



BALTIC JOURNAL OF LAW & POLITICS

A Journal of Vytautas Magnus University
VOLUME 15, NUMBER 2 (2022)
ISSN 2029-0454



Cite: *Baltic Journal of Law & Politics* 15:2 (2022): 1530-1547
DOI: 10.2478/bjlp-2022-001100

Corruption in Islam and Islamic Law

Sarmad Riyadh Abdel Hadi

Ministry of Higher Education, Scientific Supervision and Evaluation Authority, Director of the Scientific Calendar Department

Email: Sarmadriad_81@yahoo.com

Received: August 10, 2022; reviews: 2; accepted: October 9, 2022.

Abstract

Corruption is the abuse of entrusted power for private gain. corruption has become a problem of the times, where its destruction has become widespread and has become a phenomenon that affects all countries and thus poses a threat even to the international community because it hinders development programs and affects the interests of the people, as it undermines the new government and distorts the public policy of the state and leads to poor monitoring and distribution of resources. Islamic law was the first to diagnose the disease and showed the medicine, and took all methods to combat it and reduce it, but it does not end completely because it is related to the behaviors of individuals and groups. Censorship is one of the basic strategies that Islam has come up with for the purpose of correcting the work of the administration and achieving justice and equality. Putting good leaders who are good role models in the jobs that suit them because they will serve as a means of reducing administrative corruption.

Keywords

corruption, Islam, Islamic law, Censorship.

Introduction

Corruption first appeared at the beginning of man's existence, but corruption was mentioned before the creation of man and his forced descent on the earth as a result of the corruption that Satan practiced with our Master Adam. He said: "And if your Lord told the angels that I am going to appoint a vicegerent on earth, they said, are you going to appoint such one as will cause disorder and sheds blood on earth, and we are already engaged in hymning your praise and hallowing your name, he said, I know what you don't know"

Now, administrative corruption has become a problem of the times, where its destruction has become widespread and has become a phenomenon that affects all countries and thus poses a threat even to the international community because it hinders development programs and affects the interests of the people, as it undermines the new government and distorts the public policy of the state and leads to poor monitoring and distribution of resources.

Because the topic of research relates to the role of Islamic thought in the fight against administrative corruption, we should have said that it was the Islamic religion that united the nation, which was in a state of chaos, so he reformed the faith and established a system based on righteousness, piety, reform and preventing sin, debauchery and corruption, but this did not prevent the emergence of spoilers who influenced the failure to comply with the sharia regulations established for all those who have been given administrative responsibility.

Given the importance of the administration facility as being in direct contact with individuals, any corruption inflicted on its organs reflects negatively on all joints of the state. Therefore, we present some results and proposals to address administrative corruption at the moment.

Despite the different conventions in the Holy Quran, which carried the same meaning of corruption as (disobedience) as the saying of The Almighty: "Shall we then treat alike those that believe and act righteously and those that create mischief on earth? Or treat alike the God-fearing and the wicked?"

Or the meaning of corruption (destruction and destruction) said by The Almighty said: "Indeed kings-when they enter a city they ruin it and render the honored of its people humbled and thus do they do."

Corruption came in the Holy Quran in the sense of (destruction) in the words of The Almighty: "And when he goes away he strives throughout the land to cause corruption therein and destroy crops and animals and Allah does not like corruption.". However, each of these conventions agrees on one meaning, which is to try to uphold falsehood over truth and to place personal interest over the public interest, and to uphold falsehood over the right, which is contrary to the principles of faith that all heavenly laws, particularly Islamic law, have brought.

Corruption is the evil that the Prophet Muhammad ordered to forbid him from explaining the hundreds of verses that warned against evil and tired his family. Hence, the role of Muslim scholars in applying Islamic law and the amount of their integrity and fighting against the manifestations of corruption in the state. The first is to take over the administrative positions in the state for all those who are strong and honest and deny the weak and the weak, according to his saying: (The best one hired the strong and honest). In this, the holy man says to Abu Zar when he asked him about the emirate " Abu Zar, you are weak, it is honesty, and it is the Day of Resurrection, shame and regret except those who took it against it." Power is the first qualification to hold positions, and the Prophet praised the strong believer and said: "The strong believer is good and the closer to God the weak believer." The power in government is due to the knowledge of justice and the ability to carry out sentences.

As for the secretariat, it is a great burden that has come to the heavens and the earth, and man has carried it because he was ignorant. Therefore, honesty is due to the fear of God, not to those who buy a little price for his verses and leave fear of God. This is not enough for him to hold the positions of the beneficiaries, but the actions issued by them must be monitored, especially since they are not infallible, and the Holy Prophet (peace be upon him) has created a rule that is "all of you are shepherds and you are all responsible for your parish".

Thus, supervision, guidance and guidance rest with the administrative president in Islam and his responsibility is not only his actions but includes his aides, their actions are attributed to him and calculated on him, it is a principle established in the Islamic administrative system that the administrative president's authorization of his authority does not absolve him of responsibility, the delegation of power in Islam does not mean devolution of responsibility.

