

Selections On The Labor Law In Islam

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Foreword

Praise be to Allah, Who has sent down the Guide Book, appointed the Prophet, and helped us to believe in His Book and Prophet. May Allah bless Muhammad and his holy family and their followers till the Day of Judgement.

The industrial revolution and the quick technological development in Europe have brought about the gathering of workers, sufficient production, and the accumulation of properties. So, the capitalist regime appears to be an excellent way to plunder efforts and powers and to exploit the basic elements of production and investment.

As a reaction to the Capitalist regime, the Socialist regime, which is very ancient, has been established on a new basis in an attempt to treat the condition and as a necessary preliminary stage for the conversion to communism based on completely abolishing ownership.

A short time passed after the communist communique and the socialist applications, whether the international or the Arabic, appeared in Europe and other areas, then, the doctrinal disasters of the is trend began to appear in society; at the level of the socialist thought as well as socialist applications, such as; the problem of the relations between workers and farmers, the problem of the individual and his right in administration and possession, and the problem of the essence of creation and of natural and human motives necessary for development and progress, which are not able to exist under the iron, central socialist planning, and in the atmosphere of deprivation, force and the dictatorship of proletariat for a better future.

Before the appearance of these two blocs, as two ruling regimes, the great Islam had adopted principles and rules and put forth foundations and legal precepts to urge the Muslim individual to master the quality of work and develop production, grant the worker his own rights completely, forbid his exploitation, and acquire all securities necessary to raise his position and maintain his effort.

Not only is Islam satisfied with this, but, it also encourages the Muslim individual to be an owner and an employer and give the surplus value to the poor and the needy in order to meet their basic needs and, also to develops their productive ability, because need stands and obstacle both in the way of work and production. The quantity and quality of production secures chances and conditions necessary to move towards Allah, the Exalted, with the aim of achieving human perfection.

Al-Balagh Foundation offers this book let 'Selections on the Labor Law in Islam', and it prays humbly to Allah to help our Muslim workers all over the world to obtain the fruits of this great law, make His Laws rule over us, and drive the rebel Laws away from us, He is All-Hearing, All-Answering.

The Law Of Contractual Work In Islam

In previous research, we have talked about the importance of work and the role of human effort in producing public utilities (interests) and various commodities.

Here, we will continue talking about the Law of Contractual Work in Islam, its qualities, the organizing and coordinating of the relations among the basic principles, and Laws of the Islamic economy, because the Labor Law represents the organizational stage of economic concepts and ideas to form basic, limited, and executable rules.

Without the Law and its limited rules, economic idea would become only floating theoretical concepts and principles which might be explained and distorted according to personal desires and wishes, so the economic principles would lose their objectives and be unable to solve the problems of society and treat its living and developmental situations.

The contractual labor Law of Islam covers a vast area of economic activity, organizes such an activity, and helps the Muslim to apply the economic ideas through these laws and legislations.

The Muslim jurists have thoroughly studied these laws and given them various titles according to their subjects and applications.

The contract was the axis on which law studies focused, in this field, to organize the various relations of the contractual labor between the contracting parties – the employer and the employee.

In our contemporary society, it is very important to deal with these legal researches, exhaustively, and widen them to include the economic activities and relations taking place in the present society moving towards growth and complication.

In the juristic books, the researcher and the legal experts find adequate information necessary to cover all productive relations with the laws and organize labor contracts between the contracting parties to offer various living utilities and achieve just principles between the parties cooperating in offering utilities, because the utility that meets a lawful need is the essence of work and a justification for making every effort to accomplish it in the final form which man desires.

The more complicated the social life becomes, the more developed needs become, the more numerous

specializations become, the more excessive human arts and knowledge become, the more excessive need to contractual labor becomes, the more wide the circle of contractual relations in human society becomes to offer various utilities.

So, in such a state, when the exchange of utilities (interests) increases, the hiring of workers and various experts increases, too. This increase takes place to meet numerous needs, for man in primitive life hardly needed to contract with others to offer a service or utility, because he himself used to meet his diverse needs for being undeveloped and simple.

The Muslim jurists have analytically and thoroughly studied the matter of contractual labor and put forth its necessary legal and organizational bases, in addition to accurate details and main, wide – range rules that accurately and firmly address the hiring of workers with effort and experience.

The laws of contractual labor, as we have already mentioned, have been studied in brief or in detail under various topics, but, today, they are in need of gathering, unifying, depending, classifying, and necessary concluding in order to organize the increasing relations of human labor, which is based on the contract between the contracting parties.

