The Role of Saudi Universities in Maintaining Integrity and Combating Corruption

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Abstract

Corruption is an undesirable manner and prohibited in all legal systems. It is an enemy that destroys the civilization and ruins human activities. Corruption is an outrageous deed and leads to the nation failure in all fields. It is globally agreed that corruption must be eradicated from all aspects of life. It is a contagious disease that cannot be tolerated. However, Islamic law through its main legal sources has established fundamental principles to prohibit not only illegal practices, but also any foundation of corruption. Islam has taught us that anti-corruption mission is one major objective of the Prophets (Peace be upon them all). According to Islamic law, anti-corruption task must include the protection of five necessities of the human being. These are: Religion, Life, Regeneration (or Procreation), Intellect and Property. Therefore, Islamic law prohibits any sort of corruption or deterioration that may affect any of these essential elements. In addition, Islamic law has established process of legislation or law making to introduce contemporary rules to combat corruption. Saudi Arabian legal system is based on Islamic law. It implements rules and procedures to gradually eliminate and to prevent increasing any type of corruption. In this relation, the Saudi legal system structured according to Sharia law, new regulations based on Islamic legal principles along with the judicial system. In addition, there are executive authorities to implement these legal rules. These are: the National Anti-Corruption Commission (NAZAHA), the General Auditing Bureau (GAB), the Control and Investigating Board (CIB), and the Board of Investigation and Public Prosecution (BIP). Moreover, the national strategy for maintaining integrity and combating corruption has put an adequate weight for Saudi universities to enhance integrity and to alert the negative consequences of corruption. It is agreed that universities are able to deliver ethics, norms, and legal principles through education, training, public awareness as well as non-class activities. This paper aims to explore the role of Saudi universities in maintaining integrity and combating corruption all over the Country. This exploration will include a teaching case study.
Introduction:
Corruption has been affecting the stability and prosperity of countries as well as the international relation between countries. Consequently, the world economy has exerted great efforts to fight all aspects of Corruption. In Islamic legal authorities, the phrase 'corruption' exists in the main legal sources. This means that Islamic law has given a great consideration to maintain integrity, stability and prosperity of human life. Indeed, Islamic law prohibits corruption and nominates certain types of transactions and considers them as illegal transactions. In the Holy Quran, the word corruption is repeated fifty times in different contexts. Islam has taught us that anti-corruption mission, and teaching integrity and honesty are major objectives of the Prophets (Peace be upon them all). According to Islamic law, anti-corruption task must include the protection of five necessities of the human being. These are: Religion, Life, Regeneration (or Procreation), Intellect and Property. Therefore, Islamic law prohibits any sort of corruption or deterioration that may affect any of these essential elements. This is because that corruption demolishes the human dignity and creates discrimination between people according to their reputation and wealth. An example of the Quranic rules:

{But seek, through that which Allah has given you, the home of the Hereafter; and [yet], do not forget your share of the world. And do good as Allah has done good to you. And desire not corruption in the land. Indeed, Allah does not like corrupters.}²

{And to [the people of] Madyan [We sent] their brother Shu'ayb. He said, "O my people, worship Allah; you have no deity other than Him. There has come to you clear evidence from your Lord. So fulfill the measure and weight and do not deprive people of their due and cause not corruption upon the earth after its reformation. That is better for you, if you should be believers."}³

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¹ The Holy Quran.
² The Holy Quran, (28:77)
³ The Holy Quran, (7:85)
It is obvious that the main Islamic objective of the prohibition of corruption is to maintain not only humanity, the whole earth from bad consequences of corruption. It is believed that corruption is likely to economically and socially affect Muslim society. Moreover, Islamic law set forth a number of principles and rules as well as ethical norms to eliminate corruption. This paper attempts to review Islamic legal authorities from a contemporary viewpoint, in order to integrate between a modern legal principles and Islamic theory. This may consider as a step enhance the integration and collaboration between Islamic law and International Legal environment. According to Islamic law, corruption transactions are categorized as criminal acts. For example, in Islamic law some of the financial crimes are prohibited through the main legal text, some others are prohibited through comparative reasoning according to the methodology of the Islamic jurisprudence⁴. Nevertheless, in both cases, the prohibition is applicable and authentic.

