

PalArch's Journal of Archaeology
of Egypt / Egyptology

THE LEGAL POLICIES ON LAND MANAGEMENT IN THE EARLY PERIOD OF ISLAM

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**Ridwan, Muhammad Fuad Zain, The Legal Policies on Land Management
in the Early Period of Islam-Palarch's Journal Of Archaeology Of
Egypt/Egyptology 17(9), ISSN 1567-214x**

Abstract

This article proves that the conquest of a particular area through war or peaceful approach becomes a state acquisition mode over the land as the spoils of war. This article refers to the source of the authoritative classical Islamic references in the field of the political-economic policy history in the early period of Islam. Reconstruction of the historical facts towards the politics of land ownership in Islam describes the creative dialogue between Islamic legal systems and the culture of the local people. The movement of the land acquisition creates the Muslims' geo-politics changes; in which the movement subsequently develops the law model of the land ownership, utilization, and distribution of land by the State. As public institutions, the State has the authority to make regulations governing the ownership, distribution, and utilization of the land. The politics of land ownership by the State law in Islam aims to replace the system of land ownership during the *feudalistic* and *exploitative* pre-Islamic system of ownership that is *communalistic-religious* under the central authority of the Head of State on the basis of the benefit and social justice principle. Legal policy mastery, utilization and distribution of land in Islam have a religious, economic and politicdimension as one unity.

Keywords: *conquest, war, peace, the spoils of war and land ownership.*

Introduction

The military movement with the Mission of *da'wah* (*futūḥāt*) becomes one of the models for the creation of the

rights towards land ownership by the State[1]. This religious propagation movement raises other consequences outside the religious consequences such as a consequence of social, economic, political and culture that has to be faced by the Muslims[2]. As a term, then, *futuh* definitely has retrospective equality[3].

According to Muḥammad Baltajī, the main problem faced by the Muslims during the post-war subjugation is the legal arrangements of land in the new territorial lands, especially during the Caliphate of ‘Umar who replaced the power of the two Empires, they were Persia and the Romans[4]. The lands occupied by the State as the consequence of the conquest or the treaty of peace has already occurred since the period of the Prophet and the assets of the land controlled by the state is the country's most important revenue.[5] If the land is obtained from the spoils of war, then the fifth part of the land belongs to the State Treasury (*bayt al-māl*). While the status of the land due to the treaty of peace, the land remains under occupation by the residents of the territory conquered by the obligation to pay taxes deposited to *bayt al-māl*.

The land rights paradigm in Islamic theory is circumscribed not only by external human rights and development strategies promoting a just and equitable society, but equally by internal dynamics. These religious and moral dimensions of land may be internalized and incorporated into property transactions of many societies in multiple ways[6].

The process of policy changes in the various areas, including the law of land ownership, continues to evolve with the development of the expansion of the Islamic territory and the interface of the Muslims with the external cultures, called as the community culture that is conquered. At least, there are three important factors that influence the establishment of the Islamic Government's policy, particularly during the period of Caliph ‘Umar, containing the factor of the military, economy, and geography[7].

Military mobilization for the benefit of *futūḥāt* has created the idea of the need for institutionalization of the military as a professional army (*jays al-muḥtarif*), so the institution of *diwan al-jays* is established. The development of this institution initiates a new legal regulation to provide the payroll system for the soldiers drawn from the results of land occupation through taxes from the State land tenants. From this conquest also creates the buildup of state revenue both from the treasure of *ghanimah*, *kharrāj* or *jizya* so Medina is full of property accumulation[8].

Futūḥāt is equivalent to economic prosperity. The demographic factor is also very influential for the

establishment of the new regulation because of the transmission of Islam with a wide range of Islamic territory in ethnic, religious and cultural aspects. For example, the emergence of the concept of *al-‘ushur* (tenth) is the adaptation of the Persian tradition of Islam. Military movements with a religious mission are implemented as an entrance of the needs for the country to make the legal regulation of land to set up the people's interest of traffic to access the ownership and utilization of the soil. The religious, economic and political dimensions are an integral unity process of *futūhāt*.

Based on the mind map above, the practice of the State domination over the land has a clear history and the basic policy of regulation refers to the functions of the State as regulator for the benefit of the people. This article will prove that the expansion of Islamic territory is considered as religious activities that also belong to the economic dimension in which it establishes the new rights of the state over the spoils of war's land. The legal policy of the land ownership and distribution by the State in Islam is oriented to the spirit of social religious by making the benefit of the people as the basic policy.

