generations from the Prophet (Peace Be upon Him) and those who inherited prayer traditions from him. In another narration, the Holy Prophet (Peace be upon him) also stated, *"If anyone brings barren land into cultivation, it belongs to him, and the unjust vein has no right."*³ In both traditions, it is quite clear that any territory or piece of land belongs to

¹ Nik A. Nik Abdul Ghani, Muhammad Y. Saleem, and AHCENE LAHSASNA, "Beneficial Ownership: To What Extent It Complies with Shari'ah?" *Asian Social Science* 11, no. 27 (2015):155-167, doi:10.5539/ass.v11n27.155.

² "SUNAN ABU-DAWUD 3073 Book 20, Hadith Number 146,,: Book 19, Hadith Number 3067-Hadith Book in English, accessed May 04, 2024, <https://sunnah.com/abudawud:3073#:~:text=Narrated%20Sa'id%20ibn%20Zayd,unjust%20vein%20has%20no%20right>

³ "Sunan Abi Dawud 3073 - Tribute, Spoils, and Rulership (Kitab Al-Kharaj, Wal-Fai' Wal-Imarah) - Sunnah.com - Sayings and Teachings of Prophet Muhammad , " Sunnah.com - Sayings and Teachings of Prophet Muhammad, accessed April 6, 2025, <https://sunnah.com/abudawud:3073>.

Almighty Allah. He who wants to revive a dead land has the right to do it, and it is prohibited to create an obstacle for him, and it applies to every inhabitant of *Dār ul-Islām*.⁴ Islam recognizes actual ownership by Allah thus, this chapter distinguishes between absolute and human ownership.

- **Absolute Ownership:** As for share ownership it points to 'the real ownership that belongs to Allah Almighty'.
- **Human Ownership:** This term will refer to human ownership which will glamorous and should be exercised narrowly to reflect the ownership within the parameters of the will and directions of Allah.⁵

1.4 Principles of Ownership

Islamic law on land ownership is guided by principles rooted in the belief that Allah holds ultimate ownership, while humans act as trustees. Ownership is recognized through buying, acquiring, or transferring, with private ownership permissible but conditioned by social responsibilities.⁶ The concept of *Maqasid al-Shariah* prioritizes property protection, and landowners are obligated to utilize their land effectively; otherwise, the Islamic state may repossess it after a specified period, usually three years. The state can also acquire land for public benefit, provided fair compensation is given, unless it involves wasteland grants or public-purpose land. Consent, mutual agreement, and compensation are critical for forced acquisitions, emphasizing justice and community welfare. Ownership is limited by ethical obligations and societal duties, with strict prohibitions on dishonest means of acquisition.⁷ The state has the authority to enforce equitable wealth distribution and intervene in private property matters to protect communal interests, ensuring that wealth serves life's sustenance and growth for all members of society.⁸

1.5 Concept of Possession

Islamic law defines possession (*yad*) as the detention (*qabd*, *yad*, *hawz*) of an object along with the capacity of disposal (*taṣarruf*) and the will to take possession of it. It does not indicate the right to ownership.⁹

Possession refers to the physical control and use of a property, regardless of legal ownership. The possessor has a better claim to the title of the object than anyone, except the owner himself. As per the definitions, it is the continuous exercise of a claim to exclusively possess and use the object/thing. However, it does not indicate the right to ownership. Transfer of possession is fairly easy and less technical. It is not a right, just a prima facie evidence of ownership. It is a De facto concept and "Exclusion of others."¹⁰

1.5.1 Historical Account of Pre-Islamic and Islamic Practices Regarding Land Reforms

⁴ Mandaville, Peter. International relations, in The Princeton Encyclopedia of Islamic Political Thought, Gerhard Bowering editor, (New Jersey, Princeton University Press, 2013), 259 ⁴ Afzal-ur-Rahman, *Economic Doctrines of Islam* (1974), 20.

⁵ Afzal-ur-Rahman, *Economic Doctrines of Islam* (1974), 20.

⁶ Al-Ghazali, "al-Mustasyfa fi 'Ilmil Ushul," Beirut: (2000), Daar al-kutub al-Ilmiyyah

⁷ Kamali, Muhammad Hashim, "The limits of power in an Islamic state," *Islamic Studies* 28, no. 4 (1989): 344.

⁸ Maqasidas-Shari'ah consists of five essential considerations; protection of religion, protection of life, protection of mind, protection of lineage and protection of property.