The chapters under which the Muslim jurists have studied the labor laws are:

1. The rules of contracts in general.
2. The rules of the general partnership in Islamic jurisprudence.
3. The laws of sleeper partnership.
4. The law of crop sharing.
5. The laws of a crop-sharing contract over the lease of a plantation.
6. Wage laws.
7. Payment laws.
8. The laws that organize contractual labor such as security, reconciliation, deception, etc.
9. The laws of the stipulated right of cancellation and of division.

We cannot study all laws of contractual labor, thoroughly, but we will study the most important ones to give a clear picture about the labor law in Islam and the way with which the Muslim jurists organize the labor contracts and the relation among the contractors.

Now, let us define contractual labor in general:

Contractual labor is that which is based on an agreement between two parties to produce a lawful utility or interest.

The two contracting parties limit and explain the way with which they find the utility or interest and the way in which they will make use of it.

The utility of the contracting parties is limited according to the Islamic labor laws and the quality of the

contract, which the contractors confirm. Therefore, the utility is considered in two ways:

A. All the profits are obtained by the first party; the party who pays the recompense or the wage to the employee, while the second party takes the cost of his effort which he exerts for producing this utility. This condition occurs when the farmer, the doctor, the engineer, etc., are hired to produce a commodity or offer a certain service, so they take a limited recompense for their efforts.

Thus, the Islamic Law has ordered the Muslim individual not to hire himself out and not to allow even a part of his effort to go for the employer.

In a tradition reported from Imam al-Sadiq ('a) it has been mentioned:

"Whoever hires himself out (for others) certainly prevents himself from obtaining livelihood."

Also, Islamic law has made the Muslim individual like a free, dependent production to obtain all his efforts and liberate him from the domination of others.

We must not confuse ideas and concepts when we consider this excellent Islamic text carefully. That Islam, though it does not permit the Muslim individual to hire himself out to others, it does not mean to obstruct the growth of social work, rather it means to teach and urge the employee to preserve his efforts and rights.

Besides, the concept, here of reprehensibility does not mean prevention and forbidding, rather it means leaving for the better.

Moreover, this reprehensibility is raised when there is a social need that summons man to practice contractual labor.

B. The two contracting parties, being partners in the utility results from contractual work, as in the sleeper partnership, where, one of the contracting parties offers the capital, while the second party offers the effort, then the two parties are partners in the production of this work.

For example, one of the contracting parties give the other party a sum of money, then the latter begins investing the sum in trade or industry by using his effort and experience, so the person who offers his effort and produces the utility is the partner of the person who offers the capital.

After this brief preface concerning the basic ideas of contractual labor, we will discuss the main idea through presenting the labor Law of the most important ideas like capitalism, communism, and Islam to acquire ourselves with the way in which each of these schools addresses the subject of contractual labor for which man hires himself out and sells his effort for a limited utility, is juristically called [Ijarah] (wage).

This Law covers vast areas of the industrial labor offering services, and trade and agricultural work in addition to the system of sleeper partnership, crop sharing, crop sharing contract over the lease of a

plantation, cultivation of the uncultivated lands from which the worker gets a limited share of the production and the fruit of his efforts.

Wage Law

As human life has developed, arts and sciences and industries have become numerous, utilities (interests) and services have increased, and human needs have become developed, then, as such, no one is able to meet all his needs by himself, especially after the development of the great industries, the appearance of factories and companies, and their increasing need for large numbers of workers, experts, and technicians who take part in the operation of production, organization, transportations, services, etc.

For this reason, the matter of ljarah, namely providing employment for workers, experts, and technicians, as wage workers who offer their natural, technologically developed efforts, has become a dangerous social phenomenon from which many human phenomena and situations result in the field of economy, behavior, ethics, society, and the various human relations.

Due to these dangerous civilizational phenomena, laws and regulations have been established include and organize this economic phenomenon – the phenomena of wage workers exploited by employers in large numbers to such an extent that the history of human production has never seen.

So, this mass production and the enormous wealth in the ignorant material society have created a greedy, capitalistic system that exploits and oppresses the worker for the interest of a certain class. Accordingly, this system has faced the reaction of the productive workers and the exploited wage earners.

Thus, mass production and developed industry, when a just system is absent, have produced two ignorant, opposite regimes – Capitalism and Communism, so that man's interests, dignity and will have become lost between them.

Capitalism And The Wage Labor Law

The disorganization of developed, productive relations between employers and employees based to a great class difference from which terrible economic and social effects have resulted. Due to these effects the human society has become permitted economic oppression, political domination, moral and social

corruption, etc., especially after the development of the machine, the progress of sciences, and the contribution of millions of workers in the field of production and industry.

It is natural that this sick phenomenon has become the certain conclusion of the capitalist and materialistic concept and perception about life.

So, the capitalists regard the profit and the utility as their ambitions, and nothing else. Accordingly, they always create ways to earn and amass wealth with greedy and matchless selfishness.

