

# Distinction of Justice and Fairness during Umar bin Abdul Aziz's Reign

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**Abstract:** *The figure of the caliph Umar bin Abdul Aziz was a leader who was able to carry out his religion, fulfill his mandate. He upholds justice which has often been ignored by his predecessors. He was able to challenge the current of tyranny which had become the culture of the ruler. He also remodeled the justice system, especially in the Mazalim (criminal) and civil fields. Not only humans who feel their justice but animals also get justice Umar bin Abdul Aziz. Renewal made by Umar bin Abdul Aziz in the field of justice, restore the rights of people who have been wronged, eradicate corruption, even he equates between worship and the implementation of hudud and qishas law. . This discussion was carried out by literature study by examining the books and analyzing them comparatively in the field of justice carried out before the time of Umar bin Abdul Aziz and what was reformed by Umar bin Abdul Aziz. Umar renewed the execution of the death sentence. The death penalty must be decided by the Caliph himself, fixing the prison administration. Umar bin Abdull Aziz began justice from himself and his family. Even animals feel justice Umar bin Abdul Aziz by limiting the cargo to be transported by camels and donkeys and may not hit the animal with iron.*

**Keywords:** *Justice, fairness, Umar bin Abdul Aziz, period*

## Introduction

Umar bin Abdul-Aziz (Arabic: عمر بن عبد العزيز, nicknamed Umar II, born in 63 H / 682 - February 720, age 37-38) was the Caliph of the Umayyad ruler from 717 (age 34-35 years) to 720 (for 2-3 years). Unlike the previous Umayyads caliphate, he was not a descendant of the previous caliph, but was appointed directly by Sulaiman before he die, that he was cousin of the previous caliph. His father's was Abdul-Aziz bin Marwan, governor of Egypt and brother of Caliph Abdul-Malik. His mother was Ummu Asim binti Asim. Umar is a great-grandson from

second Khulafaur Rashidin's, Umar bin Khattab, where Muslims respect him as one of the closest Prophet's Companions.<sup>1</sup>

Umar grew up in Medina, under the guidance of Ibn Umar, one of the greatest ulama of hadith, one of Prophet companion. He lived there until his father's death, where he was then summoned to Damascus by Abdul-Malik and married his daughter, named Fatimah. His father-in-law died shortly afterwards and he was appointed in 706 as governor of Medina by Caliph Al-Walid I.<sup>2</sup> Unlike some of the rulers of that time, Umar formed a council that later accompanied the provincial administration. The time in Medina was a far cry from the previous government, where official complaints to Damascus were reduced and problems of Iraqi governor with its peoples were resolved in Medina, in addition to those who immigrated to Medina from Iraq, seeking refuge from their cruel governor, Al-Hajjaj bin Joseph. It caused Al-Hajjaj's anger, and he pressed al-Walid I to stop Umar. al-Walid I bowed to Al-Hajjaj's pressure and dismissed Umar from his position. But since then, Umar has had a high reputation in the Islamic Caliphate at that time. In the era of Al-Walid I this is also noted about the decision of the controversial caliph to expand the area around the mosque of Nabawi so that the Prophet's house was renovated. Umar recited this decision in front of the people of Medina including their cleric, Said Al Musayyib so many of them poured tears. Said Al Musayyib said: "Indeed, I hope that the house of Rasulullah will be left as it is so that the next generation of Islam will know how his simple way of life."<sup>3</sup>

In Solomon's era (715 - 717 AD). Umar remained in Medina during the remainder of al-Walid I's administration and was then continued by al-Walid's brother Sulaiman. Sulaiman, who was also Umar's cousin, always admired Umar, and refused to appoint his own siblings and children during the election of the Caliph and appointed Umar. Umar

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<sup>1</sup>Wikipedia bahasa Indonesia, "Umar bin Abdul-Aziz," *id.wikipedia.org*, 30 Juni 2019, [https://id.wikipedia.org/wiki/Umar\\_bin\\_Abdul-Aziz](https://id.wikipedia.org/wiki/Umar_bin_Abdul-Aziz).

<sup>2</sup>Hugh Kennedy, *The Prophet and the age of the caliphates: the Islamic Near East from the sixth to the eleventh century*, Third Edition (New York ; London: Routledge, Taylor & Francis Group, 2016).<sup>34</sup>

<sup>3</sup>Alī Muḥammad Muḥammad Ṣallābī, *The rightly-guided Caliph and great reviver 'Umar bin 'Abd al-'Azīz: indicators of renewal and guided reformation on the Prophetic path*, First edition (Riyadh: Darussalam, 2011).115

became caliph replace position of Solomon who died in 716. He was bai'ah as caliph on Friday after Friday prayers. That day after Ashar, the people could immediately feel the change in the policy of the new Caliph. Caliph Umar, there is still one genealogy with the second Caliph, Umar bin Khattab from the maternal line.<sup>4</sup> Umar is the eighth Caliph of the Umayyads.

The era of his government succeeded in restoring the state of his country and conditioning his country as when the first four caliphs (Khulafaur Rasyidin) ruled. His policy and the simplicity of his life were not inferior to the first four caliphs. His salary as a caliph was only 2 dirhams per day or 60 dirhams per month. Therefore many historians dubbed him the 5th Khulafaur Rashidin. This Caliph Umar only ruled for a little less than three years. According to history, he died because he was assassinated (poisoned) by his servant.

In conducting the discussion the author uses a literature study method, which is qualitative with a historical approach. The author collects source books and documents and conducts interviews with experts to verify the truth that is available in a semi-holistic manner. After that the author made an interpretation after making a comparison of the existing literature with analysis content.

### **Short Preview of Social Life of the Umayyad Kingdom**

Basically the Umayyad Caliphate was of a royal nature that was hereditary but still was polished with the principles of false shura. Their kingdom was founded on proficiency in politics, shrewdness, deception that was the foundation of the kingdom they founded. For a while the kingdom founded on deception, threats and violence will be safe. The population looks safe and peaceful, but like a fire in the husk it will continue to ignite, there is a rebellion everywhere, tyranny for the sake of tyranny has been carried out without any more sharia bonds that bind them. All is done with money, money politics and deceit, the purpose of life for most of the Umayyads is only the world, but even so without realizing it they also have a role in spreading Islam throughout the world,

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<sup>4</sup>Elfia Elfia, "Kebijakan Hukum dalam Penyelesaian Kewarisan Islam (Analisis Terhadap Beberapa Kebijakan Umar bin al-Khattab)," *FOKUS Jurnal Kajian Keislaman dan Kemasyarakatan* 2, no. 2 (31 Desember 2017): 125, doi:10.29240/jf.v2i2.296.

especially during the conquest of countries from the East to west. The steps taken by the Umayyads in general are as follow.

