

The Concept of Negotiation from the Islam Perspective (In the Islamic Organization)

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Abstract: The discussion of the negotiation process and outcome concept has been largely discussed based on different perspectives that informed by its value system. Meanwhile, what has remained unexplored is the possibility of another approach which is the Islamic perspective, giving rise to similar concepts of negotiation in practice. The dearth of literature on negotiation from Islamic approach can be seen to be has caused lack of attention which is assumed lead to lack of understanding of the issue among the Islamic organization. Therefore, the purpose of this paper is to identify the concept of negotiation from the Islamic perspective. A series of interviews were conducted to drive data from Informants of this study. A set of thematic data analysis was directed by the assistance of the NVIVO 8 Software. Finding identified that negotiation from the Islamic approach means a platform of arguments between two parties or more within the Shariah teachings to obtain spiritual satisfaction.

Key word: Negotiation, Shariah, Islamic organization, Qur'an, Sunnah

INTRODUCTION

Many studies arose in the field of negotiations and each researcher tried to investigate the phenomenon from his or her point of view. Therefore, this study studied the negotiation from the Islamic perspective by exploring the Islamic negotiation concept. Negotiation from an Islamic perspective also like the other perspective has a significant importance because it is considered as a constructive tool (Zuhaili, 2003). According to Ghanim (2009) it is realized through the following points

It is one of the activities that are frequently experienced by all individuals, groups, organizations and states, for various purposes related to interests, conflicts, goals, rights and obligations. It is a process that is essential for the stability of the lives of individuals based on high humanistic manners that assist to reach goals and solve complex problems. It helps to end feuds and hostilities. It also aids to improve a state of satisfaction and understanding between parties as well as acknowledgement of reciprocal rights and respect of different opinions regardless of the fact that disliked.

However islam is not only a religion; it is a complete way of life Islam taught Muslims every life aspect. For instance, Allah (SWT) shows His prophet (PBUH) how to negotiate with mankind if he or they needed, Ibin Kathir

explained that, Allah (SWT) by saying; "and argue with them in a way that is best" (Surat An-Nahl), commands his Prophet (PBUH) that if any of them (mankind) needed to debate and controversy, do it in a gentle way and with a good speech interpretation of the meaning. Moreover, in this context (negotiation) Allah (SWT) ordered Moses and Aaron peace be upon them while he sent them to Pharaoh to speak to him with gentle speech:

"Go, both of you, to Fir'aun (Pharaoh), verily he has transgressed (all bounds in disbelief and disobedience and behaved as an arrogant and as a tyrant) and speak to him mildly, perhaps he may accept admonition or fear Allah" (Surat Ta-Ha)

From these verses it can be observed that Islam has taught Muslims how to communicate or negotiate and it has addressed some practices in negotiation, but is these practices are clearly identified? Hence, this paper projects to explore the concept of negotiation from the Islamic point of view.

MATERIALS AND METHODS

Research design: Research design is a logical blueprint which involved linking among research questions, the collection of data as well as the analyzing process and

those should be in line with the aims of the research (Yin 2011). In line with this view, the nature of this study is to explore the notion of Islamic negotiation and provides a deeper understanding of it among the Islamic organizations. That needs a holistic analysis therefore qualitative method through in-depth interview approach was adopted. The sampling design was based on the purposive sampling technique to select the involved interviewees. Purposive sampling according to Keyton (2015) and Treadwell (2014) is based on the purpose of the study that specific person or content that will meet specific criteria on what the researcher wants to gain in-depth understanding or information on it. In order to ascertain that, twenty informants from four expert groups (Muftis, Academician, Practitioners and banks Shariah Management) formed the total population of this study. The collected data were codified and categorized in themes using NVIVO 8 Software. Thematic data analysis technique used to analyze the interviews data. In general, the interviewees of this study were asked about their viewpoint, understanding and their practices of the negotiation from the Islamic perspective.

RESULTS AND DISCUSSION

The primary data analyzed thematically, were formed by interpretations, perception as well as meanings of the informant's then it were sorted under different arrangements and themes and that according to Yin, (2011) need altering and re-altering of the arrangements and the themes until achieving satisfactory result. In line with this, Fig. 1 proved the main themes and sub-themes of the related factors for the Islamic negotiation concept which answered the objectives of this study.

The concept of negotiation in Islam: Basically, for Muslims Islam is a complete way of life, it provides guidance not only in religious issues but also in the daily life actions including negotiation (Maududi, 1960). Islam plays an important role in the application of negotiations in the Islamic societies or organizations. Therefore, the purpose of this study was to identify the notion of Islamic philosophy pertaining to negotiations which may give a rise to a conceptual framework for an Islamic negotiation that has reasonable with the prevailing notion of negotiation in general. As a result, the following three sub-themes have emerged as the main keys to identify the concept of negotiation in Islam as indicated in Fig. 1.