It is natural for this unjust enrichment and the unlawful accumulation of wealth to produce oppression for the working classes and the hired productive efforts.

So, the capitalist has the lawful power and the political means with which he protects his achievements and amass his wealth to satisfy his gluttonous, greedy love for property and wealth and his sacrifice for pleasure and utility.

The capitalist possesses the compulsory means with which he forces the productive powers with oppression and aggression to serve his interests and develop his wealth, because the capitalist class (according to the logic of the capitalist concept) is the exploitative, ruling class.

It is the class that owns wealth and the means of production, and so it is the class that limits the wage of the employees and the wage earners, manages the price of commodities, and disposes of man's dignity and efforts, making them a traded commodity exploited by the greedy capitalist.

It is the class that employs the workers and, then discards whenever it wants, and forces them to work for very low wages with its oppressive, economic means, so the interests of the overwhelming majority have become lost in the sea of this oppressive capitalist regime, and the working classes have become ready to sell all their efforts and powers to get their livelihood and refresh their powers to come back to production again, so those efforts find their way into banks and sinful, money treasuries.

Capitalism has based its contractual laws on an economic philosophy that believes in the irresponsible freedom in the field of labor and production.

And the summary of this theory is that the mechanism of economic relations among production, distribution, and consumption control the amount of wages and the relationship between the employer and the employee, and it is responsible for organizing the contractual relations, and the wage relation between the employer and the employee.

So, the worker – according to the logic of this theory has the freedom of contract and labor just as he has the freedom to strike and refuse to work.

Accordingly, the employer is forced to give the employee the wage with which he is satisfied, and in this disorderly way, according to capitalist logic, the problem of the relation between the employer and the

employee is solved.

It is worth mentioning that the employer, according to this theory, makes the decision for the contracts of labor and wages according to the situations of the trade market, so whenever there is consumption of the commodity and active demand of the goods, then he is forced to compete with the others, and gives the workers a higher wage, but, when the market is satisfied and stagnant, he is in no need of the workers or competing with the others for them, so hurls them into the mazes of unemployment or low wages.

In this way, the workers effort and entity turn into a commodity that is subject to the movement of the market and the Law of supply and demand, so, according to this concept, man becomes a means in the capitalists' hand, and therefore, loses his value, his dignity, and his safe livelihood in life.

Even if the market is active, the capitalist fixes maximum wages according to the law called marginal wages.

This law makes the wage earners live in subsistence and misery so that their wage does not affect the capitalists' production and his determined income.

This capitalism justifies its laws and regulations; it is indifferent to the bad social living results and their effects on man's life.

The activity of the capitalist society is not restricted to certain geographical or natural borders, rather this greedy capitalist activity extends over every area in the world to dominate the resources of wealth and secure trading markets to sell the commodities and products.

Because of this capitalist extension, colonialism, the exploitation of peoples, the plundering of their wealth and the sucking of their blood have taken place.

And because of the colonial competition for the resources of wealth and trading markets, the struggle among the Imperialist powers has occurred, so wars have taken place, and mankind has become the victim of this greed and the hateful material stinginess.

Lately, the super powers have found it better for themselves to resort to the policy that adopts the division of the world into influential regions. In the meantime, they have agreed on plundering and devouring the wealth of the people.

This policy, which has taken place between America and Russia, is aggressive, cunning, and has deprived mankind, still they call it detente.

It is worth mentioning that the Islamic World is the scapegoat in this colonial conspiracy, and it is the first victim of this new exploitative, imperialist behavior.

Communism And The Wage Labor Law

In the capitalist society, it is very natural for oppression and great living differences to take place between the productive classes who think that they are the makers of wealth, utilities, services and the exploitative, greedy classes.

Also, it is natural for this difference and big class division to make people feel the oppression and deception, then, this feeling is intensified to become a power against this trend and is formed as theories adopted by the deprived classes.

These theories have been regarded as the intensification of a psychological feeling with severe reaction and revengeful spite which matches the greed and deception produced by capitalism.

So, those theories were blundering and revengeful and with the reaction and aim of getting rid of capitalism and destroying its interests, the communist and socialist theories have been established, and they have appeared on the civilizational surface as a sick result against the corrupt capitalist society looking for salvation, but, that does not follow guidance.

And it was natural for this sick reaction against capitalism to be unsuccessful in achieving the balance of equity of balance and of economic reformation to preserve human rights, protect man's dignity, and secure the economic justice, because this reaction began from the same starting point from which capitalism did, namely, it is based on selfishness, depriving the individuals or their freedom and will, moral oppression, and material utilitarian considerations, so the ruling class decided to nationalize all means of production, forbid ownership and confiscate wealth by the state, therefore oppression and domination have transferred from the control of the individuals and their greedy capitalism to the control of the state and its ugly police terrorism.