1. Giving excessive facilities to community leaders as well as prominent people who have influence in moving the period.

Mu'awiyah bin Abi Sofyan gave a speech in the Hijaz after occupying the position of caliph, he apologized for not being able to imitate the methods of leadership that had been carried out by the previous caliphs (khulafa ar-rashidin). "There are no more people like that." I will give benefit to myself and you you can eat and drink enough, as long as you all behave well (not rebellious), if I am not the best, I will be better Mu'awiyah bin Abu Sofyan said "I will not attack unarmed people, if I cannot fulfill your rights, accept half of the rights I have given, do not provoke, because rebellion causes a loss of comfort in life, and will pass on a prolonged crackdown, I beg God for forgiveness for myself and yourself. "He distributed a great deal of money to the Banu Hashim, especially to the princes, with great care for the movements of the Banu Hashim itself. At that time more listening to the words of the community leader than governor, therefore those who were given money a it is the community leaders, if this community leader has enough money, his ambition to assume the position of caliph will diminish by itself.<sup>5</sup>

2. Luxury Lifestyle in the Age of the Umayyads

This is a luxurious lifestyle and splendor in the days of the Umayyads, they wear good and expensive clothes, give money to people who can bring them misfortune. The custom of the Arabs before the conquest of their areas of life was very simple both in clothing, food and drink. This changed after they heard the rulers echoing the richness of other nations such as Persia, Rome, and tribes in the region of Central Asia. The Umayyad Caliphs live by spree full of luxury and are very redundant. They wore silk clothes, the number of clothes from one of them to tens of thousands of pieces. Whereas the people are oppressed, there are castes,

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<sup>5</sup>Abd Allāh Ibn 'Abd al-Ḥakam dan Habiburrahman Syaerozi, *Biografi Umar bin Abdul Aziz: penegak keadilan* (Jakarta: Gema Insani, 2002).116

illegal levies and others. This luxury life phenomenon has a negative impact on the community and the caliphs themselves.<sup>6</sup>

وَإِذَا أَرَدْنَا أَنْ نُهْلِكَ قَرْيَةً أَمَرْنَا مُتْرَفِيهَا فَفَسَقُوا فِيهَا فَحَقَّ عَلَيْهَا الْقَوْلُ فَدَمَّرْنَاَهَا تَدْمِيرًا (الإسراء ، الآية : 16)

*And when We intend to destroy a city, We command its affluent but they defiantly disobey therein; so the word comes into effect upon it, and We destroy it with [complete] destruction (QS. Al-Isra': 16).*

From the above verse can be analyzed, the cause of the collapse of the Umayyads after the death of Umar bin Abdul Aziz. Although the country was not destroyed but there was a mass slaughter of the descendants of the Umayyad. A lot of money and a life that is luxurious will make someone become weak physically and mentally. The Prophet once said:

عن عمرو بن عوف الأنصاري، رضي الله عنه، أن رسول الله ﷺ، بعث أبا عبيدة بن الجراح، رضي الله عنه، إلى البحرين يأتي بجزيته، فقدم بمال من البحرين، فسمعت الأنصار بقدم أبو عبيدة، فوافوا صلاة الفجر مع رسول الله، ﷺ فلما صلى رسول الله ﷺ، انصرف فتعرضوا له، فتبسم رسول الله، ﷺ حين رآهم، ثم قال: "أظنكم سمعتم أن أبا عبيدة قدم بشيء من البحرين؟" فقالوا: أجل يا رسول الله فقال: "أبشروا وأملوا ما يسركم، فوالله ما الفقر أخشى عليكم، ولكني أخشى أن تبسط الدنيا عليكم كما بسطت على من كان قبلكم، فتنافسوها كما تنافسوها، فتهلككم كما أهلكتهم" (متفق عليه). ٧.

*Messenger of Allah (ﷺ) sent Abu 'Ubaidah bin Al-Jarrah (May Allah be pleased with him) to Bahrain to collect (Jizyah). So he returned from Bahrain with wealth. The Ansar got news of it and joined with the Prophet (ﷺ) in the Fajr prayer. When the Prophet (ﷺ) concluded the prayer, they stood in his way. When he saw them, he smiled and said, "I think you have heard about the arrival of Abu 'Ubaidah with something from Bahrain". They said, "Yes! O Messenger of Allah!". He (ﷺ) said, "Rejoice and hope for that which will please you. By Allah, it is not poverty that I fear for you, but I fear that this world will be opened up with its wealth for you as it was opened to those before you; and you vie*

<sup>6</sup>Alī Muḥammad Muḥammad Ṣallābī, *Umar bin Abdul Aziz: Khalifah pembaharu dari Bani Umayyah* (Jakarta Timur: Pustaka Al-Kautsar, 2010).98

<sup>7</sup>Muslim bin Hajaj *Sahih Muslim* (Kairo, Dar al-Ihya li Turats, tth), Vol 4, .774 Hadits No.2961 Islam Gov.KW. Dar al-Efta

*with one another over it as they did and eventually it will ruin you as it ruined them".(Narated By Muslim)*

This saying of the prophet can be analyzed, the action of Umar bin Khatab is a manifestation of the Prophet's Hadith, after his death some of his companions lived very lavishly, had homes everywhere, had thousands of slaves, like Zubair bin Awam.<sup>8</sup>

During the time of Umar bin Khatab, the companions were prohibited from leaving Medina to trade or other transactions. So that the friends still have a lifestyle as in the time of the Prophet S.A.W, and can be used as an example by most people. The pattern of life became stable and the distribution of national wealth became evenly distributed, there was no feudalism, there are no nobles who controlled capital and owned and controlled many slaves to be used as very cheap labor and soaring production results from the trade monopoly supported by the authorities<sup>9</sup> but Abdul Malik bin Marwan's time was very different.