⁹ Md. H. Rahman, "Application of Constructive Possession (Qabd Hukmi) In Islamic Banking Products: Shariah Analysis," *Turkish Journal of Islamic Economics* 7, no. 1 (2020): 90, doi: 10.26414/a075.

¹⁰ Rahman, "Application of Constructive Possession," 83.

When Islam came to the Arabian Peninsula, the unfair and oppressive land ownership system was then responded to by Islam. The land and plantation ownership structure practiced by the sedentary Arabs both in cities and in villages was then justified by the Qur'an as a recognized form of ownership as is mentioned in chapter Al Imrān verse 195 and chapter Al-Hashr verse 2. Land ownership is also justified by the Tradition of the Prophet (Peace Be upon Him) by applying the concept of war loots in which soldiers who participated in war were given parts of the conquered lands, as happened to the land of Khaybar. Similarly, the Ansar companions, who were farmers and gardeners, also got legitimacy over the existence of individual land ownership. The tradition of land possession during the pre-Islamic era is often done through *hima*—which is making a protected land by a certain tribal figure either for the sake of his family or members of his tribe, to control water and grass resources to sustain their lives and their livestock. The possession was achieved by force or conquest by the stronger tribes over the weaker tribes.¹¹ Land possession through the *hima* method was not accompanied by clear boundaries on the land they possessed. Such practice of land possession through *hima* was rejected by Islam as inhumane and relying more on power or even violence.¹²

1.5.1.1 The Era of the Holy Prophet (Peace Be upon Him)

Islamic teachings, as exemplified by the Prophet Muhammad (Peace Be upon Him), established a comprehensive framework for land ownership, rooted in public welfare and justice. The institution of *himā*—a system of land arrangement—was adopted and reformed in Islam, shifting its purpose from individual enrichment to serving the community. The Prophet emphasized that *himā* belonged to God and the Prophet, signifying its communal nature.¹³ The right to enact *himā* was restricted to the caliph,¹⁴ who held the authority to regulate land use for public benefit, ensuring an equitable and just system of land ownership.¹⁵

Under the Prophet's leadership, land use was regulated with an emphasis on public benefit. He exercised his authority as an *Imām* (leader) to establish legal rules governing land ownership and its usage.¹⁶ These rules prioritized collective welfare, reflecting the Islamic principle that state policies should aim to realize the public good. Islamic legal maxims and scholars like Muhammad Baqir Sadr underscore the communal dimension of land ownership in Islam. The doctrine allowed for the transformation of personal land into collective property—*Tamim*—to ensure equitable distribution and public welfare.¹⁷ This marked a significant departure from the pre-Islamic feudal system, where land was monopolized by elites for personal gain. The Prophet's reforms were evident in his policies of land redistribution. He utilized *himā* lands, such as the area of al-Naqi, for communal purposes like grazing horses used in warfare. Similarly, Caliph Umar ibn al-Khattab implemented *himā* in areas like *Rubdhah* and *Sharaf*. These lands, classified as common property, were managed

¹¹Ridwan Ridwan, "Land Ownership Reform in Islam," *Asian Social Science* 15, no. 2 (2019): 166, doi:10.5539/ass.v15n2p164.

¹² *BINA' AL-IQTISAD FI AL-ISLAM* (2018), 50.

¹³ M. Al-Shafi'i, *Kitab Al-Umm* (n.d), 70.

¹⁴ Abdul Allah ibn Ahmad Ibn Qudamah, *Al Mughni* (2007), 73.

¹⁵ Iqbal, "Land Ownership in Islam," 649

¹⁶ Abdurrahman, "al-S, Aṣbah wa al-Naḍāir," Beirut: Dar al-Fikr (1996) 250.

¹⁷ Ridwan, "Land Ownership Reform," 166.

for the benefit of society rather than for individual ownership. This shift from the feudal Arab tradition to a communal approach emphasized justice and public welfare.

The Prophet also set a precedent for redistributing land acquired through conquest. For example, after the migration to Medina, the Clan of Nadhir's land was seized when they violated their treaty with Muslims.¹⁸ Movable spoils of war were distributed to the needy, such as the *Muhajirin* (emigrants), while immovable assets, including land, became state property.¹⁹ This land was used to fund state operations and support social welfare initiatives.²⁰ Similarly, lands from the Jewish communities of Khaybar and Fadak, acquired after breaches of treaties, were retained by the state. Native communities used a profit-sharing system to cultivate these lands, which evolved into the *Ijāra* (land leasing) framework recognized by Islamic jurisprudence.²¹