Because the state that has believed in this theory is dictatorial, namely, the dictatorship of the proletariat or the working class that has controlled all property and wealth, so that the state has seized everything in life and all individuals in society have become wage earners and producers for the state, they do not deserve any wage, not own anything, and nor have right to possess anything except what the state grants them to meet their miserable, basic needs.

It helps them to achieve the production that the state ultimately seizes in order to dominate the efforts of employees in a manner worse than that of the dominating person in the capitalist society.

Besides, the worker in the communist regime has lost his will, his freedom, and his right in acting. And, he has followed the absolute way of the state without receiving the fruit of his efforts. Also, he has lost his personal freedom in possessing and consuming.

Therefore, in his escaping from capitalism to communism and socialism, the wage earner, in the

capitalist society, is like the person who escapes from the pan falling into the fire.

In its concept about the economic problem and its method, which it has presented to solve the living crisis of man, the Communist theory stands on the following principles:

1. The state has the right to lay hand on all productive means and economic activity. Also, it has regarded individuals as productive tools, which it provides with fuel to achieve production.
2. The productive employees, the wage earner, and their like have no right to possess anything, for possession is forbidden in the opinion of the theory, and only the state has the right to possess factories, lands, immovable properties and all means and resources of wealth.
3. The employee has no right to get all wages for his efforts, rather the state gives him a certain wage to allay his hunger, while it takes the greatest part as the capitalist does, so that the wage earner is unable to save up anything to develop his standard of living.
4. The worker has no right to refuse the work to which he is forced and demand his rights or improve his situations. According to Communist criminal law, if the worker refuses, protests, or demands the state to improve his economic situations, then he will face capital punishment.

The Communist Laws have imposed on the worker the dictatorship of the authorities of the work and foundations in the manner that overshadows the capitalist and the feudal domination, so that the manager of the factory has been given the right to imprison the worker for four months without trial or investigation.

The dictatorial authority – the working class as the communist theory has called – decides what it wishes, while the worker should carry out its decisions, so with its laws and domination, the state deprives the individual of his freedom and right to possess.

This theory, which is deviated from the Law of social nature, has hit up against the law of human nature and the human feeling of the worker and of the farmer, so that they have disobeyed it when they have felt that, they had no right to possess, consume, and produce.

A violent resistance took place in Russia when the Communist rulers began applying the theory with oppression and bloodshed, so that, due to this terrorist violence, millions of people were killed, millions of people were banished, tortured, and imprisoned.

Astonishing and awful figures have been published about the killing, imprisonment, banishment, and torture there. "They have estimated that about 19, 000, 000 people were killed, 2, 000, 000 people were judged with heavy, various penalties, and 4, 000, 000 or 5, 000, 000 people were banished from the country."¹

Thus, the tragic, terrible conclusions the Communist regime followed were a violent shock for the person

who escaped from the inferno of capitalism.

Consequently, production decreased, the Russian economy was liable to intense crises reflected on her political situations and toppled many leaders of the party and policy.

[1.](#) Al-Mawdudi, Abu al-A'la, The Principles of Economy Between Islam and the Contemporary Regimes and the problems of Economics and Their Solution in Islam, p. 72.

Islam And The Wage Labor Law

The hiring of workers is a contractual operation made to offer the effort to make a second part the owner of the utility for a recompense that the wage earner deserves.

The wage labor law is a group of rules that organize the relations of hiring concerning work and what results from them and what is related to them to protect the rights of the contracting parties.

The Islamic jurisprudence has taken care of organizing the wages and their laws to preserve the rights of wage earners and protect their efforts against greed and exploitation it has preserved the rights of employers by ordering the employee to conform to the contents of the abiding contract.

Islam has made a set of rules to organize this relation and denote the obligations and responsibilities of the contracting parties.

To achieve its legal method limited to carry out the objectives of wages, Islam has adopted the following steps:

1. Islam has urged the Muslim person to be a skillful, honest worker. It has been reported from Imam Ali ('a) that he said:

"Verily, Allah, the Great and Almighty loves the honest worker."[1](#)

"Verily, Allah, the Exalted, loves the believer who works."[2](#)

2. Islam has forbidden free exploitation and works to liberate the efforts of wage earners from exploitation and deprivation and preserve the principles of right and justice, so Islam has regarded this sort of productive relation as oppression.

Since ancient times, employees and wage earners have suffered from the domination and oppression of feudal lords and rulers. Then, the communist regime and the despotic dictatorship have repeated this oppression to force the employees to work without wage.

Addressing Imam Ali ('a), Allah's Apostle (S) has clearly and frankly pointed out the attitude of Islam towards this oppressive regime.