Abdul Malik Ibn Marwan was the cruelest Caliph of the Umayyads,

ولم يكن في العرب ولا أمروان أظلم ولا أكفر ولا أفجر من عبد الملك ، ولم يكن في  
عماله أكفر ولا أظلم ولا أفجر من الحجاج ! وكان عبد الملك أول من قطع السنة الناس  
في الأمر بالمعروف والنهي عن المنكر ، صعد المنبر فقال: إني والله ما أنا  
بالخليفة المستضعف يعني عثمان ، ولا بالخليفة المصانع يعني معاوية ! وإنكم  
تأمروننا بأشياء تنسونها منه في أنفسكم ، والله لا يأمرني أحد بعد مقامي هذا بتقواله إلا  
ضربت عنقه! <sup>10</sup>

*Never in Arabs and Marwan families who are more cruel, more cruel, more infidels, more evil, than Abdul Malik, and the most wicked, deviant governor, the infidels are Hajj ibn Yusuf at-Tsaqafi. Abdul Malik cut off the tongue of the person who advised him in amar ma'ruf nahimungkar. He went up the pulpit and said, "I am not a weak caliph (Ustman bin Affan) nor a clever caliphate (Mu'awiyah bin AbiSofyan) you ordered me to do something while you forget about it, for God's sake no one commanded me to be devoted to Allah except I digest his neck !*

<sup>8</sup>H.I. Hasan, *Tarikh al-Islam: al-siyasi wa-al-dini wa-al-thaqafi wa-al-ijtima'i* (al-Dar al-Andalus, 1964),223

<sup>9</sup>Ibn 'Abd al-Ḥakam dan Syaerozi, *Biografi Umar bin Abdul Aziz*.89

<sup>10</sup>Al-Jasasahkam al-Qur'an (Kairo, Dar al-Hadits, 1992),Vol 1, .86

It can be analyzed from al-Hajjaj's words before the Iraqi people:

واللهيأهالالعرافانيلأبرؤوسأقدأينعنوحانقطافها<sup>11</sup>

*By God, O people of Iraq, I see the heads (human heads) are ripe, the time has come to harvest them (beheaded)*

Only with a little rebuttal will the head of the disputing person be plucked with a sword (beheaded). Such is the problem faced by the people who lived during the time of the Umayyads who were full of prolonged lawlessness and injustice.

### 3. Social level of society

What is meant by social level here is divided into several classifications, religion, ethnicity, and interaction relationships between them. Then the rules in the family, their individual lives, freedom, the palace, behaviour of the majors of the caliphs, ceremonies, parties, customs, tourist attractions, the form of houses and their contents in the form of household furniture.<sup>12</sup>

At the time of the khulafa ar-Rasyidun there was no difference between ethnicity which distinguishes it from only taqwa to Allah S.W.T will make people special. The Messenger of Allah said "there is no Arab priority from Persia except by taqwa. The Umayyans looked down on nations other than Arabs. They considered the nation in the conquered territories their slaves. This aroused a sense of tribe that was in themselves which eventually resulted in prolonged riots. They rebelled against the Umayyad government and joined anyone who opposed the Umayyads, every time they were always looking forward to the opportunity to destroy the Umayyad State.<sup>13</sup>

Tribal fanaticism was eliminated by the Messenger of Allah S.A.W reappeared by the Umayyads. In the Arabs there was a split due to the struggle for power. For example, residents of Khurasan helped to overthrow the Umayyad government. Whereas Jews and Christians were given religious freedom from paying jizyah to the Umayyad government.

<sup>11</sup>Ali Jarim, Mustafa Amin, *al-Balaghah al-Wadhihah* (Kairo, Dar al-Ma'arif, 1988). 21.

<sup>12</sup>H.I. Hasan, *Tarikh al-Islam: al-siyasi wa-al-dini wa-al-thaqafi wa-al-ijtima'i* (al-Dar al-Andalus, 1964).223

<sup>13</sup>Ibid.

The Arabs controlled the agricultural lands and processed them, they were scattered throughout the territory that had been conquered such as Iraq, Khurasan (Iran, Azerbaijan, Khazakastan).<sup>14</sup>

During the Umayyad period all state revenues increased, because they increased the amount of taxes and levies taken from residents, traders, non-Muslim groups. Mu'awiyah bin Abi Sofyan ordered to increase the amount of levies for the native Egyptian population (coptik), as much as 200 milligrams of head consisting of pure gold. The tax collector named Wardan asked Mu'awiyah in his letter "how would I ask more for them while in the treaty letter I should not ask for more than that?". The new tax that was never collected from the time of the Messenger of Allah until the khulafa ar-Rashidin was collected during the Umayyad period, they raised arbitrarily. If they don't want to pay, all the furniture of their house is taken by force. Many residents protested with this treatment, for example in Yemen. Non-Muslim groups are not only collected by jizyah but there are also other taxes collected from them. The same is true of the residents of Iraq, Central Asia, each of whom raised their taxes by three dinars (gold / denari).<sup>15</sup>

Such oppression does not cause economic growth or soaring state income but the opposite happens. Residents are reluctant to carry out trade activities because only to enrich the authorities, traders whose data from China through silk lines change their trade routes or smuggle their goods because they avoid very high taxes. Even agricultural activities are backward. The fewer income of the state, the more persistent the rulers of the Umayyads raised their taxes and forcibly took money and furniture in people's homes, who opposed the cut off of the neck by the Governor named al-Hajaj. That's how social life is for lower middle-class life people who are always suffering from the treatment of the authorities. After Umar bin Abdul Aziz came the tax regulations were abolished and returned to the caliph of Umar bin Khatab, which was collected only as much as two and a half dirhams (Persian currency).

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<sup>14</sup>Josep Suñé Arce, "Was the Umayyad Caliphate of Cordoba as Strong as Arab Chroniclers Claimed?," *Al-Masāq* 31, no. 1 (2 Januari 2019): 35–49, doi:10.1080/09503110.2018.1553376.

<sup>15</sup>Hasan, *Tarikh al-Islam: al-siyasi wa-al-dini wa-al-thaqafi wa-al-ijtima`i*.

Because it must be fair to all parties including themselves, others and also in the nation and state. Equality before the law regardless of status and position is a must. In history, the example of justice for all parties was demonstrated by Umar bin Abdul Aziz. This Caliph started justice from himself, which counted his property so that it would not be mixed with state property and people. Furthermore, he applied justice to his own family from among the Umayyad officials, namely by cleaning up unnatural assets. All corrupt officials are dismissed.

In reality in society today there are still many phenomena of mistrust of the law. Eigenrechten carried out by the community is evidence of their mistrust of the law.<sup>16</sup> The reality of the legal and judicial system in this country seems to be illustrated in a study conducted by The Asia Foundation & AC Nielsen which states, among others: 49% of the legal system does not protect them (the legal system does not protect them), 38% has no similarities upfront law (there is a thing as equality before the law), 57% of the legal system still remains corrupt (the legal system is just as corrupt as it has always been) problem.