Definitions and the Legal Background:

Literal corruption is against reformation or amendment and this can be understood from the verse:

{Indeed, Allah does not amend the work of corrupters.}⁵

It refers to an act that is practiced against law. For this reason corruption is considered illegal act. From Islamic legal point of view, corruption is mentioned in the Holly Quran generally as an illegal and undesirable act. It is a characteristic of hypocrite and outlaw. This meaning can be established from the verse:

{And of the people is he whose speech pleases you in worldly life, and he calls Allah to witness as to what is in his heart, yet he is the fiercest of opponents. And when he goes away, he strives throughout the land to cause corruption therein and destroy crops and animals. And Allah does not like corruption. And when it is said to him, "Fear Allah," pride in the sin takes hold of him. Sufficient for him is Hellfire, and how wretched is the resting place.}⁶

However, most of the word "corruption" mentioned in the Holy Quran has been associated with the word "earth", which means that Allah (SWT) has indicated that corruption against the growth and development of the earth and its habitants. Definitely, anti-growth of the earth should include all fields of life namely, religious, ethical, political, social and economic.

In Islamic jurisprudence, corruption is considered a crime and any sort of criminal act is a corruption. In this relation, crime is an act of committing an offence⁷. Islamic law considers some acts of heart or mouth, for instance lying, hatred, envy, greed, meanness, scandal, etc. as illegal behavior and all are prohibited. Of course there is no direct punishment unless they caused to material damages to others⁸. But

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⁵ The Holy Quran (10:81)
⁶ The Holy Quran (2:204-206).
⁷ M Alalfiruzabady (d. 1414 AC) Alqamous Almuheet (Alresalah Press, Beirut 1994) 1405
⁸ In this case, there could be a punishment through Ta’zeer; imposed punishment, and through legal trial.
such acts may justify the anger of Allah and ought to have a punishment in the hereafter. This can be named as the act of heart.

Furthermore, the meaning of corruption as crime is restricted to certain criminal acts as prescribed in the penal code. In Islamic jurisprudence, crime is defined as an illegal act that harms an individual or his property. According to the Holy Quran, crime could have the definition of any act that is against righteousness and justice. This can be understood from the verse:

{O you who believe! Stand out firmly for Allah as just witnesses; and let not the enmity and hatred of others make you avoid justice (i.e. commit crime against them). Be just: that is nearer to piety; and fear Allah. Verily, Allah is Well-Acquainted with what you do}.

It is also defined as a name of certain prohibited acts, which cause damages to people or their belongings. Also, a crime refers to any criminal activity, that are prohibited by the Shariah law for which Allah has prescribed a Hadd for each of them or a punishment that has to be decided by a judge according to the criminal law. According to the above definitions, in order to define a conduct as a criminal act, there must be four essential elements. First, an illegal act must be interpreted by the specific meaning of crime, which means that it ought to have the physical aspect (i.e. committing an illegal act). Thus, the act of heart meaning alone does not

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9 S Fawzy Principles of Criminal Law: Comparative Studies with Contemporary Criminal Legal Trends (Modern Services Library Jeddah) 49
10 {O you who believe! Stand out firmly for Allah as just witnesses; and let not the enmity and hatred of others make you avoid justice (i.e. commit crime against them). Be just: that is nearer to piety; and fear Allah. Verily, Allah is Well-Acquainted with what you do}, H. Q. 5:8
12 Hadd is a punishment which is nominated by the sacred primary authorities, while discretionary punishment is left for the state legal authority to decide the punishment.
13 A Almawardi (d. 1150 AC), al-Ahkam as-Sultaniyyah; The Law of Islamic Governance, Asadullah Yate (tr) (Ta-Ha Publisher Ltd, London 1996) 309
14 See Atbani, Faisal.
establish a crime. Secondly, an act must be illegal and prohibited by the Islamic law. Thirdly, an act must be committed absolutely by reasonable human intention\textsuperscript{15}. Lastly, there must be a punishment, prescribed by a legal text or be decided by a court, for any act that is described as criminal\textsuperscript{16}.