The Prophet's land reforms dismantled the oppressive feudal system of pre-Islamic Arabia, where landowners monopolized resources, reducing original landowners to tenants or slaves.²² Under this system, tenants were burdened with high taxes, leading to exploitative relationships.²³ Islamic reforms replaced this system with one rooted in equity and shared benefit, ensuring that land was managed collectively and fairly. One of the most noteworthy land redistributions during the Prophet's period was the split of Khyber's territory into 26 parts, which were then subdivided into 100 sub-sections. Half of these were retained for state purposes, such as supporting governance and military needs, while the other half was distributed among the Muslim community. This transfer demonstrated the Islamic principle that land eventually belongs to the state, which serves as a trustee for the community's

benefit. *Iqtā*, a system that prioritizes social welfare and grants land rights, formalized the Prophet's land management ideas.²⁴ This system laid the foundation for the land reforms continued by the *Khulafa' al-Rāshidun* (Rightly Guided Caliphs). Although the system was not fully formalized during the Prophet's and Caliph Abu Bakr's time due to the early stage of Islamic governance, its principles were foundational in establishing a just and equitable land ownership system.

In conclusion, the Prophet Muhammad (Peace Be upon Him) reformed pre-Islamic land practices by introducing principles of communal ownership and public benefit. Through *himā*, *tamim*, and *iqtā*, land ownership in Islam was transformed from a system of feudal exploitation to one of equity and collective welfare. These reforms, rooted in the Prophet's teachings and practices, emphasized justice, public benefit, and the role of the state in ensuring equitable resource distribution.²⁵

1.5.1.2 The Era of Hazrat Umar (R.A)

When Umar ibn al-Khattab became Caliph, he introduced significant reforms to the land ownership system in newly conquered territories. Moving away from the feudalistic

¹⁸ Ibn Qudamah, "Al Mughni," 50.

¹⁹ Iqbal, "The Concept of Land Ownership in Islam," 660.

²⁰ Iqbal, "The Concept of Land Ownership in Islam," 655.

²¹ Abdul Allah ibn Ahmad Ibn Qudamah, Al Mughni, 57.

²² Ridwan Land Ownership Reform," 166.

²³ Irfan M. Ra'ana, *Economic System Under 'Umar the Great: A Treatise on Muslim Economy in Early Seventh Century* (1977), 179.

²⁴ Ridwan, "Land Ownership Reform," 166.

²⁵ Ibn Qudamah, "Al Mughni," 50.

practices common before Islam, he established that all conquered lands were public property under state control rather than distributed among soldiers or individuals. Local populations retained the right to cultivate these lands, but they were obligated to pay an annual land tax (*kharraj*). This approach was first implemented after the conquest of Sawad in Iraq, where Umar rejected the soldiers' request for land division, arguing that reserving land for future generations was a priority.²⁶

A similar situation occurred in Egypt, where military leaders pressured for land distribution. Umar convened a council with his companions and reiterated his policy: conquered lands would remain under the original cultivators, who would pay taxes to support the state. His reasoning was that funds were needed to maintain an army to protect Islamic territories and secure resources for future generations.²⁷ This program represented Umar's commitment to public welfare and preventing the concentration of wealth in the grasp of a few, which he considered as a cornerstone to social stability and justice.²⁸

Umar's stance contrasted with the Prophet Muhammad's earlier distribution of Khyber's land among soldiers and Muslims. However, the Prophet's case involved smaller tracts of land, which did not pose a risk of creating a landlord class. In contrast, the vast expanses of land conquered under Umar's leadership presented a serious risk of economic imbalance and potential feudalism. His decision to retain these lands as state property was rooted in a broader, philosophical commitment to public benefit and social equity, an approach grounded in contextual interpretation (ijtihad) of Islamic law.²⁹

Umar's reforms were not only about preventing monopolistic landholding but also about establishing a principle of collective asset ownership under state management. His policies aligned with the Quranic principle outlined in Surah al-Hashr (59:7), which cautions against concentrating wealth among a privileged few. Islamic jurists and scholars, including S.A. Siddiqi, have described

Umar's policies as a "restorative" approach aimed at creating a balanced and fair system of landownership.³⁰

One of Umar's most notable policies was his prohibition against Arabs engaging in agricultural management in conquered territories. He believed that agricultural labor should remain with the original, skilled cultivators rather than shifting to untrained Arab soldiers or settlers. Reports of slavery and exploitation by Arab landlords prompted Umar to issue directives ensuring that land remained with those capable of farming. This policy was communicated to provincial governors, emphasizing that Arabs would receive stipends from the state, thereby eliminating their need to

²⁶ Abū ' . Sallām, *Kitāb Al-amwāl* (ISBS, 2002), 167.