He said:

*"Ali, the farmers should not be oppressed in your presence; the land tax which has been fixed should not be increased, and the Muslim (i.e. the wage-earner) should not be exploited."*³

In his will to his governors, Imam Ali ('a) has written:

*"Do not exploit the Muslim (the wage earners), and whoever asks you to give him other than his share certainly trespasses, then do not give it to him."*⁴

3. Islam has forced the employer to preserve the rights of the wage earner, completely. Concerning the porter and the wage earner, Imam Ja'far reported from Muhammad al-Sadiq ('a), who said:

*"Give him his wage before his sweat becomes dry."*⁵

One of his companions called Su'aib has reported from him ('a) that he said,

*"We hired people out to Imam Ja'far al-Sadiq ('a) – to work in his garden; their limited time was till the afternoon. When they had finished, he said to Mu'tib, "Give them their wages before their sweat dries."*⁶

4. Islam has obliged the employers to observe the principles of justice and lift deception and damage from the wage earner by giving him the wage that suits his effort, which he offers to society, to conform to the Words of Allah, the Exalted:

"Verily Allah enjoins justice and doing of good (to others)..." (Holy Qur'an, 16: 90)

And a tradition of the Great Prophet Muhammad (S):

"Causing damage to one's self or to others is forbidden in Islam."

Islam has recommended the Islamic State to help the wage earner to possess the means of production through establishing independent or joint projects where the wage earner is a partner in the net profit, on condition that this organization should be subject to two phases of production to avoid the misuse of the human body to make a profit from which is forbidden in Islam.

These two phases are:

A. The contractual labor with the productive foundation phase: each wage earner takes his due.

B. Distribution of the surplus profits phase: When the employers have partially or completely possessed the shares of the foundation, the surplus profits are distributed among them.

These procedures are achieved through the manner which the State chooses stemming from the Islamic idea that says it is reprehensible for the worker to hire himself out, because he loses some of his efforts during the period of hiring, so, it is better to leave everything that is reprehensible in the opinion of Islamic jurisprudence.

In the following saying, for reprehensibility, Imam al-Sadiq ('a) has forbidden the worker from hiring himself out to others:

*“Whoever hires himself out (to others) certainly deprives himself of livelihood and how can keep from depriving himself because what he earns is for the employer who hired him out”.*⁷

5. The Islamic laws in agreement on the idea that the state should meet the needs of the persons in the Islamic society and achieve a guarantee and common security to all persons whether they are wage earners or not.

This is achieved through giving shares of Zakat (alms) and Khums (one-fifth) and of the revenues of the state treasury to those whose incomes are not adequate or are unable to meet their needs from their own work.

This principle has clearly been mentioned in the following holy tradition:

*“Verily, Allah has allotted (ashar) for the poor from the property of the rich, and if he (the rich person) knows that which he has allotted for them is not adequate, then he should increase it”.*⁸

Also, this principle has come in the following words from Imam Ali ('a):

“Fear Allah and keep Allah in view in respect of the lowest class, consisting of those who have few means: the poor, the destitute, the penniless, and the disabled, because in this class there are both the discontented as well as those who beg.

*Take care for the sake of Allah His obligations towards them for which He has made you responsible. Fix for them a share from the public funds and a share from the crops of the lands taken over as booty for Islam.”*⁹

Thus, the system of economic distribution, in Islam, takes the shares of the properties of the rich and gives them to the poor as recompense to satisfy, the shortage from which they suffer and achieve the level of suitable adequacy, which the social situation merits.

When this principle is applied in favor of the wage earners, it will result in the law of security for the worker in the times of decrepitude, illness, and emergencies that make him unable to work; even if he works, he is given a share of the revenues of the public treasury, that is, when his income is inadequate.

With this principle – the principle of taking Khums and Zakat and giving them to the poor – Islam

achieves the operation of repeating the surplus effort where the wage earner loses and the employer earns, then, Islam reallocates this surplus effort to the needy wage earner again.

We may base this economic concept in the Islamic method on the following tradition of Imam Ja'far al-Sadiq ('a):

"Whoever hires himself out (to others) certainly deprives himself of livelihood and how can keep from depriving himself, because what he earns is for the employer who hired him out".

And on the following tradition of the Apostle of Allah (S) when a man asked him: "And what is Zakat?"

He answered: "Our rich repay our poor."

When we unite the meanings of the above-mentioned traditions, we will discover that Islam insists on repeating the surplus profits to their owners, namely the wage earners.

In addition to this principle, the Islamic state is the supporter and guarantor of all persons in society, Muslims and non-Muslims, according to the saying of Imam Ali ('a):

"People are dependent on the public treasury."