Platform of arguments: The evidence from this study data showed that the informants were all viewed that negotiation generally is a very vital daily activity human

beings need, to get what they want peacefully. Their responses emphasized on three specific concepts of the Islamic negotiation platforms as identified in the Fig. 2.

Reconciliation (Sulh): As identified by the informants, reconciliation (Sulh) is the most concept Muslims used as a platform to conduct negotiations. That is because, according to informant A10, "Based on my humble reading of the Qur'an and Sunnah, the term usually used negotiation in The Qur'an is the term "Sulh". This claim was confirmed by informants A12, A7 and SD 4. However, the Qur'an uses the term "Sulh" to refer to negotiations. In order to explain this concept informant A07 argued that:

"Islam comes with the Arabic language, so the first thing that we should understand when Islam talks, we understand it in the way Arabs understood. We cannot take it from that meaning unless you have evident" (informant A07)

This term has a long history within Arab and Islamic societies and has its origins in pre-Islamic Arabia period. Therefore, the word "Sulh" is derived from the word "saluha" or "salaha" which means to be good, right, proper, suitable, to be usable, practicable and serviceable (Wehr and Cowan, 1979). This term literally means negotiation, conciliation, mediation, arbitration, reconciliation, amicable settlement and compromise (Malik and Muda, 2015). In general, it means removing disputes and bringing goodness, righteousness, affection, harmony and peace. For that reason, according to informants A07 and A12, it is the preferred result and process in any form of dispute, in order to reach the agreed settlement outside the court. Islam encourages every Muslim to practice "Sulh" (reconciliation) in any disagreement situation in order to restore peace, affection, harmony and understanding between them. Informants A07, A11, A12 and A13 discussed the permissibility and the validity of this concept in Islam. They supported their view by bringing evidences from the most primary source of Islamic references, the Qur'an, where it definitely confirms the concept in Qur'an, Allah (SWT) says in Surah Al-Nisa:

"There is no good in most of their secret talks save (in) him who orders Sadaqah (charity in Allah's Cause) or Ma'rif (Islamic Monotheism and all the good and righteous deeds which Allah has ordained) or conciliation between mankind and he who does this, seeking the good Pleasure of Allah, We shall give him a great reward" (Surah Al-Nisa)

Also, another verse:

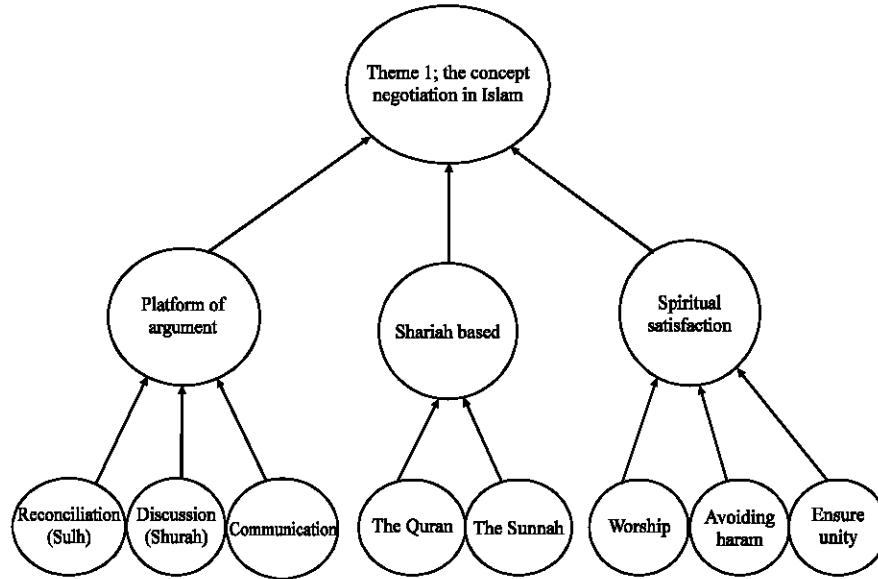


Fig. 1: The concept of negotiation in Islam

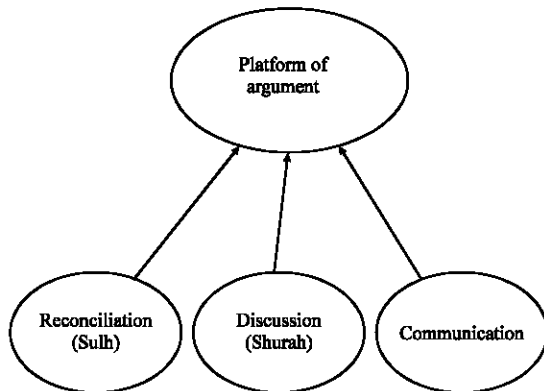


Fig. 2: The Islamic negotiation arguments platforms

“... and reconciliation is better. And human inner-selves are swayed by greed. But if you do well and keep away from evil, verily, Allah is Ever Well Acquainted with what you do” (Surah Al-Nisa 4:128)

In Surah Al-Anfal:

“They ask you (O Muhammad SAW) about the spoils of war. Say “The spoils are for Allah and the Messenger” So fear Allah and adjust all matters of difference among you and obey Allah and His Messenger (Muhammad SAW) if you are believers” (Surah Al-Anfal)

Also, in Surah Al-Annam Allah (SWT) says:

“... So whosoever believes and does righteous good deeds, upon such shall come no fear, nor shall they grieve” (Surah Al-Annam)

From the above verses of the Qur’an that were quoted, informants A07, A11, A12 and A13 conformed and recommended to use the concept “Sulh” as a platform to solve any kind of disagreements. In line with the Qur’an, Informants SD 04, SD 14 and A 07 conformed that the Sunnah of the Prophet (PBUH) are loud in supporting and applying this concept. Several Hadiths were given to justify their claim such as Kathir bin’ Amr bin Awf Al-Muzani narrated from his father, from his grandfather, that the Messenger of Allah (PBUH) said:

“Reconciliation is allowed among the Muslims, except for reconciliation that makes the lawful unlawful or the unlawful lawful. And the Muslims will be held to their conditions, except the conditions that make the lawful unlawful or the unlawful lawful” (Sunan al-Tirmidhi, hadith 1352)

In another Hadith the Prophet Muhammad (PBUH) stated that the rewards are waiting for those who establish “Sulh” between people. Narrated by Abu Huraira Allah’s Apostle said:

“There is a Sadaqah to be given for every joint of the human body and for every day on which the sun rises there is a reward of a Sadaqah (i.e., charitable gift) for the one who establishes justice among people” (Sahih Al-Bukhari 3)

Practically, Sulh is the platform preferred by the Prophet (PBUH). Even, He (PBUH) missed the Assar prayer because He was making the Sulh between two trips and that is a very strong justification about the importance of establishing this concept among people (informant A07). The Prophet Muhammad (PBUH) himself has resorted to Sulh in many situations and occasions. For example

The Prophet (PBUH) Once the people of Quba fought with each other till they drew stones on each other. When Allah's Apostle was informed about it, He said: "Let us go to bring about reconciliation between them" Narrated Sahl bin Sad (Sahih Al-Bukhari)

This platform of argument was also the preferred concept to conduct negotiations by the all Prophets peace be upon them, informants SD 04 and SD 14 stated that, negotiations was throughout the history of the Prophethood and it has been captured in a different stages in the history and stories of the Qur'an, for examples; the negotiation between Ibrahim (PBUH) and his father, Noah (PBUH) and his son. Basically, all the Prophets peace be upon them, engaged in negotiations to invite their people to the way of Allah.

This study also found that, based on the understanding and the experience of the interviewed scholars the concept of "Sulh" mentioned in The Qur'n in three levels; individuals (Family), Social and political (informants A10, A12 and M 20).

Individual (family) level: Surat A-Nisa when Allah (SWT) talks about Hakam and the Sulh is the better. That is the best approach to solve the family dispute:

"If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from her's if they both wish for peace, Allah will cause their reconciliation. Indeed Allah is Ever All Knower, Well Acquainted with all things" (Surat A-Nisa)

Also, in another verse Allah (SWT) says:

"And if a woman fears cruelty or desertion on her husband's part, there is no sin on them both if they make terms of peace between themselves and reconciliation is better. And human inner-selves are swayed by greed. But if you do good and keep away from evil, verily, Allah is Ever Well Acquainted with what you do" (Surat A-Nisa)

Social level: In Surah Al-Hujraat Allah (SWT) says:

"And if two parties or groups among the believers fall to fighting, then make peace between them both but if one of them rebels against the other, then fight you (all) against the one that which rebels till it complies with the Command of Allah; then if it complies, then make reconciliation between them justly, and be equitable. Verily Allah loves those who are equitable" (Surah: Al-Hujraat)

Allah (SWT) also says in next verse:

"The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers and fear Allah, that you may receive mercy" (Surah: Al-Hujraat)

Political level: In Surah: Al-Anfal Allah (SWT) says: They ask you (O Muhammad SAW) about the spoils of war Say:

"The spoils are for Allah and the Messenger". So fear Allah and adjust all matters of difference among you and obey Allah and His Messenger (Muhammad SAW) if you are believers" (Surah Al-Anfal)

The all verses of the Qur'an and hadiths from the Sunnah that were quoted above prove that islam authorizes and encourages all means of peaceful settlement including sulh (reconciliation).