In academia, corruption is defined as "Dishonest behavior by those in positions of power, such as managers or government officials. Corruption can include giving or accepting bribes or inappropriate gifts, double dealing, under-the-table transactions, manipulating elections, diverting funds, laundering money and defrauding investors."\textsuperscript{17} Moreover, it is explained by some authors\textsuperscript{18} via this example: "we have a case of corruption when: A public official (A), acting for personal gain, violates the norms of public office and harms the interests of the public (B) to benefit a third party (C) who rewards [(A)] for access to goods or services which [(C)] would not otherwise obtain". However, not all cases involve a third party in a corruption, but always there is a public official who harms the public interest whether s/he benefits directly or indirectly from such corruption, or just because of his careless of the job. However, the key component of this definition is that there a public official who abuses his position and harms the public interest.

The fundamental principle of this issue In Islamic law is that taking others' property without legal right is prohibited. This principle is established through many legal texts from both Quran and Sunnah, for instance:

\textsuperscript{15} Thus, if an act is done by a human, but is caused by an act of God or an animal, it does not count as a crime.
\textsuperscript{16} S Fawzy 51
\textsuperscript{17} http://www.investopedia.com/terms/c/corruption.asp.
{And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]} \(^{19}\)

Also,

{O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful. And whoever does that in aggression and injustice - then We will drive him into a Fire. And that, for Allah, is [always] easy.} \(^{20}\)

However, under this concept, there are five major illegal practices which considered by Islamic jurisprudence as financial crimes. These are: bribery, illegal confiscation, forgery and embezzlement. In addition, there is money laundering, which a subsequent crime that uses the money gained from those illegal crimes and injected to legal activities.

The first crime is bribery, which is an act that prohibited by the main source of Islamic law. It is the most exhausting type of financial crime, which leads to the risk of economic corruption. Basically, it refers to an incentive that is illegally given as a means of promotion in order to acquire, in return, an illegal advantage. It is a way for someone to prevent others from having their rights, or to illegally enjoy others' rights. According to this definition, a gift presented to an official purely because of his position, is considered as bribery. The intention can be ascertained through the relationship between the giver and the official, which might indicate that an official would not obtain this gift if he did not hold this position. Bribery leads to massive corruption in political and economic systems, therefore, Islamic law has paid great attention to warning people about such crime. According to Islamic *Fiqh* as well as

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\(^{19}\) The Holy Quran (2:18)

\(^{20}\) The Holy Quran (3:29-30)
Saudi legislation\textsuperscript{21}, any type of promotion, either material or mediation that involves public services is considered bribery.

The second crime is confiscation. Basically it is an act that involving seizing private property for the public interest. However, confiscation could be used to seize private property through the government but because of an official who abuses the governmental authority. In this relation, confiscation intend to be defined as taking away other people's property overtly and unjustly by defeating them using political, economic or social power. It is also to expropriate someone from his own property without legal right. There are other synonyms that clarify the situation of exceeding the legal right to others' rights, which can be used to explain this meaning. For example, encroachment refers to an illegal situation of taking away another's patents or other intellectual properties\textsuperscript{22}. Thus, confiscation differs from theft in two ways. The first is that the act of confiscation is done explicitly under the eyes of other people. The second difference is that in confiscation, there is the use of political, economic or social power. Thus in this case, the intention of illegally seizing another's property is clear and self-evident.