²⁷ Abū Yūsuf Ya'qūb b. Ibrāhīm al-Ansārī and Aharon B. Shemesh, *Abu Yusuf's Kitab al-Kharaj [k.al-Harağ, engl.] Transl. and provided with an itnrod. and notes by A[haron] Ben Shemesh* (1969), 150.

³¹ Ra'ana, "Economic System Under 'Umar the Great," 140.

²⁸ Selim A. Siddiqi and Shujā'at ' . Siddiqi, *Public Finance in Islam* (1948), 67.

²⁹ Ira M. Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 2014), 500.

³⁰ Selim A. Siddiqi and Shujā'at ' . Siddiqi, *Public Finance in Islam* (1948), 67.

control agricultural lands. His focus on professionalism and fairness in land management sought to prevent economic injustice and feudal-like structures.³¹

Umar also enacted a program of land redistribution. This policy involved reclaiming land previously allocated to individuals when population growth created a need for broader land access.³² For instance, Umar promised Jabir ibn Abdullah a share of conquered Iraqi land. However, three years later, as the Muslim population expanded, Umar requested Jabir to return the land and compensated him from his own funds.³³ This policy illustrated Umar's flexible yet principled approach to balancing individual rights with communal needs.

Additionally, Umar implemented a system where specific types of conquered lands, known as *sawafi*, were reserved for state use. These lands, often large agricultural estates abandoned by defeated rulers like the Sasanian dynasty, were distributed to soldiers and government officials as part of their salaries.³⁴ By institutionalizing land use for state benefit, Umar ensured that public resources were effectively managed to sustain the growing Islamic state.

In summary, Umar ibn al-Khattab's land reforms revolutionized Islamic land law by prioritizing public benefit, equitable distribution, and professional management. His policies prevented monopolistic landholding, ensured fair tax systems, and maintained social welfare. His vision of collective ownership under state control safeguarded resources for future generations, establishing a legacy of justice and public service in Islamic governance.³⁵

1.5.1.3 The Era of Hazrat Usman (R.A) and Mu'awiya ibn Abi Sufyan

The property ownership tradition in Islam underwent an unusual evolution during the reign of Caliph Uthman ibn Affan (644-656 AD), following the Islamic government's capture of the eastern region of Persia and the western part of Rome. In such a situation, an exchange among the Islamic and Roman property ownership systems took place, particularly in the province of Sham, which was governed by Mu'awiya ibn Abi Sufyan. In the Roman tradition, landlords owned the lands and lived in luxury, while slaves who laboured on them lived in misery. The establishment of land administration as a governmental asset was also a major priority throughout the reigns of the Caliph Umayyads and Abbasids.³⁶

1.5.1.4 The Era of Caliph al-Ma'mun (813-833 AD)

For instance, the administration of land ownership and use, particularly for the purpose of state income tax administration, was one of the many functions of the government structures that were established in conquered territories during the reign of Caliph al-Ma'mun (813–833), starting at the provincial level and working down to the lowest level. *Iqta'* tamlik and *Iqta'* istighlal are the two categories into which the legal framework of *iqta'*, or the government's right in land administration,

³¹ Abū Yūsuf Ya'qūb b. Ibrāhīm al-Anṣārī and Aharon B. Shemesh, *Abu Yusuf's Kitab al-Kharaj [k.al-Harağ, engl.] Transl. and provided with an itnrod. and notes by A[haron] Ben Shemesh* (1969), 150.

³² Ira M. Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 2014), 500.

³³ Lapidus, "A History of Islamic Societies," 555.

³⁴ Ridwan, "Land Ownership Reform," 168.

³⁵ Lapidus, "A History of Islamic Societies," 555.

³⁶ Hugh Kennedy, *The Prophet and the Age of the Caliphates: The Islamic Near East from the Sixth to the Eleventh Century*, 2nd ed. (London: Routledge, 2004), 89–91.

was divided. As a system of land administration, the State may grant iqta to individuals or to groups deemed worthy by the government, such as military troops and court officials, as a form of political retaliation.³⁷ The Amir, Wazir, and Heads of *Diwan* received Iqta's policy as a government award or pay throughout the *Mamluk* and *Fatimid* empires.³⁸ New landowners, especially among the military elite, emerged as a result of the unchecked iqta policies, which tended to transform society into a feudal one where the landlords took advantage of the landless workers.³⁹ According to Ira M. Lapidus' interpretation, local leaders' antagonism to the central government emerged as a result of the unchecked iqta policies.⁴⁰ By refusing to pay taxes to the central authority, the governors appeared to be little monarchs with steadily declining levels of allegiance, which eventually sparked the uprising. Islamic land law policies throughout history provide a strong example of the connection between the political agenda and the land reform program, known as iqta. Furthermore, it seems that the land issue in Islam is framed as a public matter, with the government holding the land possession right and, as a result, the government is in charge of regulating it.⁴¹