Therefore, people who are involved in justice and law have spiritual intelligence, have an awareness of the existence of God, so that they always make fair decisions.<sup>17</sup> In Japan, law is not only governed by legislation, namely *tatamae*, but also *kokoro*, which is moral spirituality, namely a sense of justice. We cannot just improve legislation but leave the aspect of feeling justice.

### **Relationship between Court Decisions and Legal Justice**

Many cases have been decided by the Messenger of Allah in accordance with the principles and wisdom of divine justice which are sometimes unreachable to humans such as the case of theft committed by a noblewoman who will cut off his hand. However, Rasulullah S.A.W also said:

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<sup>16</sup>Joko Setiyono, "Effectiveness of corruption court in corruption eradication in Indonesia," *IOP Conference Series: Earth and Environmental Science* 175 (24 Juli 2018): 012201, doi:10.1088/1755-1315/175/1/012201.

<sup>17</sup>T. Ryan Byerly, "Free Will Theodicies for Theological Determinists," *Sophia* 56, no. 2 (Juni 2017): 289–310, doi:10.1007/s11841-016-0563-8.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ عَنْ عِيسَى بْنِ عَمْرٍو بْنِ بِنْتِ أَبِي سَلَمَةَ عَنْ أَبِي سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِنَّمَا أَنَا بَشَرٌ وَإِن كُنْتُمْ تَحْتَصِمُونَ عَلَى أَيْدِي الْعُلَمَاءِ كَمَا تَكُونُونَ الْحَبِيبُ جِئْتَهُمْ مُبْعِضًا فَضِعْلًا حَتَّى مَا اسْتَعْمَقْتُمْ قَضِيَّتَهُمْ مَنَحْتُمْ أَحْيَهُمْ شَيْئًا أَفَلَا يَأْخُذْهُمَ إِنَّمَا أَقْطَعُ لَهُمْ قِطْعَةً مِّنَ النَّارِ

*Narrated Um Salama, Allah's Messenger (ﷺ) said, "I am only a human being, and you people (opponents) come to me with your cases; and it may be that one of you can present his case eloquently in a more convincing way than the other, and I give my verdict according to what I hear. So if ever I judge (by error) and give the right of a brother to his other (brother) then he (the latter) should not take it, for I am giving him only a piece of Fire."* (See Hadith No. 638, Vol. 3).<sup>18</sup>

Aisha said that the Quraysh were fussed over by the case of a woman from Banu Makzum who stole. This woman came from among the nobility so they were hesitant to report to the Prophet. After debating, finally it was agreed that Usamah bin Tsabit would deliver to the apostle. The reason, Usamah was very close and was beloved of the Prophet. Usamah then delivered the theft case and at the same time asked for a sentence for the woman. After Usamah said, Rasulullah asked, "Are you going to intercede for the laws of Allah, O Usamah?" The Prophet then stood up and delivered a speech before the crowd: "Indeed, the destruction of the people before you was caused if one of the honorable of them stole, they let it go. However, if a weak person steals, they punish him. For God's sake, if Fatima bint Muhammad stole, I would cut her hand myself." (Bukhari).

History records, at least four times there have been corruption cases at the time of the Prophet, namely first, cases of ghulul or embezzlement alleged by some of Uhud's war troops against the Prophet SAW. Second, the case of slaves named Mid'am or Kirkirah who darkened their coats. Third, the case of someone who embezzled jewelry for 2 dirhams. Fourth, cases of gifts (gratuities) for zakat collectors in the village of Bani Sulaim, named Ibn al-Lutbiyyah.

Regarding the first case, ghulul or embezzlement alleged by some of Uhud's war troops against the Prophet, Allah said in the letter Ali Imran verse 161:

<sup>18</sup>Bukhari *Sahih Bukhari* (Beirut, Dar al-Fikr, 1988) Vol II, No.6634

وَمَا كَانَ لِنَبِيِّ أَنْ يَعْلَمَ ۖ وَمَنْ يَعْلَمُ يَأْتِ بِمَا عَلَّ يَوْمَ الْقِيَامَةِ ۖ ثُمَّ تَوَقَّى كُلُّ نَفْسٍ مَّا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ

According to scholarly commentators and historians, this verse falls down in connection with the case that occurred during the second year of Uhud war Hijriah. At that time the troops of the Muslims suffered a tragic defeat, the arrow troops flocked down from the Uhud hill to fight for the spoils of war. In fact, the Messenger of Allah (PBUH) has never mentioned before leaving the hill of Uhud. Whatever happens بسواء منا أم علينا, he said, win or lose, never leave Uhud hill position so that we can protect or defend the army at the bottom of the hill, including the Prophet himself who was then a warlord.

But they violated the Prophet's orders, even suspecting that the Prophet (PBUH) would undoubtedly warfare their spoils of war. When the Messenger of Allah (PBUH) learned that the archers came down from the hill of Uhud, he said:

ظَنَنْتُمْ أَنَّا نَعْلَمُ وَلَا تُفْسِمُ لَكُمْ " فَأَنْزَلَ اللَّهُ هَذِهِ الْآيَةَ

*You must think that we will do ghulul, corruption of ghanimah (war booty) and will not share it with you!" At that moment Ali Imran's revelation verse 161*

The second corruption case happened to a slave named Mid'am or Kirkirah. He was a slave who was presented to the Prophet. Then, the Prophet sent him to bring a number of treasures or spoils of war. On a journey, precisely in the wādil qurâ, suddenly Midâam or Kirkirah, a slave was hit by a stray shot, a shot, an arrow pierced his neck so he was killed. The companions of the Prophet were shocked. They simultaneously prayed for the slave to hopefully go to heaven. Unexpectedly, the Prophet Muhammad suddenly said that he would not enter heaven.