Thirdly, there is counterfeiting or forgery. It is an act that involves changes in official documents. It is a crime that affect. According to Saudi anti-forgery law\textsuperscript{23}, forgery is defined as an essential change in an official document by one of the ways that described by the law, in which a change would cause injury to others with the intention to abuse the forged document. It is an act of criminally making or altering a written instrument for the purpose of fraud or deceit. This may be done by abusing

\textsuperscript{21} Anti-Bribery law enacted by the royal decree No. (M/36) on 29-12-1412H based on the Council of Ministers No. (175) on 28-12-1412H.
\textsuperscript{22} See for example, Merriam Webster Dictionary, http://www.merriam-webster.com/dictionary/encroachment.
\textsuperscript{23} Anti Forgery Law, enacted by the royal decree No. (53) on 3-11-1382H based on the Council of Ministers No. (550) on 5-11-1382H.
the official documents for the private interest, such as forging an official signature to illegally benefit a person.

Moreover, embezzlement is one of most harmful crime that severely affects the national economy. It refers to gaining money or property secretly using one’s official position. An official may commit a crime of embezzlement when s/he dishonestly abuses the trust given to him by stealing money that s/he has been trusted with.

Finally, money laundering is crime that has been spread internationally. According to the Commonwealth Model Law for the prohibition of Money Laundering, money-laundering crime means:

"Engaging, directly or indirectly, in a transaction that involves property that is proceeds of crime; or receiving, possessing, concealing, disguising, transferring, converting, disposing of, removing from, or bringing into the (territory) any property that is proceeds of crime; and knowing, or having reasonable grounds for suspecting that the property is derived or realised, directly or indirectly, from some form of unlawful activity; or where the conduct is conduct of a natural person, without reasonable excuse failing to take reasonable steps to ascertain whether or not the property is derived or realised directly or indirectly, from some form of unlawful activity; or where the conduct is conduct of a financial institution, failing to implement or apply procedures and control to combat money laundering”

In other words, it is a legal commercial operation, which aims to convert a massive amount of illegal money that has been collected as a result of illegal activities (e.g. bribery, illegal confiscation, forgery and embezzlement) into legitimate money. It is obvious that this legal operation is aimed to give such money a legal appearance, which means that it is a profit or an income from legal sources. It seems that money laundering or its legal commercial operation is not a bona fide

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crime. Indeed, the criminal approach is not a direct criminal behavior in this situation, but it is considered as an absolute legal incentive to justify illegal conducts. Under Islamic law it is known that any legal act is banned if it may lead to or justify an illegal act. In this relation, if the money is proved to be gained from illegal sources, there should be a prosecution not as a result of the legal acts, but to be more precise, because of the illegal activities. Islamic law generally prohibits all types of illegal unjust activities and according to this principle Saudi legislator has issued several law and regulations to prevent money laundering crime. The Saudi Arabian Monetary Authority (SAMA) has issued Rules Governing Anti-Money Laundering & Combating Terrorist Financing\textsuperscript{25}. Moreover, there is Anti-Money Laundering and Counter-Terrorist Financing Rules which is issued by The Saudi Capital Market Authority (CMA)\textsuperscript{26}. In this regard, Islamic legal system promotes justice and prohibits all types of wrongfulness and corruption. Hence, it accepts any international legal norms and principles, as well as agreements as long they demonstrate justice and integrity\textsuperscript{27}.


\textsuperscript{27} See for example the verse “Verily, Allah enjoins Al-Adl (justice) and Al-Ihsan (i.e. to be patient in performing your duties to Allah), and giving (help) to kith and kin (i.e. all that Allah has ordered you to give them e.g., wealth, visiting looking after them, or any other kind of help), and forbids Al-Fahsha (i.e. all evil deeds e.g. illegal sexual acts, disobedience of parents, to tell lies, to give false witness, to kill a life without right), and Al-Munkar (i.e. all that is prohibited by Islamic law), and Al-Baghy (i.e. all kinds of oppression). He (Allah) admonishes you, that you may take heed”. Nobel Quran, 16:90.
The Strategy in Higher Education:

A strategic plan is not short-term activities. Even if we talk about well-established rules backed by Islamic law, still long-term plan is required. The Quran teaches us to do things with prudential and planned ways, not with disorder. Therefore, strategic plan requires many steps and stages to reach the right goals. According to the exact meaning of strategy, it is not to do goals, objectives, or purpose. Strategy is a methodology that how those elements are going to be achieved. So, strategy is not a mission, instead, it is a plan that allows the mission to be accomplished. Universities can provide better strategic plan through education and communication. This strategy may include a series of measures aimed at achieving a long term change in attitudes to responsible individuals and applicable behavior. For example, this strategy may include:

1) Making the concept of “corruption” a message that is easier to understand and resist;
2) Targeting messages to all levels of the society;
3) Providing better information for the society;
4) Providing more support and consultation for employers and employees; and
5) Providing codes of practice via academic consultants.