1.6 Public Rights and Individual Rights of Land Ownership in Islam

According to Shari'ah law, every person—Muslim or not—has the right to own, own, enjoy, and transfer property. This right must be upheld and protected by both the state and his fellow citizens. In other words, regardless of race, color, or faith, everyone in society should be able to possess property since it is a recognized right in Islam. Its protection and appropriate use are, in fact, governed by the law. Islam ensures that every human being has the security of property ownership in addition to the security of life. Such right applies only to property, which has been legally acquired. The above statement was emphasized on the occasion of the speech addressed to the Muslims by the Prophet (Peace Be upon Him) in His farewell haj when he said: "*Your lives and properties are forbidden to one another till you meet Your Lord on the Day of Resurrection.*"⁴² This includes the right of enjoyment and compensation, Investment in business, transfer, and occupation of property. Apart from the individual, the society and the State also can own property and exercise the right of Ownership.⁴³ The State being the guardian of individual rights is endowed with the power to intervene and in some cases take away the individual rights to property with a view of protecting the social and individual interests, which are of vital importance.⁴⁴ As for the degree and extent of State interference, Public welfare or benefit determines this at large. The State acting as representative of the people is

³⁷ A.K.S. Lambton, *Continuity and Change in Medieval Persia* (State University of New York Press, 1988), 85.

³⁸ Iqbal, "The Concept of Land Ownership in Islam," 655.

³⁹ Al-Qutb, Sayyid, "*Al-'Adālah Al-Ijtima'iyah fī al-Islām*," Cairo: Dar al-Shuruq.

⁴⁰ "Agricultural and Urban Land Rent, Sharecropping, and Land Reforms: A Suggested Islamic Economic Agenda," *Journal of Islamic Business and Management (JIBM)* 7, no. 1 (2017): 54, doi:10.26501/jibm/2017.0701005.

⁴¹ Ridwan, "Land Ownership Reform," 169.

⁴² Muhammad ibn Ismail al-Bukhari, *Sahih al-Bukhari*, Book 8, Hadith 67, accessed June 15, 2025, <https://sunnah.com/bukhari:1739>.

⁴³ Robin D. Kelley and Christopher Jencks, "Rethinking Social Policy: Race, Poverty, and the Underclass," *Labour / Le Travail* 32 (1993): 344, doi:10.2307/25143765.

⁴⁴ Nuzhat Iqbal, "The Concept of Land Ownership in Islam and Poverty Alleviation in Pakistan," *The Pakistan Development Review* 39, no. 4II (2000): 652, doi: 10.30541/v39i4iipp.

empowered to implement the condition imposed on private ownership even by force if the Muslims fail to subscribe to the conditions set thereto. Finally, Islam has adopted measures to ensure the proper and equal distribution of wealth to its citizens.

1.7 Land Accumulation: Feudalism and Islam

Feudalism is a hierarchical system where landlords hold significant economic rights over tenants, requiring them to provide labor or payments. In this structure, tenants often have limited freedom and are subject to the arbitrary control of the landlord, who may dictate their duties and social standing. However, Islamic teachings reject feudalism entirely, emphasizing human dignity, freedom, and stewardship of the earth under God's mandate. According to Islam, humans act as Khalifa (stewards) on earth, entrusted by God to manage resources responsibly for the benefit of all creation.⁴⁵ This belief establishes a system of mutual responsibility and equality rather than servitude.⁴⁶

Islamic land relations are based on contracts or tenancy agreements. In a contractual relationship, a peasant pays a fixed rent proportionate to the land's produce but retains full freedom over cultivation, profits, and expenditures. In tenancy, the peasant provides labor while the landlord bears expenses, and both share the produce equally. Neither system allows forced labor or unequal power dynamics. The peasant has the freedom to choose a landlord, negotiate terms, and refuse unfavorable agreements without fear of retribution.⁴⁷ The relationship between landlord and tenant is marked by reciprocity, mutual respect, and legal equality, reflecting a fundamental departure from the feudal system's exploitative nature.⁴⁸

Feudalism's third hallmark—the unilateral right of landlords to dictate land use and impose duties on tenants—does not exist in Islam. The peasant's access to land is determined only by personal capacity and financial means, while landlords have no privileges beyond collecting agreed-upon rent. The extent of land cultivated is based on the peasant's ability, and his obligations are limited to necessary land maintenance.⁴⁹ Unlike in feudalism, tenants have no duty to work on the landlord's other lands. Additionally, feudalism's judicial and executive control by landlords over the social and political lives of tenants is antithetical to Islamic governance, which seeks to abolish such power concentrations in favor of justice and collective welfare.