In exchange for the authority of the administrative president to supervise, the superior must also respect the orders and instructions of the administrative president, which must comply with Islamic law, and if they are, he may not deny them and refrain from carrying them out, which is a duty imposed on the Muslim, and this is what the Messenger of God (p.) affirmed by saying "A Muslim must hear and obey in love and hate but be ordered to sin, neither hearing nor obeying."

Here, the principle of legitimacy is achieved as a guarantor of the absence of cases of administrative corruption, as long as the orders of the administrative chiefs are in accordance with sharia law, they are legitimate and applicable.

In accordance with the rule of "all of you as a shepherd and all of you responsible for your parish", the administrative president must also monitor and hold his employees accountable without default and thoroughly review their work and achieve justice by considering the grievances of the parish so that what is right will be done and realize what is contrary to Islamic law, whether it is inappropriate or contrary to the spirit of justice. The purpose of censorship is to block anyone who begs him to violate Islamic law, he may betray the secretary and cheat the advice.

Islam has laid the foundations for administrative corruption, which mainly includes pursuing illegal personal interests and using its functional authority to achieve personal interests while overstating God's rights and people's rights. One of the forms of exploitation of the public service is (nepotism), which is known as Islam (by intercession) by the official or the guardian to raise a darkness or to bring an interest, which leads to violation of the regulations, which are not good intercession, which means seeking to meet the needs of the people of others, then the Muslim is awarded for it (Nalyanya, Abuya, & Makokha, 2021).

The other picture of exploiting the job is (nepotism) is to bring the known ones closer, even if they are weak and exclude others, even if they are strong, in addition to other names that fall under the idea of exploiting the public function such as seizing public money and wasting it (Nandi, 2021).

- In the area of the Islamic law's response to corruption and corruptors, it was based on several Quran verses, as he said: "Those who wage war

against God and His Messenger and strive to spread corruption in the land should be punished by death, crucifixion, the amputation of an alternate hand and foot, or banishment from the land: a disgrace for them in this world, and then a terrible punishment in the Hereafter” and it is clear that the holy verse has provided two types of punishments, the first of which is worldly shame and sin in the world and the hereafter, namely, the promise of severe torment.

- Islam has thus made it a priority to fight corruption and corrupt people. Allah does not love the corrupt and does not reform their actions. Allah said: "This is the afterlife home, which we make for those who do not desire exaltedness upon earth, or corruption, and the best outcome is for the righteous"
- However, we do not forget the importance of self-censorship in the fight against corruption, so that the control of the religious and moral, which is characterized by transcendence and spirituality, remains one of the most important means of fighting corruption, while this effectiveness is reduced by the low moral values and this explains the low effectiveness of self-censorship in contemporary systems unlike the Islamic system, which views self-censorship as the first lines of deterrence to counter administrative deviation. Hence the importance of addressing this urge in three demands, the first speaks of the definition of corruption in general and the second discusses the Islamic administrative organization and the third examines the possibility of activating the principles of administrative organization in contemporary administration.

1. Definition of administrative corruption:

For the purpose of defining the meaning of administrative corruption, we decided to divide this subject into three parts, the first defines corruption as a language, the second is legal and the third is legal, as indicated by the following demands:

A. Corruption a word.

The majority of linguistic dictionaries and language scholars agreed in defining corruption that the word had no meaning other than the customary meaning, so it was said that whoever corrupted the thing, it becomes corrupted (3)

He also spoiled the thing, by annexation, because he is a master and it is not said to have been corrupted. I corrupted it, and corruption other than reclamation (4) and corruption means damage, damage, disorder, dysfunction and harm to others (5)

B. Corruption as a term.

Corruption in the term is the distortion of things from moderation a little bit was going out on it or a lot, and is used in the soul and body and things that are out of straight (6)

Corruption is a term in the language of the law: illegality, lawlessness or violation of the law to achieve a special material or moral gain at the expense of others, i.e. abuse of public authority for material gain (7) or for social benefit in the manner that results in breaking the law or violating legislation and violating moral standards, thus including violation of the public interest and deviation in normal conduct in dealing with such illegal and socially unacceptable conduct (8)

As for jurisprudence, corruption has been defined as taking advantage of general measures to overcome competitors, which may occur as a result of the exploitation of the public service, bribery or without reference to bribery by appointing relatives and stealing state money directly (9)

C. Legal definition of corruption

Corruption by law: all taboos that is hated by sharia (10)

It is also meant to be corruption on the ground. It is to show the sin of Allah almighty, and it is associated with harming others, themselves, their money and sometimes their loved ones and dignity, because the laws will be placed among the people, and if they hold on to it, the aggression will be removed and everyone will have to do their own bloodshed and inhabit sedition (11). Therefore, in his holy book, he said: "And cause not corruption upon the earth after its reformation And invoke Him in fear and aspiration Indeed the mercy of Allah is near to the doers of good" Surat al-A'ayyam: 56.

From above, it is clear that corruption, including administrative corruption, is an immoral act that makes those in power abuse people to achieve interests that may be political, economic, social, personal.

2. Islamic administrative organization and its impact in the fight against administrative corruption

Since Islamic law was the source of the Islamic administration and derives its principles and objectives, this administration must work to organize life, rebuild the land, build the human being and moderate it psychologically and materially, because Allah is the one who brought down this sharia, because it is perfect and its rules and principles have surrounded all aspects of life.