Discussion, consultation (Shurah): This study also found that "Shurah" (discussion, consultation) is the other concept informants prefer to use as a platform to conduct negotiations. This concept was the second sub-themes repeatedly stated by the informants; SD02, SD15, A9 and A10. "Shurah" according to Wehr and Cowan (1979) is an Arabic word means "Consultation, Deliberation". So, it is the process of decision making by consultation and deliberation. This view is evident in the following quotes:

"I have heard about the word "Shurah", it is more in the consultation bases before you come to a certain decision... So, my understanding of negotiation is that you are discussing a subject matter and by having that discussion you be able to come to a better decision" (Informant A09)

This concept (Shurah) is a very important term in negotiation. It is like a foundation to the negotiations. And in the Qur'an the term "Shurah" used in three levels;

Family, social and political level (informant A10). At the family level Allah (SWT) in Surat Al-Baqara says:

“...No mother shall be treated unfairly on account of her child, nor father on account of his child. And on the (father’s) heir is incumbent the like of that (which was incumbent on the father). If they both decide on weaning, by mutual consent and after due consultation, there is no sin on them” (Surah Al-Baqara)

At the social level Allah (SWT) in Surat Ash-Shurah says:

“And those who answer the Call of their Lord, i.e., to believe that He is the only One Lord (Allah) and to worship none but Him Alone] and perform As-Salat (Iqamat-as-Salat) and who (conduct) their affairs by mutual consultation and who spend of what We have bestowed on them” (Surah: Ash-Shura)

And at the political level when Allah (SWT) says:

“And by the Mercy of Allah, you dealt with them gently. And had you been severe and harsh hearted, they would have broken away from about you; so pass over (their faults) and ask (Allah’s). Forgiveness for them and consult them in the affairs. Then when you have taken a decision, put your trust in Allah, certainly, Allah loves those who put their trust (in Him)” (Surah: Aal-E-Imran)

These three verses illustrated that; this platform of consultation or discussion is not restricted only in to the political issues; it is also for family and social life. Additionally, the principle of consultation is based on matters relating to the affairs of the Muslims which, it is not identified in the Shariah law. Therefore, informant A10 stated that the foundation of “Shurah” is very fundamental. If we don’t have that culture with all levels, so we should forget negotiations.

Communication: Beside “Sulh” and “Shurah”, the concept of the “Communication” was the last sub-themes repeatedly stated by the informants (A05, A08 and A16) as a platform of argument to conduct negotiations. Informant A16 pointed that, “Islamic negotiation is a means to communicate to each other in order to achieve a common goal that will be a beneficial to the parties involved, meaning that negotiation is a means of communication”.

Undoubtedly, the main purpose of revealing The Holly books and sending The Prophets from Allah (SWT)

is to convey His call of and to invite the mankind to the right way. Therefore, Islam gives much importance on the means of communication and provides different basic practices which thoroughly associated with communication such as negotiations. For that reason, Informant SD04 determined this concept as a form of dialogue or any means of communications to agree upon terms of reference which include rights, obligation, Accountability.

According to Galander (2002), Islam is a communication-based religion as it implies negotiation and consultation among the elite of the Ummah, the “ulama”. Therefore, Informant A05 detailed that the Holly Qur’an and Sunnah are fully of stories of negotiations based on this platform. Like the story of Ibrahim (PBUH) when communicate with Namrud and we have also the example of the negotiation between Mussa (PBUH) and Faron in every chapter you can find a dialogue about them. From the Sunnah, he continued explaining that:

“If we go to Sunnah the famous story is the Al-Hudaybiya Treaty. Then there is a daily communication or negotiation between the prophet (PBUH) and his companions and non-Muslims whom came there. Even if we look at Al-Qur’an itself, we will see how Allah (SWT) with all almighty power, He negotiates and communicates with people” (Informant A05)

From the above cautions, it can be understood that The holy Qur’an and Sunnah guides the whole way of life, they focus on the all forms of communication in our daily negotiation activities. Islam gives much importance on communication in achieving an effective negotiation.

Shariah based: Sharia is an Arabic word means the revealed or canonical law of Islam (Wehr and Cowan, 1979), it is an Islamic religious law that covers not only religious rituals but all aspects of day-to-day life in Islam. Shariah is able to produce perfect standard rules of conduct within all aspects of life. It governs the specific norms of good and bad, goodness and evil.

Therefore, the evidence from this study confirmed that the informants were all considered the Shariah principles as the main pillar of identifying the Islamic negotiation concept. For example:

“The Islamic negotiation is a negotiation between the willing parties within the teaching of Islam. It must be in line with the Islamic principle and based on the Qur’an and Sunnah” (Informant A13)

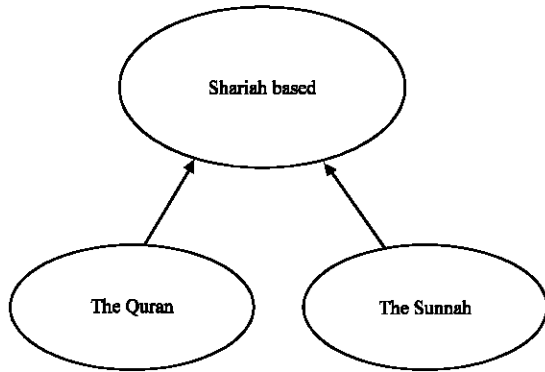


Fig. 3: The Islamic negotiation sources

“In Islamic negotiation you must follow the Shariah rules when you negotiation. Meaning that you cannot do something when Shariah don’t allow, this is my understanding in general about the term of Islamic negotiation” (Informant P3)