6. Islam has urged the worker to be honest in business. In a holy tradition, it has been reported:

"Verily, Allah loves the honest employee."

"May Allah have mercy upon the person who does a work and perfects it".

Islam has stressed honesty in business to urge the worker to increase production through sparing no effort to get a legal wage; otherwise, he obtains an illegal wage.

Therefore, Islam achieves its objectives in increasing production and achieving justice in distribution through firmly, connected moral, lawful methods.

[1.](#) Al-Kulaini, Al-Furu' min al-Kafi, vol. 5, p. 113.

[2.](#) Al-Furu' min al-Kafi, vol. 5, p. 113.

[3.](#) Al-Furu' min al-Kafi, vol. 5, p. 284.

[4.](#) Al-Furu' min al-Kafi, vol. 5, 284.

[5.](#) Al-Furu' min al-Kafi, vol. 5, p. 289.

[6.](#) Al-Furu' min al-Kafi, vol. 5, 289.

[7.](#) Al-Furu' min al-Kafi, vol. 5, p. 90.

[8.](#) Al-Noori, Mirza, Mustadrak al-Wasa'il, the Chapter on Zakat.

[9.](#) Imam Ali bin Abi Talib ('a), Nahjul Balagha, presented by Dr. Subhi al-Salih, p. 438.

The General Rules Of The Wage Labor Law In Islam

Islam has adopted general wage rules that obligate the two contracting parties; the employer and the employee, to follow equity in all contractual activities in various agricultural, industrial, and service fields.

These rules are as follows:

1. The contract should be based on the contentment and acceptance of the contracting parties to grant the worker the freedom of labor and the right to choose the work he likes, to take into account the creative, psychological side and the sound investment of the technical, mental, physical abilities in the situations that improve production, protect the freedom of the producer, and respect his personality and will.
2. The quantity and quality of work should be fixed.
3. The place and time of work should be fixed.
4. The amount of the wage should be clear and determined.
5. The worker should be able to achieve the work for which he has contracted and give it to the employer. This condition between the contracting parties forms a lawful rule to develop productive abilities and experiences, as well as instilling moral values. Thereby, the fulfillment of promise, the doubling of effort, and the taking care of experiences are accomplished to achieve the contents of labor, thoroughly, according to the conditions and specifics agreed upon.
6. The labor agreed upon should give a lawful utility according to Islamic law and achieve the coordination and harmonization between the motives of production and ideology and behavior to protect the Islamic character and principles against rupture, corruption, and the falling into the forbidden and encompass the forbidden production that leads society to unlawful paradoxes and actions that take part in destroying man's character and the rules of the social security.
7. It is permissible for each of the contracting parties to add other conditions, provided that they should not forbid the lawful and nor permit the forbidden, to preserve his legal interests and rights. For example, the employee provides that the employer should recompense him during emergencies and secure the means of transportation, the house, the medicine, etc...
8. The worker does not guarantee the machine, the tools or the productive means except when he destroys or misuses them, which limits the responsibilities and obligations of the worker towards the machine with which he works, and develops honesty in business.

In this way, the law of the contract organizing the wage takes part in developing production and protecting the rights of the employee and of the employer within the frame of lawful, moral concepts and values that protect both contracting parties.

Islamic Security Of The Worker's Protection

All Islamic laws and principles form a coherent, objective unity to achieve the great objectives of Islam in life.

If we try to extend this concept – the concept of unity and coherence between the Islamic laws and values – to include the aim of Islam in achieving justice and protecting the wage earner against the domination of the owners of wealth and industry, we will understand that Islam has three basic securities to fulfill its special objectives concerning the worker's production. These securities are:

1. The moral and spiritual security which Islam builds up in the mind of the Muslim person, whether he is wealthy or employer or employee or the like, – for example, the concept of equity and justice and of ill-gotten gains – to correct man's opinions about wealth, property, and possession, teach him to follow justice and selflessness, and uproot from his mind greed, oppression, selfishness, and deception, so the employer treats his employees with justice, and thinks about their interests as he thinks about his own interests.

Without this moral education, in the absence of the spiritual conscience and the fear of Allah, it is impossible for the principles of justice to be implemented, and no regime is able to preserve justice.

2. The Islamic State has the right to compete with the production of persons and companies, provided that it should be a producer and an employer and should fix ideal wages to force the individual and the cooperative companies to conform to the ideal governmental wages; otherwise, they will lose manpower and the experiences of production.

3. The State has the right to intervene when it knows that there is deception from which the wage earners suffer, and where they are not given just wages that suite the general living situation, because some of the state obligations are to protect justice, preserve the rights of people, and lift damage from all classes of the Islamic society according to the tradition of the Prophet (S):

“Causing damage to one’s self or to others is forbidden in Islam.”