History of the Conquest and Land Ownership

The history of land ownership through the conquest or treaty of peace in certain regions has been conducted since the period of the Prophet Muhammad. The first occupied land conquered by the Muslims at the time of the Prophet was the land of bani Nadhīr when they betrayed the agreement with the Muslims initiating the expulsion of the Jews from Medina[9]. All of the spoils specifically for the types of the moving objects were distributed by the Prophet to the communities that needed help; for example the Muhajirin and the poor[10]. As for the spoils in the form of an object did not move, for example was the land, was not distributed but still under controlled by the State. The ownership of Bani Nadhir's land by State proved that the basic principle of land ownership in Islam exists in the country[11].

Then in the fourth year of the Prophet's migration to Medina, the Prophet ruled the land of Khaibar the Jewish community who had violated the Treaty of Hudaibiyah. Related to the treasure from the spoils in the form of moving objects, the Prophet shared the land to the soldiers who fought, whereas the land were being controlled by the State and the ownership was returned to the original inhabitants implementing of the profit sharing pattern[12]. The same thing also imposed by the Prophet when ruling the lands of Fadak residents in which the farming land were managed by the original residents applying the pattern of splitting the profit into two parts that were called in fuqaha terms known as leasing

land. The Prophet's policies related to the management of conquered lands were then followed by the Khulafa al-Rasyidun periods[13].

The system of land ownership at the time of the Prophet and Abu Bakr was not really well-managed as a permanent basis, because there had not been a need towards it. During the period of Umar ibn al-Khattab that concerned on the Islamic expansion program outside of the Arabian areas, he changed the feudalistic land ownership system. According to his policies, the conquered land entirely belonged to the public lands in which the control belonged to the country. The natives were given the rights to manage their land with the obligation of paying the land tax (*kharraj*) annually.

Likewise, when conquering Sawad Iraq, the Caliph 'Umar did not share the land, but for the common interest, the land management was handed over to the natives with the obligation to pay taxes[8]. Another policy which describes the land owned by the state is a history of Abi 'Awn al-Thaqafi that a man named Dihqan converted to Islam at the time of the Caliph Ali ibn Abi Talib. Caliph Ali said to Dihqan, "Thou shalt not incur liability to pay *jizyah*, while the land is part of our (government)". His obligation of *jizyah* automatically excluded when he converted to Islam, that was Abū Ubayd's view when commenting on the history above[14].

According to Bāqir al-Ṣadr (1353-1400 H), the policy of the Prophet or 'Umar that do not share the spoils of war's land prove that the state has the authority to successor the individuals' rights for a nationalization program (*ta'mīm al-milkiyyāh al-khāṣṣah*) for the greater public interest. Further, according to Bāqir al-Ṣadr, nationalization policy based on the two common needs of the Islamic community at that time, i.e. to support the government accomplishments to carry out their obligations towards the Islamic community and to create social balance and improve the community life standard in which it is still in a very low level[15]. The legal status of land ownership by the public, in fact, returns to the mastery of the State as an institution which is given the mandate of regulating the society in a variety of regulatory policy related to the land rights management.

The State as a subject of the rights gives constraints relations among members of the community to each other[16]. Personal property may change its status to common belonging if there is a will of the ownership from the owner or because of the *syara'* such as the needs of the people who urge them to make public roads on the private land property. In this case, the government can put into service the private land for the public interest[17].

The transformation of individual ownership becomes public property (*al-milkiyyah al-‘āmmah*) for the sake of the common good, is called as *ta’mīm al-milkiyyah*. The policy of assets nationalization has clearly put the government as an institution that has authority to intervene related to the utilization of the land and it also proves that the land issue is a source of prolific production the public.

The Spoils of War’s Land Legal Status

Landownership—in its ethico-legal and historical manifestations, reflects the importance of being a politico-economic institution. In the process of its development, it includes various heterogeneous elements of different systems of ownership.[18] In the Islamic history, there are three types of land controlled by State/Muslims that have different characteristics, both in terms of the management, ownership or rights and obligations of the law.

1. Land controlled through the occupation (*al-fath*)

The conquered land as a result of the war between the Muslims and the unbelievers that occur because the landowner is killed in the war, occupied or escaped. The spoils of war in the form of an object do not move like as the land in terms of fiqh are called *al-‘iqār*[19]. In regard to the law of the land conquered like that circumstance, the scholars have different views[17].