“Islamic negotiation is negotiating something which is Shariah nature and using the Shariah principles” (Informant SD2). “Negotiation from the Islamic perspective, you must follow the Shariah principles” (Informant A08)

The above statements clearly showed that Shariah based was exposed as the main sub-theme in the Islamic negotiation conception. Also, it obviously supported the concept that Muslims claimed which Islam is a complete way of life; it provides understanding and guidance on all life’s aspects. They justified that by the Qur’anic verse, when Allah (AWT) said:

“... This day, I have perfected your religion for you, completed My Favour upon you and have chosen for you Islam as your religion” (Surah Al-Maeda)

Thus, the concept of negotiation from the Islamic view absolutely can be explained by Islam. Therefore, informants determine this concept and address it in the framework of Shariah. However, the main objective of the Shariah is to produce and protect goods (Masalih) and remove evil (Mafasid). In order to achieve that Shariah has a certain limits (Hudud) prescribed by Allah (SWT) which are imposed to prevent mankind from following their own wishes and desires. Similarly, Informant A11 in his identification of the Islamic negotiation concept emphasized on the boundaries of the Shariah which it shouldn’t be beyond it in conducting negotiations. He said:

“Basically for me, it is the negotiation which is in line with the Islamic principles and values ... And what is important is they are negotiating within Hudud (boundaries) of Allah (SWT)” (Informant A11)

Finally, Shariah is an Islamic religious law, it is based on the teachings of the Holly Quran and the traditions of the Prophet Mohammad (PBUH) Sunnah. Therefore, all informants put emphasis on these two authentic Islamic sources to bring out the Shariah concept of the negotiation’s principles as identified in the Fig. 3. That is because according to informant A10 the Qur’an and Sunnah are facts and these facts are stated based on events. So, from events we derive “Ibar” lessons and those lessons help us to come with these principles.

The Holy Qur’an: The Holly Qur’an is the primary source of the Shariah, it is the most significant source given by Allah (SWT) for the mankind to refer in any aspects of man’s life matters. Muslim believes that it is preserved and Allah (SWT) has granted it in Surah Al-Hijr. He says:

“Verily We: It is We Who have sent down the Dhikr (i.e., the Qur’an) and surely, We will guard it (from corruption)” (Surah Al-Hijr). And Allah (SWT) in Surah An-Nisa says; “Do they not then consider the Qur’an carefully? Had it been from other than Allah, they would surely have found therein much contradictions (Surah An-Nisa)

So, the Holy Qur’an is Allah’s message to whole humanity. In it Allah (SWT) communicates to them and tells them how to live their lives successfully here and Hereafter. Therefore, Muslims believe that Islam is the perfect way of life and the Holy Qur’an is a thorough code for entire humanity. The Qur’an covers a universal message for the all of mankind without any limitation of time and space. Consequently, in the context of this study informants turn back to the Holly Qur’an to determine the concept and principles of the Islamic negotiation. Informant A05 the Qur’an mentions some characters on how to negotiate and how to speak to each other. Moreover, informant A06 further explained and provided examples of negotiations in the Qur’an. He said:

“Of course, the Qur’an has many forms of negotiations that happened even between Allah (SWT) and his angels and between the prophets and their people. I will refer to one of them or two in this context; the negotiation was between Allah (SWT) and His angels when Allah (SWT) wants

to send out to the word Khalif, so the angels negotiated with Allah (SWT) and replied why you want to send human could be involved in fitting...So, this is a form of negotiation” (informant A06)

Informant SD02 stated that the concept of negotiation is highlighted in the Qur’an and if we look at the Qur’an we will find a complete Surah called Surah “Almujadillah” which is an Arabic word means “argument”, “dispute”, “discussion” and “debate” (Wehr and Cowan, 1979). Not only that, the Qur’an conformed that all the prophets (PBUH) negotiate to their communities. From Nuh (PBUH) Allah (SWT) says in surah Nuh; “He said: “O my Lord! Verily, I have called my people night and day” (Nuh, 71:05). In another verse from Surah Hud, Nuh (PBUH) also negotiated with his son to believe in Allah:

“... And Nooh (Noah) called out to his son, who had separated himself (apart), “O my son Embark with us and be not with the disbelievers. The son replied: “I will betake myself to a mountain, it will save me from the water”. Nuh (Noah) said: “This day there is no saviour from the Decree of Allah except him on whom He has mercy”. And a wave came in between them, so he (the son) was among the drowned” (Surah Hud)

Also, the Qur’an has many examples of the negotiation between Musa (PBUH) and Faron. In every chapter you can find a discussion about them (Informant A05). However, all informants noted that the Qur’an has laid down some general principles it can be observed from those stories and it is generally applicable to all negotiation (informants A07, M20, SD02 and so on). Those principles are interpreted in theme two. Thus, the Quran does not only provide guidance, but also is the main Islamic source that offers the principles and practice of Islamic negotiations.