The Islamic administrative organization has created many rules that still follow to this day if we want to fight administrative corruption, all means of organization are based on religious, moral and organizational principles and the purpose of adhering to this logic is to carry out all the duties assigned to the guardian to achieve justice. Therefore, the mandate of ordering people in the Islamic system is one of the greatest duties, because there is no doing of religion except by doing it, and Islam emphasized this by saying the Messenger of God (p.) "If three go out in a trip, let one of them be a leader" (12.)

The establishment of the Islamic State has required it to have an administrative organization and an administrative body that implements its public policy and removes the provisions of Islamic law from textual frameworks to application.

In view of the importance of the tasks exercised by the administrative apparatus in the Islamic State, the Islamic administrative system has been keen to organize the form and structure of this organ accurately to ensure its ability to perform its functions.

Its structure was established gradually based on science, experience and the amount of powers granted, with responsibility determined on the basis of the amount of that authority, and therefore created many of the principles accepted in modern laws such as obedience to subordinates and the right of superiors to supervise the work of subordinates.

This principle was adopted by the saying of The Almighty, who made you the creatures of the earth and raised some of you above some degrees to tell you that your Lord is quick to punish and that he is a merciful forgiving person. And his saying in the appreciation of science and experience in performing administrative tasks by saying "Allāh will raise those who have believed among you and those who were given knowledge, by degrees. And Allāh is Aware of what you do." (Surat al-Mjadala:11). Therefore, the most important thing that distinguishes this administrative organization is that it was gradual and no administrative system can function without that hierarchy (13). In other things, Islam has ensured the proper regulation in the areas of public service and its concern (public servant) in a way that ensures the functioning and growth of society in various areas of life (14.)

From all of the above it is clear that the Islamic administrative system has worked to find a kind of responsibility on every person who takes over the functions of the administration in maintaining his integrity and justice for the purpose of fulfilling the needs of individuals because he enjoys the qualities of administrative leadership, the Islamic system in return created a choice for the employees of the administrative apparatus as presidents or subordinates in terms of the extent to which administrative heads use him to issue binding orders to achieve the benefit of the group and individuals and ensure the preservation of Islamic law in the Islamic society and then in terms of obedience to it. Administrative subordinates and their commitment to the orders of their superiors and work under them (15.)

In order to consider administrative organization as a reason for confronting administrative corruption, we considered that we should divide this research into two demands: first: to give administrative positions to their beneficiaries and the second: to strengthen administrative control over state employees.

A. Giving administrative positions to their beneficiaries

"Joseph said, "Please place all the resources of the land under my trust for I know how to guard them and also possess knowledge." (Surat Yusuf:55). According to the daughter of the Prophet Shoaib (as) one of them said: "Dear father, employ this man as a servant, for the best man for you to employ as a servant can be the one who is strong and trustworthy. " (Surat al-Qawas: 26). This means that in order for Islamic law to be applied by its principles, especially with regard to the Islamic administrative system, administrative positions must be given

to its beneficiaries who work to carry out the trust and achieve justice, and to be saved in the work assigned to it and to take responsibility before God and all.

In this regard, we would like to show that the majority of the reasons for administrative corruption at the moment are due to the appointment of employees on the basis of nepotism and party or clan affiliation(16). In the face of all these things, the job will be lost if it is given to other people and if the secretariat is lost, the institutions are lost and society is destroyed.

It remains to be mentioned that Islam knew the job and knew its occupant, but this term (employee) was not mentioned in the words of the former jurists to indicate who works in the state as is the case in the modern concept (17.)

In order to highlight the role of Islamic thought in the fight against corruption, it was necessary for the authorities to apply Islamic law with integrity and honesty in accordance with a special administrative system that is achieved by giving administrative positions to those who have the power and honesty and those who are fit for administrative leadership, i.e. they represent a good example to follow.

B. Giving administrative positions to those who are strong and honest

The administrative leadership must be taken over by anyone who is strong and honest and deprived of it by the weak and the traitors based on his saying "if the best one hired can be the one who is strong and trustworthy."(18). According to Islamic scholars, the guardian is appointed to the actions of Muslims who appreciate them and reform them to work. And in compliance with his saying "Allah commands you to deliver trusts to those worthy of them; and when you judge between people, to judge with justice." (Surat al-Nisaa: 58.)

The public of jurists stipulated the status of justice, which is the leveling of one's religion and the moderation of one's words and actions in the person who follows the order of public or private states and bear the burdens of work, which is expressed by force, and the care to do it, which is expressed by honesty and other desirable qualities such as the desire to challenge, compete, modesty and goodness (20.)

The power in power is due to knowledge of justice and the ability to carry out judgments, but honesty is a great burden that has come to the heavens and the earth. He said: "We offered the trust to the heavens and the earth and the mountains, but they refused to carry it and were afraid of doing so; but man carried it. Surely he is wrong-doing, ignorant." (Surat al-ahzaab) If he does not perform honesty, he is considered a traitor, and this is what the Prophet said in his speech that there is no faith for those who have no trust.

C. Reform of administrative leaders

The concept of leadership in Islam means that behavior carried out by the occupant of the caliph's position during his interaction with other members of the

group, which is a behavioral process, which is a social interaction in which it is directed and influential activity in addition to being a center and a force (21).