First, according to the opinion of the priest Shāfi‘ī and the majority of the *sahabah*, the spoils of war’s land[20], as well as other treasures of the spoils of war that is then divided among the soldiers to get that spoils of war. Unless the soldiers handed it over and not to pick it up, the land became a *waqf* land reserved for public interest. As for the basis of that opinion is the Qur'an al-Anfāl that the land is distributed to the soldiers of 4/5 and 1/5 to the Messenger of God and the poor.

Second, the opinions of Mālik who claims that the conquered land becomes land endowments for the benefit of Muslims, and it is not distributed to the soldiers who obtain the land. The result of the *waqf* land is used for public interest as to engage the soldiers and to finance various public facilities.

Third, the opinions of the priests Ḥanafī who explains that the status of the conquered land ownership turns over entirely to the policy of the head of state to set the land with three possibilities. *First*, the lands assigned to the soldiers who have fought for the state, so that the land is to become the land of *al-‘ushur*. As for the definition of the land of *al-‘ushur* is all the land in which the inhabitants declare that they convert to Islam. *Second*, the lands are distributed back to the non-Muslim locals and turned to be the land of *kharrāj* and the status of the

non-Muslims became *ahl a-dhimmah*. *Third*, the conquered lands becomes the endowments land for the interests of the Muslims. Although there are three possibilities options on the legal status of land as mentioned above, but the basic principle of the conquered lands is that the lands belong to Islamic countries and all the lands becomes the part of *dār al-Islām*. [21]

The status of land ownership is conquered by Muslims through a process of conquest; the law is adapted to the condition of the land. Therefore, there are three legal alternatives which describe the rights and obligations of owners' rights varied between one another.

First, the conquered land is already under cultivation. The lands conquered by Muslims, if it is in the ownership and management of a person, the land belongs Muslims' collective ownership, both the Muslim generation when they are in the conquest period or the future, and in addition, an individual cannot have it permanently. That kind of conquered land is called as *arḍ al-kharrāj*, or it is called as the land holding the tax upon it [22].

Second, it concerns on the abandoned land at the time of the conquest. The land that is conquered by the Muslims at the time of the conquest, and is the abandoned land (*al-mawāt*), is managed and owned by no one, so the land belongs to the state and should not be owned individually unless it is mandated by the state to manage and include *kharrāj* land [8].

Third, naturally fertile land at the time of the conquest (e.g. forest), according to most scholars of *fiqh* law that the ownership is equal to the abandoned land, that belongs to the priest/country. However, if the naturally fertile land/forest in which it is taken over from the non-Muslims, then the status of the ownership of the property belongs to be possessed mutually with the Muslims [23].

2. State-controlled land without going through violence.

Land ownership by the Muslims without any violent act caused the non-Muslims (the enemy) fled leaving their residence or they declared themselves voluntarily converted to Islam. The legal status of such land, the majority of scholars explains that the land becomes an endowment land. However, for the community that cultivates such endowment land take the responsibility for liability to pay *kharrāj* if the land is indeed the land of *kharrāj* or pay *al-'ushr* if indeed it is the land of *'ushriyyah* [24]. According to Ahmad ibn Hanbal, as quoted by Ibn Rajab (d. 795 H), stating that the land was peacefully taken by the Muslims, then the status becomes *kharrāj*. All *kharrāj* and *'ushr* lands should not be transferred the ownership by persons who cultivate the land,

since the land belongs to the State. Including the land belonging to the Muslims who control the country's wealth is the non-Muslims wealth that die and have no heirs, or the land of the unknown owner. The basic principle of land ownership from the conquered land, according to Ibn Qudāmah, is that everything taken from war territory (*dār al-ḥarb*), either in the form of *rikāz* or other permissible reason property that has a value/price, then the property is *ghanīmah*[25].

If the lands in which the inhabitants voluntarily converted to Islam through peaceful propagation process, then the land still belongs to them personally. It is very clear from the answer of Abū Yūsuf to the Caliph Hārūn al-Rashīd (766-809 AD), that the unbelievers who converted to Islam voluntarily, then their treasure was protected. Then peace be with his/her family and assets, while the home and land became the property of *fa'y* and belonged to the Muslims. According to al-Ṣadr and Khālīd, the land was controlled by Islam through the peaceful means (*da'wa* process) among other the city of Medina[23].