The sunnah: After the holy Qur’an the Sunnah of the Prophet Muhammad (PBUH) is the second source of any Islamic studies. Sunnah is an Arabic word means; habitual practice, customary procedure or action, norms. Sunnah of the Prophet means; his sayings and doings later established as legally bindings precedents (Wehr and Cowan, 1979). Similarly, according to the scholars of hadith the Sunnah means; everything that has been related with the Messenger of Allah (PBUH); his statements, actions, tacit approvals, personality, physical description, or biography. It does not matter whether the information being related refers to something before the beginning of his prophetic mission or after it.

However, from the beginning of our creations, Allah (SWT) has sent Prophets and Messengers as a special guidance for humankind and they should be followed to lead to the successful lives in this world and in the hereafter. Allah (SWT) confirms that in the following verse;

“We said: “Get down all of you from this place (the Paradise), then whenever there comes to you Guidance from Me and whoever follows My Guidance, there shall be no fear on them, nor shall they grieve” (Surah Al-Baqara)

Muslims believe that Prophet Muhammad (PBUH) is the last of the Prophets. He received the final guidance by Allah (SWT) which is the holly Qur’an for the entire humanity. And its relevance and applicability should be until the end of time. They justify their claim from the Qur’an, when Allah (SWT) says:

“Muhammad ((PBUH)) is not the father of any man among you, but he is the Messenger of Allah and the last (end) of the Prophets. And Allah is Ever All Aware of everything” (Surah Al-Ahzab 33:40)

Also, Muslims believe that he (PBUH) was a perfect person. He is sent as a mercy to humankind and Allah (SWT) had sent him as a gift to humanity. In Surah Al-Anbiya (the Prophets) Allah (SWT) says:

“And We have sent you (O Muhammad SAW) not but as a mercy for the Alamin (mankind, jinns and all that exists)” (Surah Al-Anbiya)

Many Islamic scholars argued that even the Sunnah is revelation from Allah (SWT) to His Prophet. And they justified their claim from this verse:

“... but remember Allah’s Favors on you (i.e. islam) and that which He has sent down to you of the Book (i.e., the Qur’an) and Al Hikmah (the Prophet’s Sunnah-legal ways-Islamic jurisprudence, etc.)” (Surah Al-Baqara)

It is a very clear from these verses that Allah (SWT) revealed to His Messenger (PBUH) both the Quran and the Sunnah and that He instructed him to convey both to the entire humanity. Similarly, regarding this verse, Al-Muala noted that the great jurist al-Shafi’i said: “God mentions the Book which is the Qur’an. I have heard from people who I consider authorities on the Qur’an that the Wisdom is the Sunnah of God’s Messenger”.

The Prophetic hadiths also confirm to the fact that the Sunnah is revelation. The scholars of hadith

(Al-Muala, 2007) stated that the views or attitudes of the Prophet (PBUH) on any matter were not just his own opinions or thoughts; it was what Allah (SWT) revealed to him. For that reason, the Prophet (PBUH) was different from other people, he was supported by revelation. Therefore, Allah (SWT) orders the believers to obey his Messenger as stated in many Qur'anic verses:

“And obey Allah and the Messenger (Muhammad PBUH)... and fear Allah. Then if you turn away, you should know that it is Our Messenger's duty to convey (the Message) in the clearest way” (Surah Al-Maeda)

“He who obeys the Messenger (Muhammad SAW), has indeed obeyed Allah but he who turns away, then we have not sent you (O Muhammad PBUH) as a watcher over them” (Surah An-Nisa)

“He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allah and His Messenger (PBUH) he has indeed achieved a great achievement (i.e., he will be saved from the Hell-fire and made to enter Paradise)” (Surah Al-Ahzab)

The above discussion conformed that the Sunnah is the second authentic source for the religious after the Holy Qur'an which Muslims must follow and obey. Therefore, this concept emerged as the second sub-sub theme for the Shariah sources after the Qur'an to determine the Islamic negotiations concept and its principles.

The informants A04 and A13 argued that the life of the Prophet determines a significant example that would drive people to follow his assets and continuing his paths of conducting negotiations because he is the best example to follow and that is described in the Qur'an when Allah (SW) says:

“Indeed in the Messenger of Allah (Muhammad SAW) you have a good example to follow for him who hopes in (the Meeting with) Allah and the Last Day and remembers Allah much” (Surah Al-Ahzab)

In explaining that informant A05 and A06 noted that Of course, in the Sunnah we can find a lot of negotiations that were made by the prophet Muhammad (PBUH) from the beginning of the Da'wah or inviting people to Islam. Therefore, there are daily negotiations between the Prophet (PBUH) and his companions and non-believers and the famous example of that is Al-Hudaybiya Treaty.