Historically, elements resembling feudalism were observed during the Ommayad and Abbasid periods, but these remained limited and never defined Islamic society.⁵⁰ The spiritual, economic, and legal foundations of Islam inherently oppose the principles of feudalism, preventing its widespread development. Islam's rejection of feudalism extends beyond its outward features, aiming to eliminate the underlying causes that allow such systems to emerge. Thus, Islam's egalitarian and just framework preserves human dignity and ensures a balanced, equitable relationship between landowners and peasants.

⁴⁵ Qur'an, 2: 30.

⁴⁶ Zuhayli, *Al-Fiqh al-Islami wa-Adillatuh*, 52.

⁴⁷ Irfan M. Ra'ana, *Economic System Under 'Umar the Great: A Treatise on Muslim Economy in Early Seventh Century* (1970), 90.

⁴⁸ Mahathir Mohamad, *Islam: The Misunderstood Religion* (1997), 650.

⁴⁹ Ziaul Haque, *Islam & Feudalism: The Economics of Riba, Interest and Profit* (1991), 160.

⁵⁰ Mohamad, *Islam: The Misunderstood Religion*, 665.

1.8 Distributive Justice: The Islamic Perspective

Islam emphasizes peace, justice, and distributional equity in resource allocation.⁵¹ It recognizes natural human inequalities and balances these with the principles of justice, merit, and moral values. During the Prophet Muhammad's (Peace Be upon Him) time, resource distribution from the treasury was need-based. Abu Bakr emphasized equality, while Umar stressed merit and special allocations for those with significant contributions, such as participants in early Islamic battles.⁵² The norms of distribution evolved based on available resources, recipients' needs, and perceived fairness.

Islamic distributive justice incorporates three key principles:

1. Guaranteeing fulfillment of basic needs.
2. Promoting equity over strict equality in incomes.
3. Reducing extreme income and wealth inequalities.

Islam encourages merit-based income differentials, rejecting blanket equality as unjust and demotivating. It also values voluntary charity and moral obligations, encouraging spending wealth for societal welfare and spiritual rewards. The Quran highlights the importance of charity, patience, and righteousness, linking social justice to faith and responsibility. Western welfare concepts may have drawn lessons from Islam's holistic view of social justice."⁵³

1.8.1 Zakat as a Distributive Element

The use of wealth in economic consumption flows is encouraged by the Islamic system of managing zakah, a mandatory withdrawal from the financial assets of the rich for distribution among the less fortunate. As a result, the implications on output through exchange as well as inter-sectoral allocation of resources are normal and are now underappreciated because of operational challenges and the lack of Islamic management. The zakah deduction offers a strong spiritual/moral and financial incentive for investment, as well as a natural check on the propensity to hoard spare money and other resources. Increased investment will benefit the wealthy, as permitted by Islam, and provide jobs for the workforce of underprivileged community members.⁵⁴ Because production and consumption are closely related, zakah tends to open up new commerce channels by encouraging output for the impoverished to consume. Additionally, under the tamlik system, zakah earnings can be used to give the impoverished opportunities or increase their production. These impoverished people would eventually become self-sufficient, which would lessen the financial load on the country's social security programs.⁵⁵

2.0 Discussion and Findings

⁵¹ M. KHAN, "Distributive Justice and Need Fulfilment in an Islamic Economy," *Journal of King Abdulaziz University-Islamic Economics* 3, no. 1 (1991): 111, doi:10.4197/islec.3-1.6.

⁵² Yusuf Kandhalawi, "Distribution of Wealth and Norms of Distribution by Prophet Muhammad (Peace Be upon Him)," in *Ilayatus Šababa* vol. 2 (Urdu Text) (New Delhi: Idara-e-Isha.276.

⁵³ M. Umer Chapra, *Islam and the Economic Challenge* (Leicester, UK: Islamic Foundation, 1992), 200–205.

⁵⁴ Raquibuz Zaman, "Foreword," In, H. Rashid, (ed.), *A Note on Some Aspects of the Economics of Zakah*, (Bloomington, Indiana: American Trust Publications, 1980), 8.