3. The land controlled by the State through the peace treaty

Land conquered by the Muslims through the agreement, the status of the law is the land of *kharrāj*. There are two forms of the legal status of the land controlled by the Muslims because of the peace treaty with the unbelievers. *First*, the peaceful treaty between the Muslims and the unbelievers, on condition that the lands owned by the Muslims, belonged to the Muslims by making the lands becomes the treasure of *fay'* and the lands serves as the *waqf* of the Islamic countries, so that those lands cannot be sold or traded and leased. In addition, the lands receiving the liabilities of *kharaj* as chartered value that will not be lost if those the non-Muslims convert into Islam. Through that agreement, the unbelievers who manage those lands gain the status as *kāfir mu'āhad*, i.e. non-Muslims who have made a Covenant with the Islamic Government and they obtain the protection of security with the obligation of paying taxes to the Government of the Islamic State.[26]

Second, constructing the peace with the unbelievers, it occurs on the condition that those lands belong to their obligation to pay the *kharrāj* land. Their status of the territory is called *dār al-ahd*, that is the territory of the unbelievers in which the inhabitants establish the peace with the Islamic State. That is equivalent to *kharrāj* liabilities obligations to pay poll tax[27]. A consequence of this law is if they convert to Islam, then the obligation of paying *kharrāj* becomes disappeared. Taxation on the land was the main source of revenue for the State centralised. According to juridical sources, *kharrāj*, a tax imposed on the land of

conquered populations who had not accepted Islam before the conquest and had not signed a special agreement (*ṣulḥ*), was levied on most of the conquered areas. [28]

There is a slight different views delivered by Abu Hanifa stating that through the existence of a peace with the Muslims, it conveys their territory becomes *dār al-Islam*, and the status of the inhabitants becomes *ahl al-dhimmah* with the obligation to pay *jizyah* [14]. By paying the *jizyah*, the non-Muslim citizens gain the protection of security and they are free of military obligation. [21] When the unbelievers violates the treaty that they have agreed upon it with the Muslims, then that region becomes *dār al-ḥarb*.

An overview of the concept of *jizyah* in history are captured from the agreement document between Khālīd ibn Walīd (a commander's war) and the head of the province of Hira in a long manuscript agreement, the partial contents, among others, "...You and your community will gain our protection, instead you have to pay the *jizyah* unto us, and we reserve the rights to accept the *jizyah* from you until we meet our contractual obligations" [8]. The application of the *jizyah* from the Prophet period has already enacted, even though the management structure has not been formally well established. *Jizyah* was at that time not yet positioned as a permanent source of State revenue. The regulation of *jizyah* as a public economic is persistently structured to be well-known at the time of 'Umar [29]. One example of the application of *jizyah* policy at that time was the instruction of 'Umar ibn Khaṭṭāb to 'Uthmān ibn Ḥunayf to record the imposition of *jizyah* towards the conquered land of Sawad [14]. 'Uthmān ibn Hunayf arranged a provision about anyone who became the object of *jizyah* and the level of charge. *Jizyah* was not charged to the children and the women; furthermore, the imposition of *jizyah* value was in line with their ability to pay [8]. Tax administration management was introduced as a relatively well-established system, it was started in the middle of 4 H during the period of Caliph al-Manṣūr Billāh (136-158 H) and the beginning of the period of the Caliph al-Mahdi. [30]

The authority of the state to control the land within the territorial authority is also known in Islamic law, especially concerning on the conquered lands which are the part of Islamic jurisdiction. The basic principle of control over the lands in which the lands were conquered by the Islamic government shows that the regulation of the land becomes the full authority of the government.

Policy of the State's Land Management

There are several types of land whose ownership is in the State as an institution that obtains a mandate from the community to regulate the social order in the context of nation and state. The characteristics of the land ownership or assets that must be controlled by the State are entire factors that concern on the interests/livelihoods of the community in general[27]. Some types of land that belong to the State control are the ocean floor, mining goods at the bottom of the earth, and large rivers[13]. Regarding the object of the State's land, Abū Yūsuf argues that all conquered land which are unknown to the owner and there is no sign of ever being possessed by someone, all of which belong to the government's rights, including state-owned land are the state property consisting the lands of the King Persia and his family, as well as the assets of soldiers from the enemy who are killed or escape[31]. The same thing is also conveyed by Abū Ubayd, the land that belong to nobody (*al-mawāt*) is under the government's authority as a public official.

Thus, all attachments regarding the rights of land ownership towards the conquered land are still new, in which the ownership process must be through determination (*taqrīr*) from the government. Therefore, it is clear that the position of the state as a public institution has the authority to regulate the land ownership in the in terms of the distribution for the benefit of the common needs.