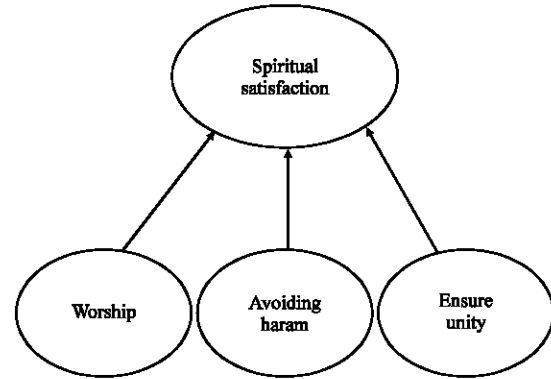


Fig. 4: The Islamic negotiation outcome factors

As a result, there is no doubt that the having the Qur'an and the Sunnah embedded in Muslim's life would theoretically and practically guide them to the best way in all life's activities including conducting negotiations. That is because according to Adibah both Qur'an and the Sunnah of the Prophet Muhammad (PBUH) are called the scriptural morality. Additionally, the foundational principles of the Qur'an and the Sunnah are timeless and remain relevant to be applied in any given socio-cultural context. Islam, being a way of life, requires that its followers model their life according to its teachings in every aspect (Basharat, 2009). Thus, the identification of the Islamic negotiation concept should be based on these authentic resources.

Spiritual satisfaction: Spiritual Satisfaction was the third sub-theme emerged from the analysis of this study to determine the concept of the negotiation from the Islamic perspective outcome. It has been observed that the informants argued that the importance of conducting their negotiation in the Islamic way is to get “Spiritual Satisfaction”. As illustrated in Fig. 4 through thematic analysis, the informants identified three factors which lead to spiritual satisfaction.

A worship: As identified by this study information's, the first factor that lead to the spiritual satisfaction as an outcome of the Islamic negotiation is considering the whole process as a worship. However, Basharat (2009) stated that the concept of worship in Islam is misinterpreted by many people as well as some Muslims. It is commonly means as performing ritualistic acts such as prayers, fasting, charity, etc. But, this understanding of worship is only one part of its meaning in Islam. Islamic scholars define worship as a comprehensive term for all that Allah (SWT) loves of external and internal sayings and actions of a person (Basharat, 2009). Similarly,

Mustafa Ahmad said that worship in Islam is a means of purification both of man's soul and his daily life. The concept of worship is related to its fundamental view that the true foundations of a good life are soundness of belief and thinking, purity of soul and righteousness of action.

In short, worship is everything Muslim says or does for the sake of Allah. This includes beliefs as well as social activities and personal contributions to the welfare of the human beings (Basharat, 2009). Thus, the Muslim who lives for worship has fulfilled the purpose of his creation. That is conformed in Surah Adh-Dhariyat, Allah (SWT) says:

“And I (Allah) created not the jinns and humans except they should worship Me (Alone)”
(Surah Adh-Dhariyat)

Muslims are required to submit themselves completely to Allah as in a Qur'anic verse Allah (SWT) instructed His Prophet (PBUH) to do so:

“Say (O Muhammad PBUH): “Verily, my Salat (prayer), my sacrifice, my living and my dying are for Allah, the Lord of the ‘Alamin (mankind, jinns and all that exists)” (Surah Al-Anaam)

From the above discussion it can be observed that the worship is an essential part of all religions; it is a motivated in each religion by different objectives assumes different forms and is implemented under a different set of rules. Therefore, this concept emerged as a main factor that lead the spiritual satisfaction in conducting negotiations. For that reason, informant A10 conformed that I do practice negotiation because it is a part of my religion to practice it.

Moreover, he continue arguing that in the Islamic negotiations the negotiated parties should inspire toward obtaining the pleasure of Allah (SWT) and that pleasure is very important. In other words, “we don't negotiate just to achieve our self-interest, but we do it for the sake of Allah (SWT)” (informant A10). In the same way, informant M01 noted that the foundation of the Prophet (PBUH) negotiations is the sincerity to be for the sake of Allah (SWT). Therefore, he succeeded in his all negotiations. Consequently, informants A16 and SD04 demonstrated that the importance of practicing the Islamic negotiation is to promote Islamic symbols. So, people can see that Islam go beyond the religious matter. A part from that, when we promote this practice, we will get spiritual satisfaction. That is because Allah (SWT) says; “And whosoever honours the Symbols of Allah, then it is truly from the piety of the heart”.

Avoiding haram: In Shariah, according to the scholar Al-Qaradawi in his book “The Lawful and the Prohibited

in Islam” confirmed that The first basis, fundamental or principle established by Islam is that anything which Allah has created and the benefits derived from them are basically permissible for human's use. Nothing is haram except what is prohibited by a sound and explicit Nas (Nas denotes either a verse of the Qur'an or a clear, authentic and explicit Sunnah of Prophet Muhammad (PBUH). The Islamic scholars have derived this foundation from the clear verses of the Qur'an. For instance, in Surah Luqman Allah says:

“See you not (O men) that Allah has subjected for you whatsoever is in the heavens and whatsoever is in the earth and has completed and perfected His Graces upon you, (both) apparent (i.e., Islamic Monotheism and the lawful pleasures of this world, including health, good looks, etc.) and hidden...” (Surah Luqman 31:20)