The Islamic leadership does not know tyranny and chaos, because the leader is based on the principles of Islam, which are rooted in the faith he believes in, relying on the principle of shura with his followers in making decisions objectively, fairly and impartially, in order to please the patients of God and his Messenger. The most important thing that distinguishes the good administrative leaders is the amount of their commitment to Islamic law and their loyalty to Allah almighty and work to achieve justice and clemency, where he says: "Allah will surely help those people who help Him: *84 Allah is indeed All-Powerful, All-Mighty. These are the people who, if We give them power in the land, will establish .Salat, pay the Zakat dues, enjoin what is right and forbid what is evil, *85 and the final decision of all affairs is in the hand of Allah." (Surat Al-Hajj:41).

One of the reasons for administrative corruption in Muslim societies is the corruption of the leaders, their domination, the centrality of their decisions and the freedom to dispose of state funds, and this matter was corrected by the Holy Quran when he made the Messenger of God (p) at the top of the administrative pyramid of the Islamic State and the good example for Muslims and others (22). Allah said: " Surely there was a good example for you in the Messenger of Allah, *34 for all those who look forward to Allah and the Last Day and remember Allah much." (Surat al-Ahzzab :21).

One of the prophet's attitudes in the field of leadership of the Islamic nation is to say ((you are all shepherds and all of you are responsible for his parish)) (23) this and the governors of the matter even after the Messenger of God (p) followed his approach, so the Islamic administration knew the leadership principles of spreading the message and taking care of the affairs of the nation and relying on the principles of justice in treatment and maintaining the stability and integrity of the Islamic State (24).

Administrative control over the Islamic administrative organization

The method of control achieves the main goal of making sure that the administrative authority achieves the functions of the services for which it was established and to ensure the competence of the employees and how they perform their jobs, and to eliminate the exploitation of influence and control that makes the functions of some individuals control through them the destinies of the members of the nation.

D. The concept of Islamic administrative control

The concept of Islamic administrative control has not been achieved at once, but has been linked to the development of the Islamic administrative system. The importance of administrative control is highlighted due to the complexity of the administrative apparatus of the Islamic State, the increase in the number of employees and workers and the weakness of religious issues over time (25).

The legitimacy of censorship comes from the applications of the Prophet's Sunnah, where the Prophet and his successors were holding workers accountable for charity, immorality, etc. (26).

In a comparative view of the concept of administrative control in the positive systems than in the Islamic system, we can say that contemporary positive regimes are based on the principle of legitimacy and the realization of the common good and respect for the requirements of legitimacy. Therefore, those who violate the principle of legitimacy will be held responsible on the basis of the rule where the authority is responsible.

The positive law takes into account responsibility more than the moral and religious tendency of the Islamic administrative system, as well as responsibility. From this logic, contemporary administrative control is not as effective as in Islamic administrative systems due to the weak religious tendencies to control the wishes of individuals and their lack of compliance with the laws.

While all acts issued by the Islamic administration must be in accordance with the provisions of Islamic law for the purpose of preserving the rights and freedoms of individuals and what the wise street has planned to provide their sense of security and security (29).

In other words, all individuals are subject to the law (Islamic law) even the governors themselves and there are no acts immune to appeal against it, which means that the principle of legitimacy is applied in Islamic law in absolute application, i.e. all rulers and workers are committed to sharia and its limits, and all their actions must be issued in accordance with Islamic law and are not contrary to it, and its punishment shall not be null and foremost (30).

Aspects of administrative control

Islamic administrative control has gone through three stages, each of which has had its role so that the performance of each of them is consistent with other works and achieves the desired goal of determining administrative control and determining responsibility better.

We believe that the first manifestation of administrative control is self-censorship, as the Islamic administrative system considered it the first line of defense in the face of administrative deviation.

The basis of this type of censorship is the individual's belief in the teachings of Islamic law and his commitment to apply them with all honesty and integrity and to emphasize the fear of God without human beings, because if the individual escapes the punishment of the world, he will not escape the torment of the hereafter, he said: "So, whoever does an atom's weight of good shall see it." (surat al-Zalzala:31).

This means that the administrative organization relied on the power of religious scruples in the Islamic society and the extent to which it controls the morals of the Muslim, and that the commitment of individuals to apply the idea of self-censorship will be the alternative to the rest of the other aspects of censorship

with its great role in the face of administrative deviation because the individual will in turn take responsibility for the administration of justice and the payment of injustice from society.

The second aspect of censorship is presidential censorship, which means that the administrative head will monitor and hold workers accountable for their actions and consider grievances, punishing the wrongdoer and punishing the best, but the administrative president is bound by specific rules that must be observed to exercise this type of control: his adherence to the rules of selection of workers (32). He is also committed to supervising, guiding, guiding and taking responsibility for their work. In addition to his commitment to accountability in the event of failure based on the idea of correcting actions and achieving justice (34).

The third appearance, which appeared with the developments in the administrative body after the end of the state of the caliphs, is the control of the competent administrative bodies, which was called (Diwan).