Through these securities, the Islamic law achieves a suitable level for the wage earners and mobilizes their productive abilities to turn the economic wheel and secure the maximum level of the social commodities and services in the fields of agriculture, industry, administration, culture, transportation, etc.

Agrarian Laws In Islam

Agrarian laws in Islam organize the relations of farm workers, sharecroppers, and farmers and denote how to possess the land, how to hiring out the farmer for agricultural production is accomplished, and Islam limits the opinion about land ownership and man's relation to it.

Before we talk about the way in which Islam organizes the relation of the cropper, the farmer, and the farm-worker with the land, it is important for us to understand that Islam dedicates agriculture, urges the Muslim individual to take care of it, and respects the farmer and the sower.

The Prophet of Allah (S) was asked:

"Which properly is the best?"

He answered:

"The field: their owner plants them, reforms them, and accomplishes their rights on the day of their harvest."¹

Shortly before his death, Allah's Apostle (S) recommended Imam Ali ('a).

He said:

*"O Ali, the farmers should not be oppressed in your presence, the land tax which has been fixed should not be increased, and the Muslim (the wage earner) should not be exploited."*²

Imam al-Sadiq ('a) reported that Imam Ali ('a) wrote to his governors:

"Do not exploit the Muslims (the wage-earners) and whoever asks you to give him other than his share certainly trespasses, then do not give it to him."

*"And he wrote to his governors to treat the farmers kindly."*³

It has been reported that Imam Jafar bin Muhammad at-Sadiq ('a) said:

*"Verily, Allah, the Great and Almighty, chose for His prophets cultivation and planting lest they should hate a drop of rain from the sky."*⁴

*"The great alchemy (treasure) (Kimya') is agriculture."*⁵

*"The sowers are the treasures of mankind, they plant good (things) which Allah, the Great and Almighty takes out. And on the Judgment Day, they will be the best of all people in position and the closest or them all in place; they will be called the blessed."*⁶

This group of excellent Islamic texts shows us the Islamic opinion about land, agriculture, cultivation, the Islamic love for agriculture, its care of it, its urging to cultivate the land and exploit its agricultural wealth, because agriculture is the resource of foodstuff, and it is the base of life, so it is the treasury of life and the great alchemy [Kimya'] as Imam al-Sadiq ('a) expressed.

As Islam has given this importance in life to the land, agriculture, and the sower, it has made suitable laws to achieve increase in production and protect the sower's rights, then; through these laws, welfare and economic justice are accomplished.

Islam has limited the relationship of human effort with the land, its products, economic and human relations concerning distribution, and the laws of economic method, in the following states:

1. The state of cultivation of the uncultivated land.
2. The state of crop sharing.
3. The state of the crop-sharing contract over the lease of a plantation.
4. The work for a wage on the agricultural land.
5. The state of hiring out the land by the farmer.

Let us explain these five states to give an illustration of the system in Islam; this system has liberated the farmer's effort and prevented feudalism from creeping into the Islamic Society, because it has decided that the first principle to deal with, about the land, is that the land should be put in the possession of the sower who cultivates it with effort and sweat upon his brow.⁷

1. The State of Cultivation of Uncultivated Land

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The Holy Qur'an has limited man's relation with the land as follows:

"And the earth, He has set it for (His) creatures..." (Holy Qur'an, 55: 10)

So, the natural land is for all; it is the store of food, and the source of man's life; each person takes his need from it and lets other take their need from it, too, for Allah has created all men to live off the earth and enjoy themselves with the good things of life and the blessings of the earth; Allah, the Exalted, says:

"He it is Who made the earth subservient to you, so go about in the spacious sides thereof, and eat of His sustenance, and to Him is the rising (after death)." (Holy Qur'an, 67: 15)

"...and ordained therein its foods, in four days; alike for (all) seekers." (Holy Qur'an, 41: 10)

According to this Qur'anic concept regarding man's relation with the land, the holy traditions have become legal rules to denote the way, which the natural land is possessed.