حَدَّثَنَا إِسْمَاعِيلُ، قَالَ حَدَّثَنِي مَالِكٌ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدَّبَلِيِّ، عَنْ أَبِي الْعَبْثِ، مَوْلَى ابْنِ مُطْعِمٍ عَنْ أَبِي هُرَيْرَةَ، قَالَ خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ يَوْمَ خَيْبَرَ فَلَمْ نَعْنَمْ دَهَبًا وَلَا فِضَّةً إِلَّا الْأَمْوَالَ وَالنِّيبَاتِ وَالْمَتَاعَ، فَأَهْدَى رَجُلٌ مِنْ بَنِي الصُّبَيْبِ يُقَالُ لَهُ رِفَاعَةُ بْنُ زَيْدٍ لِرَسُولِ اللَّهِ ﷺ غَلَامًا يُقَالُ لَهُ مِدْعَمٌ، فَوَجَّهَ رَسُولُ اللَّهِ ﷺ إِلَى وَادِي الْقُرَى حَتَّى إِذَا كَانَ بِوَادِي الْقُرَى بَيْنَمَا مِدْعَمٌ يُحْطُ رَجُلًا لِرَسُولِ اللَّهِ ﷺ إِذَا سَهْمٌ عَابِرٌ فَقَتَلَهُ، فَقَالَ النَّاسُ هَبْنَاهُ لَهُ الْجَنَّةَ. فَقَالَ رَسُولُ اللَّهِ ﷺ " كَلَّا وَالَّذِي نَفْسِي بِيَدِهِ إِنَّ الشَّمْلَةَ الَّتِي أَخَذَهَا يَوْمَ خَيْبَرَ مِنَ الْمَغَامِرِ، لَمْ

تُصِبُّهَا الْمَقَاسِمُ، لَتَشْتَعِلَ عَلَيْهِ نَارًا". فَلَمَّا سَمِعَ ذَلِكَ النَّاسُ جَاءَ رَجُلٌ بِشِرَاكِ أَوْ شِرَاكَيْنِ إِلَى النَّبِيِّ ﷺ فَقَالَ " شِرَاكٌ مِنْ نَارٍ . أَوْ . شِرَاكَانِ مِنْ نَارٍ "

*"Abu Hurairah said "We went out along with the Apostle of Allaah(ﷺ) in the year of Khaibar. We did not get gold or silver in the booty of war except clothes, equipment and property. The Apostle of Allaah(ﷺ) sent (a detachment) towards Wadi Al Qura. The Apostle of Allaah(ﷺ) was presented a black slave called Mid'am. And while they were in Wadi Al Qura and Mid'am was unsaddling a Camel belonging to the Apostle of Allaah(ﷺ) he was struck by a random arrow which killed him. The people said "Congratulations to him, he will go to paradise. But the Apostle of Allaah(ﷺ) said "Not at all. By Him in Whose hand my soul is the cloak he took on the day of Khaibar from the spoils which was not among the shares divided will blaze with fire upon him. When they (the people) heard that, a man brought a sandal strap or two sandal straps to the Apostle of Allaah(ﷺ). The Apostle of Allaah(ﷺ) said "A sandal strap of fire or two sandal straps of fire."." (HR. Abu Dawud).<sup>19</sup>*

The lessons that can be taken, the corruption of a coat (شملة) and just a shoelace (شراك saja) alone, the Prophet SAW's words, will surely go to hell. Obviously, the corruption that is happening today, with a very large number of modes and numbers, and a very broad, systemic and structured impact, will get even more painful responses. The third corruption case is the case of a person embezzling jewelry for 2 dirhams. This is explained in the hadith:

أَنَّ رَجُلًا مِنْ أَشْجَعٍ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تُوِيَ يَوْمَ خَيْبَرَ فَذَكَرَ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ صَلُّوا عَلَيَّ صَاحِبِكُمْ فَتَغَيَّرَ وَجْهُ النَّاسِ مِنْ ذَلِكَ فَقَالَ إِنَّ صَاحِبِكُمْ عَلَّ فِي سَبِيلِ اللَّهِ فَفَتَّشْنَا مَتَاعَهُ فَوَجَدْنَا حُرْزًا مِنْ حُرْزِ يَهُودَ مَا يُسَاوِي دِرْهَمَيْنِ<sup>20</sup>

*A man from the Companions of the Prophet (ﷺ) died on the day of Khaybar. They mentioned the matter to the Messenger of Allah. He said: Offer prayer over your companion. When the faces of the people looked perplexed, he said: Your companion misappropriated booty in the path of Allah. We searched his belongings and found some Jewish beads not worth two dirhams.(HR. Abu Dawud).*

<sup>19</sup>Abu Daud Sunan Abu Daud (Beirut, Dar al-Fikr, 1981),Vol. II, h.231

<sup>20</sup>Abu Daud Sunan Abu Daud (Beirut, Dar al-Fikr, 1981),Vo. II, h.234

The order of the Prophet SAW "صَلُّوا عَلَى صَاحِبِكُمْ" (pray your brother) gives a signal that the Prophet SAW did not wish to overtake the corpse of a corruptor. Imam al-Nawawi said:

*"... and good people should not need to participate in overtaking the wicked to be a lesson and prevent others from imitating being wicked."*

The next case was the corruption of Abdullah bin al-Lutbiyyah (or Ibn al-Atbiyyah), the zakat collector officer in Banu Sulaim. This case occurred in 9 H. As a zakat collector, he carried out his duties at Banu Sulaim. Upon returning from duty, Ibn al-Lutbiyyah reported the results of the zakat he had obtained and some he considered as gifts for him (as an officer). Ibn al-Lutbiyyah said to the Prophet Muhammad, "This is the result of zakat collection for you (Rasulullah /for the state); and this one is a present for me." Hearing this report, the Messenger of Allāh refused the prize obtained when someone became an officer. Rasulullah SAW said, "If you just sit in the house of your father and mother, will the gift come alone for you?" Then, the Messenger of Allāh immediately climbed the pulpit giving a speech in front of the crowd to inform the public about this event.

This hadith about Ibn al-Lutbiyyah's case is narrated by Imam Muslim and al-Bukhari with the editorial staff of Imam Muslim as follows:

حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ، حَدَّثَنَا أَبُو أُسَامَةَ، حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، عَنْ أَبِي هُمَيْدٍ السَّاعِدِيِّ، قَالَ: اسْتَعْمَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنَ الْأَزْدِ عَلَى صَدَقَاتِ بَنِي سُلَيْمٍ، يُدْعَى: ابْنُ الْأَنْبِيَّةِ، فَلَمَّا جَاءَ حَاسِبَهُ، قَالَ: هَذَا مَالِكُمْ، وَهَذَا هَدِيَّةٌ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «فَهَلَّا جَلَسْتَ فِي بَيْتِ أُيَيْبِكَ وَأَمَّاكَ حَتَّى تَأْتِيكَ هَدِيَّتُكَ إِنْ كُنْتَ صَادِقًا»، ثُمَّ خَطَبَنَا، فَحَمِدَ اللَّهَ، وَأَثْنَى عَلَيْهِ، ثُمَّ قَالَ: أَمَّا بَعْدُ، فَإِنِّي اسْتَعْمَلْتُ الرَّجُلَ مِنْكُمْ عَلَى الْعَمَلِ بِنِي وَأَنَا فِي اللَّهِ، فَيَأْتِيَنِي فَيَقُولُ: هَذَا مَالِكُمْ، وَهَذَا هَدِيَّةٌ أُهْدِيْتُ لِي، أَفَلَا جَلَسَ فِي بَيْتِ أَبِيهِ وَأُمِّهِ حَتَّى تَأْتِيَهُ هَدِيَّتُهُ إِنْ كَانَ صَادِقًا، وَاللَّهِ لَا يَأْخُذُ أَحَدٌ مِنْكُمْ مِنْهَا شَيْئًا بَعِيرٍ حَقِّهِ، إِلَّا لَقِيَ اللَّهَ تَعَالَى يَحْمِلُهُ يَوْمَ الْقِيَامَةِ، فَلَا عَرَفَ أَحَدًا مِنْكُمْ لَقِيَ اللَّهَ يَحْمِلُ بَعِيرًا لَهُ رِغَاءٌ، أَوْ بَقْرَةً لَهَا حُوَارٌ، أَوْ شَاةً تَبْعُرُ، ثُمَّ رَفَعَ يَدَيْهِ حَتَّى رُئِيَ بَيَاضُ إِبْطَيْهِ، ثُمَّ قَالَ: «اللَّهُمَّ، هَلْ بَلَغْتُ؟» بَصُرَ عَيْنِي، وَسَمِعَ أُذُنِي

*It has been reported on the authority of Abu Humaid as-Sa'idi who said: The Messenger of Allah (صلى الله عليه وسلم) appointed a man from the Azd tribe called Ibn al-Utbiyya, in charge of Sadaqat to be received from Banu Sulaim. When he came (back), the Messenger of Allah (صلى الله عليه وسلم)*

*(وسلم) asked him to render his account. He said: This wealth is for you (i.e. for the public treasury) and this is a gift (presented to me). The Messenger of Allah (صلى الله عليه وسلم) said: You should have remained in the house of your father and your mother, until your gift came to you if you spoke the truth; then he addressed us. He praised God and extolled Him, and afterwards said: I appoint a man from you to a responsible post sharing with him authority that God has entrusted to me, and he comes to me saying: This wealth is for you (i.e. for the public treasury) and this is a gift presented to me. Why did he not remain in the house of his father and his mother and his gift came to him, if he was truthful? By God, any one of you will not take anything from (the public funds) without any justification, but will meet his Lord carrying it on himself on the Day of judgment. I will recognise any one of you meeting Allah and carrying a growling camel, or a cow bellowing or a goat bleating. Then he raised his hands so high that whiteness of his armpits could be seen. Then he said: O my Lord, I have conveyed (Thy Commandments). The narrator says: My eyes saw (the Prophet standing in that pose) and my ears heard (what he said).*

The action of the Prophet to publicly address the untruth carried out by his subordinates, it can be said that the Prophet (PBUH) publicized the actions of corruptors in the mass media or public places so that the corruptors and their families were embarrassed and deterred from their acts of corruption. The criminal acts of corruption that occur in Indonesia currently fall into the category of ta'zir jarimah. Even though it only fits into the ta'zir jarimah type, the danger and negative impact can be greater than stealing and robbing. Thus, the form of ta'zir punishment can be in the form of criminal dismissal, imprisonment, life imprisonment, and can even be in the form of capital punishment. To take action against perpetrators of corruption, it can also be taken from jarimah hirâbah. This crime is mentioned in QS. Al-Ma'idah verse 33 with the penalty of death, crucifixion, crossed hands and feet crossed or exiled, as follows:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ  
مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

*The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land.) `Wage war' mentioned here means, oppose and contradict, and it includes disbelief, blocking roads and spreading fear in the fairways. Mischief in the land refers to various types of evil. Ibn Jarir recorded that `Ikrimah and Al-Hasan Al-Basri said that the Ayat,."*<sup>21</sup>

وفي قطع يد السارق التي من شأنها أن تباشر السرقة عبرة لمن تحدثه نفسه بسرقة أموال الناس، وتطهير للسارق من ذنبه، وحفظ لأموال الأمة، وإرساء لقواعد الأمن والطمأنينة في المجتمع. وقطع يد السارق كفيل بقطع دابر السرقة وتقليلها، وحفظ للسارق أن ينال كسبه من السحت الحرام، ورسالة مكشوفة تردع الصائل، وتكف الباغي. والسارق هو الذي جلب الشر لنفسه، ففُطع لمصلحة نفسه ومصلحة غيره<sup>22</sup>

*The execution of hand cut sentences have a deterrent effect for the perpetrators and thieves who want to continue their activities in stealing public assets. This cutting of hands is the purification of the thief from his sins and maintaining the property of the people from his crimes will automatically provide a sense of security for the community. Cutting hands is more effective in stopping theft activities, for personal benefit and the benefit of others.*

Theft is different from corruption that is only given to the hereafter related to one's faith in the life of the Prophet S.A.W as discussed above. Theft takes care of well-maintained property, and it is difficult to know the perpetrators while corruption can be arrested more easily because there is evidence and witnesses. As has been done in the time of the Prophet and the present time through the audit of the affiliation.

As the Prophet (peace and blessings be upon him) said his decision could be wrong depending on the prosecution process of a convicted person or litigant who is good at expressing his reasons and arguments with his skill or competent advocate to win the idea that he is not entitled to be the winner of the matter is also dependent on the faith someone

<sup>21</sup>Al-Qur'ândanTerjemahannyasurat-al-maidah: 33 (Semarang, CV Toha Putra, 1989),hal.113

<sup>22</sup>Abdul Walab Khalfaf *Ilmu Uhsul Fiqh* (Kairo, Dar as-Syabab, tth), h.87

who will eventually be tried by an unobtrusive officer and a judge who can never be bribed and never mistaken in deciding things.