Several Diwans have emerged, each of which has a specific role in administrative control, the most important of which are: the Post Office and News, the Office of the Ombudsman, and the Post office and news are the most important of these books in the process of exercising the authority of administrative control, where postal workers used as eyes for the head of state (caliph) on his mandates and workers for the purpose of investigating matters and holding accountable the minor (35).

It is clear from the foregoing that the Islamic administrative system has known administrative control since its inception and worked on the practice of this system and lost a comprehensive and more effective perspective, because it relied on the structure of the Muslim individual, whose submission to islamic law is the grant of his survival in the world before the hereafter, and here we see the importance of religious and moral concerns among individuals and its influence in the fight against administrative corruption and this is what the positive administrative systems lack because they ignored religious and moral issues and did not consider it a means of control Administrative although all cases of administrative corruption are caused by weak souls and lack of morals.

3. Activating the principles of the Islamic administration to fight corruption in the contemporary administration.

Activating the principles of islamic administration to confront corruption in contemporary administration is important because it gives the tolerant sharia its place. Instead of relying on Western laws for the purpose of quoting them in the drafting of Arab laws, we must preserve the heritage of the ancestors from being lost and make Islamic law a valid legal system and maintain our legal independence, so we should not be dependent on the jurisprudence of the West (36).

From this point of view, it is important to rely on the principles of Islamic law at present to fight and prevent corruption. Since the tolerant sharia is full of principles applicable everywhere and at any time, especially with regard to the

organization of administrative affairs, we see that the most important principles that can be activated, and the role of the administrative president in achieving justice, whether it be functional or judicial justice and the preservation of the ethics of the public service, and this is addressed in the following demands.

A. Activating the role of the administrative president in achieving justice

At the beginning we would like to say that justice has a great place in Islamic legislation, and that the concept of justice or justice contained in Islam is not matched by any old or modern law and the best proof of this is that many Qur'anic verses have come in the word of justice, to indicate that heavenly laws are only a means of achieving justice among individuals, including those verses that Allah says: "Allah enjoins justice, generosity and kind treatment with kindred, *88 and forbids indecency, wickedness and oppression. *89 He admonishes you so that you may learn a lesson." (Surat Al-Nahal:90).

This indicates that the tolerant Islamic law considers the principle of justice to be a fundamental principle on which all its rulings are based, whether those directed at individuals in their natural capacities or to the guardians of the matter (judges) as being responsible before God for the affairs of their subjects(37).

In order to demonstrate the role of the administrative president in achieving justice, the demand will be divided into two branches, one dealing with functional justice and the other judicial justice.

B. Functional justice

Since justice is one of the main pillars of a good society, giving the principle of justice the greatest importance, especially in the field of public service, needs to provide many basic things so that the guardian can face administrative corruption.

Justice in the post has several areas, including assigning administrative work to competent and trustees to apply justice in their administration, as well as clarifying the rights and duties of the employee because some officials do not clarify these matters and then they blame the employee for them, which is not an equality as well as equality between employees in class and experience in treatment and rights without unjustified discrimination, although what goes beyond the scope of achieving these matters is unfair.

We believe that the employee should not be subjected to any pressures by any higher official and that this does not cause him any departure from the strict application of the principle of justice, because the conditions for granting the job or taking over the affairs of individuals should be able to take up this position with his courage and personal strength, so that the jobs are not assigned to vulnerable people who are under pressure from officials and fall into the circle of injustice and the consequences it entails. The accusation of injustice, corruption and the hereafter is shown by the call of the oppressed people, where the Messenger of

God (p.) (three do not return their call, the fasting until he breaks the fast, and the just imam, and the call of the oppressed is raised above the cloud and opens the doors of heaven) (38).

One of the most important aspects of the application of justice in contemporary administration is the realization of the principle of solidarity of opportunities, as it is one of the principles enshrined in constitutions and included in legislation in the form of erasing all special privileges and artificial differences between members of society and allowing individuals to create and create, as well as the principle of equality in the assumption of public office, away from the distinction between male and female, except as required by the nature of the job and away from nepotism and nepotism.

Any society in which these principles are confiscated must have been a hotbed of corruption, backwardness and conflict because ignorance, flatterers and opportunists can only reach leadership positions in this way, and this inevitably leads them to tyranny, tyranny, lack of responsibility, and the continued sense of injustice, injustice and deterioration of public morals. Any legislation that raises the unscented elite, measures efficiency measures, hinders the elite from carrying out its mission and inflames its deprivation and disappointment, can not only be considered unjust legislation, but also a legislation that undermines the rules of community safety from its foundation and the governing bodies under it are met with a hand of revenge (39).

C. Judicial justice

The Islamic judiciary is derived from the legislation of Allah almighty and from the Sunnah of the Messenger of God. he attributes to Allah almighty and his Messenger the letter and spirit of those within the framework of his purposes in general and in detail, and the Messenger of God (pbuh) was the only source of his life in the judiciary and issued all judgments and implemented them, and after his death his companions took control of his approach (pbuh) so they took the approach of the Qur'an and Sunnah and committed themselves to invoking the spirit of Islamic law and extending its purposes if the texts did not provide them with partial provisions, so this was for legislation. The Islamist has a religious character that has dyed his judgments in both worship and transactions (40).