⁵⁵ Izhak Engard, "Corrective and Distributive Justice," 2009, 81, doi:10.1093/oso/9780195380071.001.0001.

This paper has examined the historical and jurisprudential basis of land reform in Islamic law and the relevant principles and practises of the time of the Prophet Muhammad (PBUH) and Caliph Umar (RA) to the contemporary issues. This analysis brings several significant insights as to land reform in Islamic context and renders these complexities and potential difficulties in its implementation.

The early Islamic land redistribution and management examples from history show important lessons which could enhance current land reform efforts although they originate from different social settings. During his tenure in Khyber and his two policies in Sawad and Egypt Caliph Umar (RA) proved his dedication to safeguard both individual freedoms and greater social well-being.⁵⁶ The main argument of this analysis shows how these historic practices remain relevant because they supply valuable solutions for our present challenges. Modernity-oriented interpretations of *Shariah's* core objectives create mechanisms for uniting past legal principles with the modern political economic complexities. To achieve this objective we need to shift our focus from existing historical traditions to the core standards of justice along with equity and public benefit. These historical practices of executing *Maqasid al-Shariah* had clear weaknesses and negative side effects despite their general worth. The land redistribution approach created new groups that experienced inequality and exclusion toward others within society. Deep evaluation through critical analysis must analyze these methods to determine their effectiveness along with their possible disadvantages.

As per Islamic jurisprudence the state holds the position of *Wali* to distribute land equitably while maintaining its diligent management. Such viewpoint opposes traditional land management frameworks because they either favor individual control or state government stewardship. The Islamic framework of state authority defines itself as a trustee so it stands between strict individual property rights and total state administration. Such a system allows the state both powers to oversee land usage while safeguarding ownership rights of private citizens.⁵⁷ This model offers practical solutions for situations that show land inequality alongside the ineffectiveness of market-based land distribution systems. This system achieves its objectives based on how well state institutions are functioning. Many Muslim-majority nations experience problems with governance and corruption which creates obstacles for the state to fulfill its duties as an impartial trustee. To ensure effective governance and transparency walls must be built throughout institutional structures while civil society organizations need access to state monitoring powers in order to hold the government accountable.

Multiple reforms in laws, institutions and socioeconomic systems need to work together to address land reform challenges in modern times. The necessary reforms consist of establishing better governance while supporting green land practices and granting power to communities and education development. The foundation between Islamic traditional principles and modern governance applications and technologies needs integration to advance successfully. Digital land registries combined with community-based land management initiatives and land taxation policies can become effective through improving their reflection of Islamic

⁵⁶ Muhammad Hamidullah, *The Muslim Conduct of State* (Lahore: Sh. Muhammad Ashraf, 1977), 202–205.

⁵⁷ Mohammad Hashim Kamali, *Islamic Commercial Law: An Analysis of Futures and Options* (Cambridge: Islamic Texts Society, 2000), 115.

principles. A step-by-step framework must be developed to serve practical needs for implementation. Data security along with privacy issues need proper solutions for digital land registry systems. The success of community programs depends on providing necessary backing together with well-defined protocols.

The difficulty of carrying out land reform according to *Shariah* stems from different ways that scholars interpret Islamic law. The diversity of interpreting Islamic laws leads to unclear legal statutes which hinders the development of uniform policy frameworks. A solution for this difficulty requires developing consensus-based methods of *Shariah* interpretation which combines expertise from Islamic scholars with legal experts and community leaders.⁵⁸ Making land reform policies follow Islamic principles while serving the local community needs represents an essential goal for their development. A common framework based on *Maqasid al-Shariah's* higher objectives of Islamic law exists to unite various interpretation approaches in achieving a unified approach towards land reform. Overcoming this issue demands that the framework sets its focus on understanding the fundamental objectives of Islamic Law (*Maqasid al-Shariah*).⁵⁹

2.1 Practical Solutions and Workable Framework

2.1.1 The Integrated Waqf-Based Land Management Framework

The management of modern land issues requires applying Islamic Waqf (charitable endowment) principles to your advantage. Toward better land management the establishment of an "Integrated Waqf-Based Land Management" framework should convert underutilized properties alongside state holdings to Waqf properties. The Waqf lands hold multiple purposes to help society including providing affordable homes to low-income households and implementing sustainable farming methods for food security and protection and building social centers and healthcare facilities with schools.