As another example in fairness in the judicial process and legal judgment is when the judge named Adi bin Arthaah was permitted by the Caliph Umar bin Abdul Aziz to use force in interrogation until he acknowledged his actions, then Umar bin Abdul Aziz replied "as if I were your savior from the punishment of Allah! As if my pleasure will deliver you from the wrath of God. Umar adds "whoever is guilty of guilty and there is a proof of him then judge him, whoever claims to prosecute him according to his confession, if he deny his deeds then release him, for God I prefer him to meet God besides his evil from me who is the answer his life (when blamed in giving sentence). The trial is conducted free of charge as well as the plaintiffs, the case applicants are given transportation and accountability fees.<sup>23</sup>

The renewal of applying the most prominent legal justice in the judicial system during the Bani Umayyah was the emergence of a new structure in the court of the *al-Mazalim* Court clearly and distinctly. Not only did the effectiveness of the application of legal justice was evident in the time of Abdul Aziz's Umar bin. The Caliphs pay great attention to this court, as many oppressive acts have been violated. Governors and many state officials are acting arbitrarily in the control of the central government or who are far from the Chinese border.<sup>24</sup> The country's income is abundant because of the imposition of jizyah to the people who actually want to convert to Islam. Awareness of the weakening officials, the emergence of people who have great power and influence from the family of caliphs, close people and other state officials. They are always cruel to society, taking, blocking the rights of society and even killing innocent souls. So the Caliph Abdul Malik bin Marwan who then Umar bin Abdul Aziz formed a new structure in addressing this problem. During Umar bin Abdul Aziz this *Mazalim* Institute worked very effectively. The board's officials held announcements everywhere including in markets so victims of tyranny complained to Umar bin Abdul Aziz. This is done in every city in every province and in the remote part of the Omayyed Dynasti area. Hisbah region officials will shout at youth every day, who

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<sup>23</sup>Şallābī, *The rightly-guided Caliph and great reviver 'Umar bin 'Abd al-'Azīz*.219

<sup>24</sup>Philip K.Hitti, *History Of The Arabs* (London: Palgrave Macmillan, 2002).76

owe it, who will get married, where the poor and poor, all will be fulfilled until they become enough.<sup>25</sup>

There has been renewal in the judicial system with the issuing of the judicial record keeping and all court decisions made by the court. Umar bin Abdul Aziz named what the Ummah and his predecessors did as *al-Mazalim*.<sup>26</sup>

### 1. Al-Qadla (Islamic Judiciary)

The word Al-Qadla literally means "deciding or setting" whereas according to Al-Qadla jurisprudence means to impose law of syara 'on an event or dispute to be settled in a fair and binding manner. This court adheres to civil matters (including family law) and criminal court (jinayat). In addition to the civil and criminal cases this court also received additional powers in its implementation not to resolve the matter. For example married a woman who has no guardian, supervision of baital-mall and others.<sup>27</sup> The person who resolves the matter in this court is called the qadli judge. For example, Qadli Syureih who has held this position in two periods at the end of the Khulafauryidin and the beginning of the Umayyad government.<sup>28</sup>

Muhammad Khudari Beik said, "The tribunal at the time of khulafa arasyidin only limited the completion of civil case, while *qisas* and *hudud* issues should lead 'to the caliphs and the governors and regional leaders.<sup>29</sup> If we examine the history, and the legal issues that existed at that time, which deal with the *qisas* problem, and *hudud* it was only the caliphs and the governors as well as the problems of ta'zir (torture). But there are also those who punish the crime but qadhi or judges who come from the capital as dimasqus. The scope of the judiciary in the first

<sup>25</sup>Şallābī, *The rightly-guided Caliph and great reviver 'Umar bin 'Abd al-'Azīz*.321

<sup>26</sup>Hunt Janin dan André Kahlmeyer, *Islamic law: the Sharia from Muhammad's time to the present* (Jefferson, NC: McFarland & Co, 2007).87

<sup>27</sup>Kuliman Harahap, "KEBIJAKAN PENGELOLAAN KEUANGAN PUBLIK PADA MASA KEKHALIFAHAN UMAR BIN ABDUL AZIZ," *Jurnal Ipteks Terapan* 8, no. 2 (14 Oktober 2016): 58-69, doi:10.22216/jit.2014.v8i2.424.

<sup>28</sup>Muhammad Zuhaili, *Tarikh al-Qadha fi al-Islam* (Beirut: Muasasah Risalah, 1992).112

<sup>29</sup>G. R. Hawting, *The first dynasty of Islam: the Umayyad caliphate AD 661-750*, 2nd ed (London ; New York: Routledge, 2000).223

Islamic period was very narrow, indicating at least some incidents of lawlessness at that time.<sup>30</sup>

Courts at the time of Bani Umayyah are not bound by the type of dispute or matter but they are only divided into two parts, namely civil and criminal courts and other types that appear later based on the interpretation of the Sunnah of the Prophet S.A.W who ordered the good and forbidding disharmony tend to be preventive. Abdulla bin Mas'ud, carrying a man from the Quraiys, he got it a blanket with a woman, he did not get any evidence other than catching the Quraysh men and women with a blanket with him. Abdullah ibn Mas'ud struck the person as much as 40 times in front of the crowd, then this man complained to Umar bin Khatab, they said, "A man has shamed us, Umar said to Abdullah bin Mas'ud," Has told me that you had hit someone from Qurays, Abdullah replied, "yes I took him because he had I got caught with a woman in a blanket and there was no evidence other than that, then I hit him forty times (with whip) collecting people to witness the sentence ". Umar then said, "what is your opinion, Abdullah replied yes, Umar bin Khatab again said," A very good opinion of you ". Abdullah bin Mas'ud at that time was only a regular qadhi and commanded to manage House of Treasure (Baitul Mal) at Kufa.<sup>31</sup>In the book "Akhbar al-Qudha", narrated Qadhi Syuraih wrote to Umar bin Khatab, *qisas*, the same tooth, the same finger, the animal's eye was replaced with a quarter of a price, a man asks when he dies to give up his property when he has died, men and women injured were paid equal to one third of them male. This shows that Qadhi Syuraih also has a criminal / jinayat problem.<sup>32</sup>

## 2. Hisbah Court

The region of hisbah consists of two words, ie the word territory and hisbah, which is literally interpreted by authority to do a good deed with full computation. The efforts to define hisbah territories have been

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<sup>30</sup>Meirison Meirison, "Legal Drafting in the Ottoman Period," *Jurnal Ilmiah Al-Syir'ah* 17, no. 1 (30 Juni 2019): 39, doi:10.30984/jis.v17i1.806.

<sup>31</sup>Nana Audina dan Raihan Raihan, "PRINSIP GOOD GOVERNANCE PADA KEPEMIMPINAN UMAR BIN ABDUL AZIS," *Al-Idarah: Jurnal Manajemen dan Administrasi Islam* 2, no. 2 (20 Februari 2019): 23, doi:10.22373/al-idarah.v2i2.4010.