Justice is the most important component of the original conduct on which judicial decisions are based, as they achieve justice by conducting integrity and by pursuing piety and by keeping the soul away from its chances and taking care to obtain satisfaction and to get close to Allah Almighty (41).

Perhaps the main officer in achieving judicial justice is faith and morality and the ability of the judge to distinguish between what is forbidden and what is permissible by invoking the law of Allah Almighty, because the judge must be aware of the provisions of sharia, including the knowledge of its origins and the satisfaction of its branches to know what is required, so that he does not judge among the people without what God has brought down or ignorantly so that he will

be one of the judges of fire with the evidence of the saying of the Messenger of God. (judges three): One in paradise and two in hell, but the one in paradise is a man who knew the truth and ruled him, and a man who knew the truth is an explosion in power, he is in fire and a man who has destroyed people in ignorance, he is in hell.) (42).

From this logic, the judge must be fair and justice is a queen in the soul who prevents the owner from committing sins and not being dragged behind the small ones (43).

Since the judge is charged with removing injustice and assault from rulers and governors, he must have the power, authority and enforce the order so that he can force them to abide by the seriousness and return the rights.

Al-Mardi said: "One of the conditions of the principal was that the judge should be the greatest of destiny, the great prestige, the phenomenon of jurisprudence, the low greed, the most pious, because in his view he needs the power of the protectors, and the judges have proved, so he needs to combine the qualities of the two teams and to be with the majesty of destiny in force on both sides." (44).

Therefore, the Islamic law, whose rulings are given by the judiciary, is based on the spiritual and material aspect together. The spiritual aspect is the morals of the nation and the conduct of the individual, and the moral aspect is the material means that help the judge to reach the truth, and this indicates the balance of this curriculum to establish weight and consider that faith and morality, contrary to positive laws that do not recognize the other punishment first, and raise conscience secondly, putting the atheist, the infidel and the immoral on an equal footing with the good pious believer, the law does not exist. He cares about creation as long as the system is stable, but if the material means fail to prove it, he returns to shout goodness, morality and belief in proving rights and facts (45).

From the foregoing, it is clear that Islamic law in all its principles, especially those that came to fight corruption of all kinds, is ahead of positive laws that may address a certain aspect to overlook the other.

This underscores the importance of Islamic law in fighting corruption resulting from the misuse of power because it has been assigned to a person who does not deserve it, in addition to the role of the judiciary in fighting corruption by mastering the selection of judges and under certain conditions that must be provided in order to achieve justice. We note that the above rules can be applied to positive laws, emphasizing the role of morality and belief in confronting administrative corruption.

Emphasizing the ethics of public service

We believe that the most important expression of the employee's commitment to the ethics of the public service is his commitment to apply the laws stipulated as they are, and the legitimacy of the actions issued by the employee is based on the amount of conformity with the laws and therefore the actions issued

by the administrative president are binding only to the extent that they conform to the rules of the supreme law that support them.

The concept of the ethics of public service from the point of view of Islam

The ethics of public service from an Islamic point of view are a set of principles and rules stemming from the Holy Quran and the Prophet's Sunnah, which constitute a criterion for individual conduct, whether in administrative or social organization, as well as the requirements of each post of other moral conditions that do not conflict with these rules(46).

The principles of Islam urged those who adhere to religion, which has had a clear impact on the administration, to find specialization, division, work, planning, organization, leadership and censorship, and highlights the influence that morality is linked to religion, religion feeds and develops morals (47).

Morality in Islam is a scientific rather than theoretical approach, and it is based on the principle of commitment and other punishment and derives its existence from the freedom of the human being and his will to choose and take responsibility, because Islam has drawn for people the rules of good work derived from the Holy Quran and the Prophet's Sunnah (48).

Therefore, there is no room to talk about functional ethics in light of the despicable orientation that has been conveyed to the Islamic religion from the West as a slogan for the corrupt (the end justifies the means) the end does not justify the means because the administration needs a great deal of flexibility in contemporary organizations and feeds it with some ideas, including the establishment of the principle of means, which is no less important than the end (48).

The impact of functional ethics in the fight against administrative corruption in contemporary administration

Life can only be upright with specific behavioral controls aimed at regulating various things between individuals, and since the public servant not only represents himself but represents an entire administrative body, he must therefore have a society of functional ethics that prevents him from slipping into corruption and exploiting his influence or abusing the authority granted to him, which means that on the amount of commitment of the employee to job ethics he will work to achieve a greater goal which is to provide services in a manner It is dominated by good manners, good treatment and honesty. Therefore, many of the principles of contemporary administration derive the principles of public function from the principles of Islam, which is the most logical and practical law.

One of the most prominent principles relating to functional ethics derived from Islamic law is equal treatment, as equality between individuals and non-discrimination due to religion, creed or color achieve justice and the public interest.

This is in addition to the employee's keenness to treat others as they should treat him and this is considered the golden rule of standards of moral behavior throughout the ages.

Also, the employee is keen to achieve the public interest, and the ability of the employee to work in the public interest stems from his sense of justice and fairness because it is difficult for the individual to work for any public institution if he feels that his efforts are not valued and that there is injustice for not appreciating his efforts, which leads him to think about his personal interest and affect it on the public interest and here lies the seriousness of the subject because the thinking of the majority of employees in their personal interests will lead to the deterioration of social relations and its impact on society as a whole.