The financial returns from Waqf properties develop into funds which generate more community-driven development projects through continuous socioeconomic advancement. The structure follows Islamic principles that emphasize social justice together with equity and public benefit. Through this approach owners can address land inequality and promote sustainable development using a workable system. The assessment of neglected land properties needs to be the initial step in implementing this process. Public participation in decision-making steps is required for the second stage. To finalize the framework an appropriate legal design combined with financial systems must be established.

2.1.2 Utilizing Fintech for Transparent Land Administration

Modern technology enables exceptional advances toward transparent and efficient management of land documents. The implementation of Fintech solutions would lead to constructing digital land registries which serve all parties involved. Through blockchain technology administrators can implement protocols which secure land record systems while making them essentially permanent. Smart contracts use automation to manage land deals which minimizes both administrative drawbacks and corruption problems. Through mobile applications citizens gain the ability to

⁵⁸ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), 289–91.

⁵⁹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–47.

observe land usage and detect any improper activities. The availability of technology needs attention for rural districts while developing regions. Protecting citizen data should be combined with data security practices as a central focus.

Muslim-majority countries must accept technological innovations to update their land administration systems which creates transparent accountable processes. Muslim-majority countries should implement these technological innovations to raise trust in their land governance system and promote responsible land stewardship.

2.1.2 Empowering Local Communities through Participatory Land Governance

Land reform activities gain higher success rates through partnership development between government actors and local residents. Local communities receive power to make decisions concerning land use through participatory land governance systems about land management and distribution and use. The establishment of community land trusts and collective land ownership and management enables members to benefit from their land assets while local people map their land resources for documentation of their customary rights through community monitoring systems that maintain sustainable development standards.

Local communities receive the power to influence land governance decisions through which sustainable land management structures develop to represent their true values and community needs. These systems need to address power imbalances as they cannot allow elites to control them. All decision processes should remain clear for everyone with established systems of accountability.

The discussion and analysis parts demonstrate that this research paper brings essential value to the study. This paper utilizes historical, jurisprudential, and present-day dimensions of Islamic land law to deliver significant perspectives and operational solutions for officers who shape land policies and scholars and experts who work with land systems in Muslim communities as well as worldwide. The successful application needs ongoing monitoring and dedicated ethical commitment from all parties.

3. Contemporary Challenges and Policy Recommendations

Umar maintained a different position than Prophet Muhammad who had previously distributed Khyber's land to his soldiers as well as Muslims. The Prophet distributed smaller areas of land which did not create a landlord system. The enormous land acquisitions made by Umar's administration required a unique distribution method to avoid possible economic inequality.⁶⁰

3.1 Contemporary Challenges

New land reform initiatives experience multiple challenges because of fast urbanization together with climate change alongside globalization effects which worsen land differences and minimize natural resource availability. Most Muslim-majority nations experience difficulties in their land distribution systems due to weak governance along with corruption and colonial land rules from earlier periods. The application of land reform policies faces difficulties because different interpretations exist regarding how Shariah law should be applied.

3.2 Policy Recommendation

To address the persistent challenges surrounding land governance, several policy recommendations are proposed. First, harmonizing legal frameworks by integrating Shariah principles with statutory laws can provide a balanced and culturally resonant

⁶⁰ Muhammad Abdul Rauf, *The Islamic Doctrine of Economics and Contemporary Economic Thought: Highlighting the Necessity of the Islamic Economics* (Lahore: Islamic Publications, 1979), 133–35.

legal structure. Strengthening governance through enhanced transparency and accountability—such as implementing digital land registries and encouraging community participation—will help restore public trust and improve administrative efficiency. Promoting sustainable land use by adopting climate-resilient agricultural practices and comprehensive land-use planning is essential to mitigate environmental risks and ensure food security.

Furthermore, empowering local communities through support for community-based land management initiatives can protect land rights and promote grassroots involvement. Education plays a critical role in this transformation; therefore, raising awareness about Islamic principles related to land ownership and management can encourage responsible land stewardship. Finally, implementing fair and effective land taxation policies can help curb land speculation and generate necessary revenue for public services. These recommendations, grounded in Islamic jurisprudence and historical precedents, provide a comprehensive framework for establishing equitable and sustainable land governance in contemporary settings.

4. Conclusion

Islamic teachings on land reforms are still relevant today since they may be applied to both historical and modern issues. These guidelines offer a thorough framework for land management by putting the general welfare first, encouraging fair resource distribution, and supporting sustainable practices. By putting the following suggestions into practice, communities and governments may close the gap between traditional Islamic principles and contemporary governance, opening the door to a more equitable and sustainable future.

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