<sup>32</sup>Al-Hafiz Jamaludeen Abi Al-Faraj dkk., *The Biography and Virtues of Omar Bin Abd Al-Aziz, the Ascetic Caliph* (Beirut: Dar Al-Kotob Al-ilmiyah, 2001).167

carried out as quoted by al-Farakhi, which is to do good if the act is abandoned, and forbid to do wrong when it is obvious that the act is done. This indicates the territory of hisbah.<sup>33</sup>

3. The determination of Islamic law seeks to create benefits
  - a. In its application (Islamic law / law) it requires an institution to enforce it. Because without the institution (al-qadha), the laws can not be applied. In the Islamic government system, jurisdiction (al-qadha) is divided into three regions, namely *mazhalim*, *qadha*, and *hisbah* authority.<sup>34</sup> The jurisdiction of hisbah is indeed an authority to proclaim to do good and to forbid doing wrong, and to make the benefit of society.<sup>35</sup>
  - b. This effort is categorized as an effort to emphasize legal provisions to maximize the realization of society justice. In addition, the territories of hisbah may provide immediate action to the offending parties. That is, it is clear how urgent institution of hisbah area is in building society to obey the rules of syara '.<sup>36</sup> The state's sole jurisdictional authority is the ultimate authority to settle or prosecute minor offenses that are not in its capacity.

Table of Distinction of Justice and Fairness in the Period of Umar bin Abdul Aziz

Umar bin Abdul Aziz's Time	Predecessor of the Umayyad Caliph Before Umar	Period of Khulafaar-Rashidin	Prophet's Period
1. <i>Mazalim</i> Justice and Hisbah Effectiveness	The emergence of the <i>Mazalim</i> institution	<i>Mazalim</i> institutions have not yet emerged	<i>Mazalim</i> does not yet exist as an official institution
2. Handling of <i>Hudud</i> and <i>Qisas</i> under the supervision of the Caliph	<i>Hudud</i> and <i>qisas</i> were handed over to the governor	<i>Hudud</i> and <i>qisas</i> were under the authority of the governor during	Directly handled by the Messenger of Allah, Criminal

<sup>33</sup>Zuhaili, *Tarikh al-Qadha fi al-Islam*.113

<sup>34</sup>Ibid.12

<sup>35</sup>Ibid.188

<sup>36</sup>Al-Faraj dkk., *The Biography and Virtues of Omar Bin Abd Al-Aziz, the Ascetic Caliph*.221

		Umar bin Khatab	Actions rarely occur
3. Handling corruption cases of officials with imprisonment	Things are very much and can not be resolved fairly	There are not many violation cases, high public awareness	There has been no physical punishment or property against corruption.
4. Diyat has been discussed in detail	Diyat is rarely applied	More detailed discussion comes from Ijtihad Ali bin AbiTalib in the days of Umar bin Khatab	The Prophet has laid a general understanding and steps in deciding diyat
5. Prizes for officials are considered Riswah /Bribery according to the situation at that time	Considered normal and prevalent, there is even a lot of money politics.	The friends select which gifts will be accepted	The Prophet received, a gift
6. Officials may not manage private property trade	Officials often take advantage of private property trading and even rob other people's property	The Caliph stopped trading activities, such as Abu Bakr, Umar and Ali bin Abi Talib	The Prophet no longer managed trade after becoming a Prophet and Apostle.

The difference in justice and justice during the time of Umar bin Abdul Aziz was:

1. The effectiveness of the mazhalim and hisbah judiciary at the time of Umar bin Abdul Aziz who had achieved all aspects of people's lives.
2. There is a special prison for perpetrators of criminal acts of corruption in Cyprus as well as prisons specifically for women.
3. Umar bin Abdul Aziz named property owned by the previous Umayyad rulers *amwal mazhalim* which incidentally is owned by his own family, namely the proceeds of wrongdoing which must be returned to the rightful owner.
4. Mistakes of guardians / judges in forgiving are better than wrong and execute
5. Crime of corruption based on ijti had Umar bin Abdul Aziz is to imprison corruptors until he returns the state money he embezzled.

6. Not to punish with prejudice
7. Cancel the legal decision if it is contrary to the Qur'an and Sunnah and the both of texts are stronger than the legal decision.

Umar bin Abdul Aziz was always careful in making decisions, so that the implementation of *qisas*, *hudud* relating to serious crimes had to be approved by the caliph directly before the governors in the region executed. Not only did Umar bin Abdul Aziz pay close attention to the prisoners who had to settle their case, the welfare of the prisoners was very much considered and borne by the State.<sup>37</sup>

Umar not only gives justice to humans, but he also does justice to animals. He limits the weight of the items the animal will carry, animals may not carry items more than than 600 rites (272.15542 Kg) which can make tortured horses and donkeys and camels. Umar also forbade to whip animals with iron which this rule applies also in all regions and provinces and districts.<sup>38</sup>

## Conclusion

The forms of change that existed during the time of Umar bin Abdul Aziz were found in the structure and pattern of the trial. Structurally, there was a division caused by the vast power of the Umayyad region at that time, starting from the borders of China, Central Asia, the Arabian Peninsula, North Africa and Southern France. Even so, Umar bin Abdul Aziz did not allow the implementation of *hudud* and *qisas* laws which caused the loss of someone's life to be executed by the governors. Umar ordered him to refer to him in the case of the loss of live who was convicted of *hudud* and *qisas*.

In the form of law enforcement Umar bin Abdul Aziz was known to be very fair even to himself who had been summoned by the judge in a civil case filed by ordinary people who felt that his land had been unfairly bought by Umar's father Abdul Aziz when he was governor of Egypt. But Umar bin Abdul Aziz was defeated in a case by a judge he appointed himself. Umar has made a very independent judiciary not even submissive to the Caliph.

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<sup>37</sup>Ibid.115

<sup>38</sup>Şallābī, *Umar bin Abdul Aziz*.351

In the Judiciary Umar Hisbah carried it out very effectively in preventing sexual harassment by providing funds to young people who were getting married and announcing it in markets and public places by court officials. Fair distribution of zakat, protection for every Muslim wherever he is even though in Roman captivity even though Umar have high sense of responsible for them.<sup>39</sup> Umar justice is not only felt by humans but also felt by animals. Umar has limited transport capacity of animals to 600 Ritl (unit weight), around 272 Kg for animals using carts and may not carry more than that. Umar also forbade hitting the animal carrying the item with iron.

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<sup>39</sup>Meirison Meirison, "Mashlahah dan Penerapannya dalam Siyasa as Syar'iyah," *Ijtihad* 32, no. 1 (5 April 2019), doi:10.15548/ijt.v32i1.32.

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