We concluded from the above, that the issue of the ethics of the public servant stems mainly from his personal morals, despite the keenness of some laws to evaluate the behavior of the employee and urge him to abide by those morals, but it remains first and foremost subject to the morals of the public servant and all that the administration has to work to achieve justice and equality among its employees in the public interest. Codifying the rules of functional conduct in the form of legislation or regulations can be easy for the employee to refer to them in order to address the problems they encounter.

Perhaps the most important thing to point out in this regard is that the administration should work to train employees and develop their capabilities instead of resorting to sanctions if they fail. This could also be a matter of justice for employees.

Conclusions:

Islamic law was the first to diagnose the disease and showed the medicine, and took all methods to combat it and reduce it, but it does not end completely because it is related to the behaviors of individuals and groups. Just as there is good in the human soul, there must be an evil tendency. Censorship is one of the basic strategies that Islam has come up with for the purpose of correcting the work of the administration and achieving justice and equality. Putting good leaders who are good role models in the jobs that suit them because they will serve as a means of reducing administrative corruption.

References:

1. The tongue of the Arabs by Ibn al-Nizor 2/336.
2. Mukhtar Al-Sahah by Muhammad bin Abi Bakr Al-Razi, p. 441
3. Ibn Faris Abu al-Hasan Ahmed - Dictionary of Language Metrics - Part 2 - Page 502.
4. Ismail bin Hammad Al-Jawahiri - Crown of Language and Arabic Health called Al-Sahahah (Dar of the Revival of Arab Heritage - Beirut - Lebanon - 4th Floor - Saha 20 - P. 452).

5. Yousef Al-Yousef - Journal of Social Sciences - Issue 2 - Kuwait - 2002 - Volume 30 - 2003 - P. 258.
6. Hussein Mohammed bin Abu Al-Qasim Al-Isfahani, Vocabulary in Gharib Al-Quran: Investigation by Muhammad Sayed Kilani - Dar Al-Maarifa - Beirut - Lebanon - p. 379.
7. General Secretariat Paper On Preliminary Measures To Fight Corruption Within The United Nations Conference On The Prevention Of Crime And The Treatment Of Offenders - Cairo - 29 April - 8 May 195, Document No. 14/169 CoNFo / A.
8. Ali Al-Shta - Administrative Corruption and the Society of the Future - 1st Edition - Radioactivity Library - Alexandria - 1999 - p. 43.
9. Hana Yamani – Administrative corruption and its treatment from an Islamic perspective – research published on the website (Islamiyat) www.Islameiat.com
10. Ibn Abd al-Salam Izz al-Din bin Abdulaziz - the major bases - the investigation of dr. Naziha Kamal Jamal and Dr. Kamal dr. Othman Jumaa - 2nd Edition - Dar Al-Alam Publishing - 2001 - P. 7-19.
11. Wahiba Mustafa Al-Zuhaili - Introducing corruption and its image from the legitimate point of view - a research participant in the Arab International Conference on Combating Corruption - Riyadh - 2003 p. 25.
12. Mohammed bin Ali bin Mohammed Al-Shawkani - receiving the framework in explaining the news picker - from conversations by Imam Abdulsalam bin Khader bin Taymiyyah Al-Harani - edition of the Presidency of the Departments of Scientific Research, Fatwa, Advocacy and Guidance in the Kingdom of Saudi Arabia - vol. 9 - page 157.
13. Ali Abdel Majid Abdo - Scientific Conditions of Management and Management - Progress Press - Cairo - 3 / 1963 - P. 118.
14. Khalid Khalil Al-Zaher - Staff Disciplinary Provisions in Saudi Arabia (Analytical Study) - Institute of Public Administration - Research Center - Riyadh - Saudi Arabia - 2005 - p. 17.
15. Hamdi Amin Abdel Hadi - Islamic and Comparative Administrative Thought - Al-Hamami Publishing House in Cairo - i - p. 167.
16. Jamal Bawadda – Campaign Against Corruption and Corruption from an Islamic Manner – Al-Banader Political Magazine – Issue 813 – Year 22 – 2002 – P. 39.
17. Suleiman bin Mohammed - Administrative corruption and crimes of abuse of functional power - 2002 - p. 28.
18. Narrated by Muslim - The Book of the Emirate - The Door of hatred of the Emirate without necessity - Hadith No. 4719.
19. Fouad Abdel Moneim Ahmed - The principle of equality with Islam - research from a constitutional point of view compared to modern democracies - Modern Arab Bureau - Alexandria - Arab Republic of Egypt - 2002 - p. 85.
20. Adam Noah Al-Qudah - Towards an Islamic Theory to Combat Administrative