The Prophet (S) said:

“Whoever plants a tree or digs a valley from the very beginning – no one precedes him in this work – and cultivates an uncultivated land, then it (the land) belongs to (according to), the judgment of Allah and His Apostle.”⁹

Imam al-Sadiq (‘a) said:

“Any people who cultivate a plot of land are worthier of it, and it belongs to them.”¹⁰

And he (‘a) said:

“Any man who comes to an uncultivated ruined (land), then he digs its rivers, and cultivates it certainly should pay the alms for it, and if the land belonged to a man before him, then he (the man) became distant from it and left it, so he destroyed it, then, he came afterwards to request it, certainly the land belongs to Allah and to him who cultivates it.”¹¹

The Prophet (S) said:

“Verily, the earth belongs to Allah, He has made it an endowment for his slaves, so whoever leaves a land for three successive years without cause, it is taken out of his hand and handed over to other than him, but whoever leaves saying that a right belongs to him for three years, no right belongs to him.”¹²

Imam al-Sadiq (‘a) said:

“He whose land is taken and does not request it [or three years has no right to request it after the three years.”¹³

If we study these texts and analyze the ideas and formations therein, we will conclude that laws which organize the way in which the uncultivated lands are cultivated and limit the way in which these lands are possessed:

A. It is permitted for all Muslims to possess and cultivate the natural land where man's efforts have not touched it.

Sometimes this natural land is possessed with the prior permission of the Islamic State, and sometimes without its permission, that is according to the possession of the land and the right to possess and cultivate it, then, each person has the right to cultivate the land and possesses it with his efforts that grant life and cultivation to the land, so no one has the right to exploit his efforts or take this land from him.

B. It is not permitted to leave the land uncultivated for over three years. When the three years term expires, the land is taken from its owner and given to another person to cultivate, develop its products, invest human and natural powers, distribute its utility among all people, and destroy the idea of greed and monopoly.

The Islamic State has the right to intervene to divide the waste and uncultivated lands among people to achieve a just division, so that all people have the right to possess the governmental lands with their own efforts.

Therefore, Islam has forbidden feudal domination and arranged it so the farmer should possess the land, which he cultivates, thereafter; he has the right to possess the land and the fruit of his own efforts.

2. The State of Crop Sharing

The second state which the Islamic law has adopted is the state of crop sharing, which stands on the agreement between two parties – one party offers all requirements of agricultural production, such as land, seed, water, etc., while another party offers his effort for a limited share, or the two parties are partners – one party offers the land and the effort, and another party offers seed, or one party offers the land and seed, and another party offers the effort, then the two parties are partners in the fruit and production.

Islamic jurisprudence provides that crop sharing should be common in everything coming out of the land, and the production is divided between the contracting parties according to the agreement¹⁴ and the productive elements each party offers, so they agree on dividing the production equally, or one of them takes the third or the quarter of the production, and another party takes the rest.

3. The State of a Crop Sharing Contract over the Leas of a Plantation

In this state, the farm-worker offers his own effort to organize water and take care of the fruit bearing trees for a certain share of the fruit.

This method, like the previous one, in the Muslim society, is achieved within narrow limits, because the sower, himself, is able to cultivate and possess the land.

4. Work for a Wage on Agricultural Land

In this state, the worker hires his own effort to do the agricultural work for a fixed wage. This kind of work is subject to the same laws that organize the relations of the industrial workers and of those who offer services and utilities in all productive fields. We have already explained this method, so there is no need to repeat it.

In all these states, the feudal lord has no existence or effect as in all various regimes that regard feudalism as a regime able to run society in economic, judicial, political, moral, social, etc., fields.

5. The State of Hiring Out the Land by the Farmer

In this state, the farmer hires out the land from the State or from its owner, so the farmer contracts with the owner of the land to take all the products of the planting and give the owner a certain wage for using his land.

The farmer guarantees the recompenses when he leaves the land without working it or does not cultivate it. He should pay the recompenses to the owner of the land – a State or a person – to develop production and create a secondary resistance against laziness and prevent man from freezing human or natural power.

And Praise be to Allah, the Lord of the Worlds.

- [1.](#) Al-Furu' min al-Kafi, vol. 5, p. 260.
- [2.](#) Al-Furu' min al-Kafi, vol. 5, p. 284.
- [3.](#) Al-Furu' min al-Kafi, vol. 5, 284.
- [4.](#) Al-Furu' min al-Kafi, vol. 5, p. 261.
- [5.](#) Al-Furu' min al-Kafi, vol. 5, 261.
- [6.](#) Al-Furu' min al-Kafi, vol. 5, 261.
- [7.](#) Al-Furu' min al-Kafi, vol. 5, p. 280.
- [8.](#) There are juristic detail about the possession of one-tenth and the tax lands and of the cultivated and the uncultivated lands. See them at their source; as for our research, it is devoted to explain the general sense of cultivation of the natural land.
- [9.](#) Al-Furu' min al-Kafi, vol. 5, p. 280.
- [10.](#) Al-Furu' min al-Kafi, vol. 5, p. 280.
- [11.](#) Al-Furu' min al-Kafi, vol. 5, p. 279.
- [12.](#) Al-Furu' min al-Kafi, vol. 5, p. 297.
- [13.](#) Al-Furu' min al-Kafi, vol. 5, p. 297.
- [14.](#) There are two other conditions – the land should be arable, and the period of time should be fixed.

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