Indeed, Muslims believe that Allah (SWT) has prohibited only a few things which are needless and dispersible for human beings while provides alternatives which are better and which give greater ease and comfort to them. Similarly, Adibah argued that Allah (SWT) has clearly mentioned about lawful (halal) and unlawful (haram), virtues and vices. These are called Hudud (limits) which Muslims must obey and respect and if they disobeyed any of these limits, he is doing wrong or committing an iniquity. Therefore, in informants A13 in identifying the concept of negotiation in Islam he said: “When we talk about negotiation in Islam, everything is negotiable only the harm thing. As long as the negotiation within the Islamic scope boundaries, it should be alright. So, the negotiation is permissible in Islam as long as you don't negotiate something to make unlawful become lawful or lawful to become unlawful” (Informant A13). Not only that, informant A05 and A08 clearly stated that, in Islamic organization the practice of negotiations means avoiding the Haram things and they gave example, “in Islamic banking and finance in negotiating contracts we must avoid Reba and Gharar and Haram investments and projects”. Then, they continued arguing that is because the purpose of the Islamic negotiation organizations is to avoid Haram thing and provides Halal one and to provide the Shariah compliant solutions that is beneficial to all.

There is no doubt that the informants SD15, SD18, A06 and A08 claimed that in the Islamic organizations avoid Haram means obeying and observing the Shariah and that lead to the main purpose which is obtaining the spiritual satisfaction.

Ensure unity: Ensure unity was the third factor emerged from the analysis of this study to determine the concept

of the spiritual satisfaction. In Islam, unity is considered as an actual guide to solve the universal human conflict and problem. Islam is a means of salvation from all calamities and disputes that trouble the human beings (Yassin and Dahalan, 2012). For that reason Islam is a religion that demands the unity of people, because the human being is the greatest creation. Indeed, Allah (SWT) in Surah Al-Isra confirmed that. He says:

“And indeed We have honoured the Children of Adam and We have carried them on land and sea and have provided them with At-Taiyibat (lawful good things) and have preferred them above many of those whom We have created with a marked preference” (Surah Al-Isra)

Undoubtedly Allah (SWT) does not want to see humans destruct and destroy themselves. Therefore, He (SWT) orders Muslims to obey Him and His Messenger and avoid dispute:

“And obey Allah and His Messenger and do not dispute (with one another) lest you lose courage and your strength depart and be patient. Surely, Allah is with those who are As-Sabirin (the patient ones, etc.)” (Surah Al-Anfal)

In other Qur’anic verse Allah (SWT) orders His believers even if they dispute or differ from one another, they must return it to Him and His Messenger commands, He says:

“O you who believe! Obey Allah and obey the Messenger (Muhammad SAW) and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger (SAW) if you believe in Allah and in the Last Day. That is better and more suitable for final determination” (Surah Al-Nisa)

Generally, the aim of the people unity is to direct all the ethnic, tribal and religious differences into a constructive direction. Thus Islam emphasis on ‘knowing one another’; that means emphasizing Muslims to find a mutual understanding rather than conflict so that no one denies another’s rights for life and wealth (Jilani *et al.*, 2012). However, in this context, Allah (SWT) and His Prophet (PBUH) always emphasizes on ensuring the unity of the Ummah, therefore the Qur’an and the Sunnah validates some forms of negotiations to ensure that. The unity is a fundamental principle in Islam therefore, informant A07 argued that “the main objective of Shariah is to ensure the unity of the Ummah because without

unity we will never succeed”. He justified that from the Sunnah, when he argued that one of the rare reasons that the Prophet (PBUH) miss the prayer is when he (PBUH) was making the Sulh (negotiation) between two trips, he (PBUH) missed the Asar prayer because he want to ensure the unity of his Ummah.

This action of the Prophet Mohammad (PBUH) also proved that negotiation is a very fundamental. Similarly, informant A10 argued that:

“Negotiation is a need of mankind, it was something driving the society and provide a social security and cooperation to them. So, I would like to think this is something is very fundamental, we cannot live without negotiations” (InformantA10)

Also, informant A07 agreed with this claim in his identification of the importance of the practice of negotiation in Islam, he said:

“Without Sulh life will never be comfortable yet” Negotiation is something that the life of the human being cannot do without and it provide unity of the Ummah of the Prophet Muhammad (PBUH) and it closes the page of enmity. And if we do it correctly, it removes doubt from the heart of the community on it comes to the organization practice” (informant A07)

CONCLUSION

This study’s findings have significantly contributed to the understanding of the Islamic concept of negotiation and it has provided deep and large amount of respected insight into understanding about negotiation from an Islamic perspective. Thus, the exploration of the Islamic negotiation concept in this study recommends that generally, negotiations in Islam are not just a matter of give and take process. It is an interactive process which provides a different platform of arguments between two parties or more within the Shariah teachings to obtain spiritual satisfaction.

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