- Corruption - Research Associate in the Arab International Conference on Combating Corruption - Riyadh - 2003 - p. 35.
21. Jassim Mohammed Al-Yassin - Leadership: Autonomous methods of leadership development - p. 17.
 22. Adam Noah Al-Qudgage - Towards an Islamic Theory to Combat Administrative Corruption - Research Associate at the Arab International Conference on Combating Corruption - Riyadh - 2003 - p. 34.
 23. Narrated by Al-Bukhari, Ahmad and Ibn Majah.
 24. Akram Ruslan Deiran - Governance and Administration in Islam - Analytical Study - Dar Al-Shorouk - Jeddah - 1979 - pp. (82 - 83).
 25. Counselor Omar Sharif - Principles of Administrative Law and Administrative Systems - Lectures - Faculty of Law and Sharia at Al-Azhar University - 1970 - Page 10.
 26. The hadith of the Messenger (may Allah's peace and blessings be upon him) fulfills the reckoning on the workers and holds them accountable for the extract and the expense, and it was narrated from him that he said: (Whoever we used it for a work and concealed us is hidden, he is expensive on the Day of Resurrection) - See Ibn Saad Al-Waqidi, Al-Kabeer, vol. 7 - Section II - p. 76.
 27. Many districts go to the possibility of the administration reviewing its actions, especially those contrary to the law, because the public interest is the first and more worth investigating and protecting.
 28. Abdel Karim Al-Khatib - Caliphate and Al-Seminence - Dar Al-Fikr Al-Arabi - Cairo - I - 1693 - page 145.
 29. Fouad Al-Nadi - The principle of legality and controls on the subjection of the state to the law in Islamic jurisprudence - 2nd floor - Salafist library - p. 65.
 30. Muhammad Al-Qatb - Management System in Islam - Dar Al-Fikr Al-Arabi - 1398 AH - p. 182.
 31. Surat Al-Zalzalah - 7-8.
 32. Sheikh al-Islam Ibn Taymiyyah - Sharia Policy - Dar Al-Maarif - p. 15.
 33. Muhammad Al-Qatb - Management System in Islam - Dar Al-Fikr Al-Arabi - 1398 AH - p. 169.
 34. Abu al-Hasan Ali al-Mawardi - Royal Rulings and Religious Judgments - 2nd Edition - Al-Babi Al-Halabi Printing Press - p. 218.
 35. Hassan Ibrahim Hassan - History of Islam - Dar Al-Jil / Beirut and the Egyptian Renaissance Library / Cairo - vol. 2 - p. 270.
 36. Article by Dr. Al-Sinhoury - Journal of the Bar Association - Damascus - Nos. 6 / 7 of the first year - pp. 505 - 508.
 37. Article by dr. Mustafa Mohammed Diab Al-Sharif entitled (The Principle of Justice in the Islamic System and Modern Political Systems) published on the website Al-Manara for Islam: www.almanaralink.com
 38. Narrated by Al-Tirmidhi (5/578) and Hasna Abu Hurayrah (may He be

- pleased).
39. Hassan Ali Al-Dhanoun - Philosophy of Law 1 - 135 - P. 173 Prof. Dr. Fares Hamed Abdul Karim referred to him with his study entitled Law and Justice - published on the Denmark News website in Arabic www.iraker.dk.
 40. Judge Ismail bin Ibrahim bin Yahya Al-Tayeb, Judicial Culture - 2nd Edition - 2004, book published on the Center for Specialized Judicial Studies e-www.cojss.com.
 41. Abu Ahmad Ibn Ali al-Bayhaqi - Sunan Al-Bayhaqi - The Book of Eteb al-Qadi - Bab Atham and then a fatwa or judged by ignorance, Hadith number (20141) vol. 1 - p. 116, investigation by Muhammad Abdul Qader Atta, Dar Al-Baz - Mecca - 1994.
 42. Mansour bin Younis Al-Bahouti - Scout of the Mask from the Board of Abstinence - vol. 6 - Mecca - 1394 - P. 3-4.
 43. Abu al-Hasan Ali al-Mawardi, Royal Rulings and Religious Judgments - vol. 6 - Mecca - 1394 - p. 77.
 44. Hassan bin Abdulaziz Al-Sheikh - Judicial Principles in Islamic Law and the Linkage of the Judicial System in the Kingdom of Saudi Arabia to it - 1426 - pp. 10-11.
 45. Mohamed Abdel Fattah Yassin - Ethics in Management - National Library - 1995 - p. 15.
 46. Mahmoud Youssef, Studies in Contemporary Public Relations, p. 65.
 47. Anwar Al-Jundi - Muslim Youth - His Issues and Problems - Cairo - Dar Al-Sahwa for Publishing and Distribution - 1994 - pp. 22-23.
 48. Mohamed Mohamed El Badi (1993) The Status of Public Relations and its Role in the Fourth Administrative Revolution - Cairo - Management Magazine - Union of Administrative Development Associations - First Issue, p19.
 49. Nalyanya, J., Abuya, J. O. o., & Makokha, A. N. (2021). Electronic Funds Transfer and Service Delivery in Saccos: A Case Study of Ng'arisha Sacco, Bungoma Kenya. *Journal of Accounting, Business and Finance Research*, 12(2), 53-63. <https://doi.org/10.204482002.122.53.63/>
 50. Nandi, A. K. (2021). The Impact of Marital Status on Work Hours: A Quantitative Study of European Labor Market from Gender Perspective. *Research in Social Sciences*, 4(1), 1-7. <https://doi.org/10.53935/2641-5305.v4i1.49>