The legal authority owned by the state, in the concept of Islamic law, gives the state the rights to control over the land ownership rights of the citizens. If the state notices that the ownership of state lands by an individual is illegal (not certified) rights, then the state has the rights to detach the ownership of the land, unless the person can prove the ownership rights legally (*hujjah al-shar'iyah*) This conclusion proves that, basically, the land control in Islamic law relies on the state's authority.

The Rights of Land Management

In Islamic law, the concept of rights of land management over the state-owned land can be accomplished from the concept of *Iqtā'*. The conception of ownership rights distribution towards the land by the government to the parties that need it, it comes along with the increasing number of property, both movable and immovable objects, as a result of the expansion of the *da'wa* area (*futūḥat*). All property of the population that the lands are conquered, their ownership rights belong to the state. The lands of Bani Qurayḍah and Bani Qaynuqa' who were ruled by the Muslims at the time of the Prophet through war and the land of Naḍir and Fadak who were

subdued without war, all of them belong to the state land. Those lands were distributed by the Prophet to the poor of Anshar and Muhajirin and some of them were granted the rights to cultivate for the local residents such as Khaybar, Hadramaut and Oman with the obligation to pay taxes. According to Afzalur Rahman, the conquered lands which belonged to the state during the Prophet's time were millions of hectares[32].

The tradition to distribute the lands by the state to the people as implemented by the Prophet, then continued by *Khulafa' al-Rāshidūn* and subsequent caliphs as economic political policies especially in terms of the lands. In *fiqh literature*, there are two models of land ownership distribution policies, namely distribution through *Iqtā'*.

In terms of the language, the word *al-Iqtā'* comes from the *al-qaṭ'u* which means *al-qiṭā'at*, like the expression of *qiṭ'at min al-arḍ*, which means a piece of land. Meanwhile, the definition of *Iqta* is "whatever is given by a head of state (priest) to some of his people from the abandoned land which makes the people who are given more rights of the land to be managed"[33]. The rights of *iqṭā'* owned by the state to grant the land is limited to lands within the authority and also not the land owned by certain people. The state as the party who grants the lands, reaffirms that the land ownership in Islam is under the state control[34].

The concept of *Iqtā'* as an instrument of policy which the Government manages the landholdings mechanism as an individual or collective, and it is included in the possession of the nonprofit derivatives. *Iqtā'* policies in the context of political economy is in terms of utilizing the land in order to be more productive for the welfare of society to be equal[8]. Consequently, if a person was given a piece of land, then the land was not cultivated as productive land, so the Government could waive the grant of that land.

As for the legal basis relied upon normative *Iqtā'* was some of the *sunnah* of the Prophet, e.g. the Prophet ever bestowed the land to Zubayr an area of Khaybar land, to Bilāl ibn Hārith an area of al-'Aqīq, to Tamīm al-Darrī an area of the land in Bayt al-Lahm and to Lahm, and to Abyaḍ ibn Hammal al-Muzānīan area of Ma'rab. The tradition of *iqṭā'* was also continued by *khulafa al-rashidūn*, such as the Caliph Abū Bakar who bestowed an area to Zubayr, the Caliph 'Umar ibn Khaṭṭāb to Alī ibn Abī Ṭālib and the Caliph 'Uthmān ibn Affān gave land to the five companions, i.e. Zubayr, Sa'ad, Ibn Mas'ud, Khubāb dan Usāmah ibn Zayd[35]. As for the consideration of granting the land through *iqṭā'* at the time of the Prophet to someone based on the criteria of to whom were given the land were; (1) a Muslim who needed economic aids;

(2) a devout Muslim who dedicated a lot of services for Islam, and (3) the land was given with the intention of endearing the person so that he/she converted to Islam as a revert[11].

According to Wahbah al-Zuhaylī, the grants of lands or the rights of the management over the land through *iqṭā'* could be possessed the substantial and the benefits, or just have its benefits only[35]. Therefore, the pattern of distribution of land through *iqṭā'* by the most scholars of fiqh are divided into two kinds, they are *yaitu iqtā' tamlīk* and *iqṭā' istighlāl*. Some scholars like al-Zuhaylī and al-Mardawī divide *iqṭā'* into three kinds consisting of *iqṭā' tamlīk*, *istighlāl* and *irfāq*. *Iqtā' tamlīk* is the grant of land by the Government to someone to be entirely owned. While the *iqṭā' istighlāl* is the grant of land by the Government only on the advantages, while the rights of the property remains to be state-owned. Meanwhile, *iqṭā' irfāq* is the material rights over the objects that do not move, for the benefits of other people's objects, such as a person's rights to take the benefit of the water from the neighboring land. This dissertation studies implements the opinion of scholars which divides into two types of *iqṭā' tamlīk* and *istighlāl*.

Al-Mawardī divide *iqṭā' tamlīk* based on the object of the land, there are three types, i.e. concerning the abandoned land or the land without any owners, the land that has been cultivated and the land that contain mines[36]. In terms of the legal ownership of those three types of the land, it has been described in the reasons for the land ownership.

Someone who was given the land by the Government through *iqṭā' tamlīk*, if the land is abandoned land, then the legal ownership of the land according to the majority of scholars is not completely owned, the part to be owned is only for the benefits, whereas land property is not[37]. Meanwhile, according to scholars of Mālikīyah, the ownership as full rights, so that people can sell and grant or pass it on to others. The legal consequence of the opinion from the majority of scholars is that when the land was not cultivated by the owners, the land could be taken back by the Government. Therefore, before the Government grant the land, it needs to be assessed the ability of the person in managing the land[38].

The *fiqh* scholars have different views in terms of the length of time mastery of property rights over land. There are scholars who argue that the ownership period is for 33 years, some have argued for 30 years. The opinion that the majority follow is 33 years old[39]. In Islamic law, it is also established the concept of the expiration time concerning on the ownership of abandoned lands. The provisions of the law is if the land has been prepared to be managed, but it does not properly managed within three years, then the rights of ownership can be revoked and back into the ownership of the State, this is the opinion

which is agreed by the scholars of *fiqh*. As for the time limitation has expired, the ownership of a person on the land that is partially derived from *ihyā al-mawāt* is three years[8].

The policy has expired over the ownership of the abandoned land in the period of the Prophet then continued during the Caliphate of 'Umar. According to 'Umar, the land owner that does not manage the land for three years, then that person is considered to offend the interests of the wider community, and that person has committed a social detriment[40]. Therefore, even if there is other person who takes over the land, although through a forced manner in order to be managed well, so it is legal for the person to take the land over. It deals with the revocation of property by the State over the abandoned land by the owners; especially, over the lands in which it is a land of grant from the State.

Meanwhile, if the granted land is a land located in a public place, e.g. a place for selling in the market or the main street, then the *iqtā'* recipient has the rights for the benefits only as long as it does not interfere or harm others. Thus, the object of *iqtā'* is the lands which are the rights of the public. People are provided the rights that can only take advantage of the land. As for the mining lands (*al-ma'ādin*), relating to the public interest, then one should not give it to others because it contains the public needs[41].

Government authorities' arrangement concerning on the ownership distribution and the usage of land in the Islamic law becomes the evidence that the land ownership in a given area of the country is under the Governmental control. Related to the fundamental aspect of the legal regulation of land issues in the context of the distribution of the ownership and management rights over land is the benefit of the common needs in a fair distribution of land. The implementation of *iqtā'* policies performed by the Prophet and the four Caliphs are the historical precedent for Muslims after formulating the political policy of the law in terms of the land ownership distribution.

The authority of the Government to make a variety of policies concerning on the land ownership is based on the basic assumption that the State is a public institution representation that embraces the duty to protect a wide range of community interests based on the beneficial value. Regarding of that circumstance, the State has the authority to intervene over the land ownership of the individual referring to the public needs. Thus, the value of the benefit is the foundation of every governmental policy. The land as a place of all human activity has many dimensions, whether religious, political, social, or economic dimensions, then the governmental intervention

within the policy is very important to manage the land ownership.

Conclusion

The military movement for the expansion of political power constitutes a religious mission that brings some economic consequences, i.e. land ownership by the State as one of the sources of economic revenue. Based on the normative basis, the movement of the Islamic conquest in terms of region expansion is aimed as a part of Islamic *da'wah* which has theological and juridical justification of authoritative textual sources i.e. the Qur'an and Hadith. The inception of the legal regulation of land made by the State is a logical consequence to encounter with various Islamic territories that are conquered with the war or peace treaty.

The State as the owner of the highest political authorities has the authority to govern the management of the advantages and distribution of the land. The law of land ownership in Islam has religious, economic and politic dimensions. The religious dimension of land ownership by the State in Islam is reflected that the human perceive the mandate from God to manage the Earth and its contents. In terms of the economic dimension is, based on the economic reality, that the land is a very important production factor and as one of the sources of foreign exchange of the country. As for the political dimension of land ownership by the State is in order to reaffirm the territorial borders of political power to define themselves as a sovereign State in the presence of other countries.

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