In education, strategy means a plan for four to six years, where a bachelor degree requires four years and a master another two years through which a university can establish a good infrastructure knowledge and awareness within their students. This period of human life, the students are prepared to engage in practice and production. Higher education is an excellent environment to have well-established

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future employees. In higher education there are academic courses, training course, non-class activities. In academic courses there are major courses such as Shariah courses, law courses and business courses. In all of those courses, there should be subjects or issues related to corruption. The syllabus should cover direct subjects to explain issues of corruption or at least some case studies relevant to corruption. For example, in Shariah courses, there should be several subjects in Fiqh to cover the crimes in Islam. In Islamic Fiqh there is wide range of issues related to illegal activities connected to the public and private services. Moreover, under the department of law there are several courses that can be used to cover all corruption issues. For example, in criminal law there are several subjects involved, namely, bribery, money laundering, fraud and more. In addition case studies of those subjects can be covered in business law and administrative law. In business courses, there is a great opportunity to add economic crimes that are relevant to business-governmental activities. This experience is to be elaborated below.
Non-Class Activates:

One of the most productive tools in higher education is the Non-Class Activates. NCAs have a wide range of initiatives that are used to satisfy strategic goals. They are unlimited to small number of activities, but they are open-ended, where a university planner can introduce and implement. This issue is conserved as a part of the social responsibility of universities, through which universities will participate through their staff and students to influence the community. There are number of studies that show the importance of non-class activities versus traditional curriculum courses\(^29\).

Non-class activities include but not limited to: field researches, community services, club activities, group discussions and virtual classroom, where practical cases are simulated. There are some studies\(^30\) propose the notion of ‘learning spaces’ that goes beyond the classroom. This notion argued to achieve more dynamic learning environments, which will be able to challenge current and future needs of both teachers and students. However, universities should put more motivation to encourage lecturers to implement these activities and to encourage students to participate. For example, there should be extra grades for students or number of credit hours of community services required graduation.


Awareness and Communication:

Universities have direct access to the public that other educational institutes do not have. There are public courses with different topics that can be provided to students, public sector as well as private sector employees. Universities have several tools of awareness. Awareness of individual and groups of workers is a focal point to successful collaboration. It is a mechanism of generating and sharing information among the public. Sharing information teaches individuals to know their rights so they resist any sort of corruption from being affecting them. Moreover, a successful awareness requires sharing feedback of practices. There should be a survey of common practices so individuals can provide their opinions regarding corruption and illegal practices through the workspace. This type of continually-updating communication will increase the sense of the awareness among individual regarding corruption and make them resistant, collaborators to beat all illegal actions.31

Nowadays, it is more convenient and attractive to the public to use technology. Therefore, communicating people through technical tools and social media are productive. In such a case, a wide range of people will benefit from public awareness. Awareness and communication through social media and digital networks will allow for distribution of information in the largest number of people. It is not necessarily restricted to a person who is relevant to the context of corruption, but rather it is definitely to someone else who is in communication with this person. So, strategic awareness and communication for anti-corruption plan selecting an appropriate communication channel, communication skills as well as communication wording.32

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**Case Study in Teaching:**

The researcher believes that anti-corruption issues, from whatever dimensions, namely religious, ethical, legal, economic, political or social can be covered in university courses. Therefore, as a strategy, the university can promote lecturer to modify their syllabuses to cover anti-corruption issues by adding chapters that treat corruption issues form those stated dimensions. For example, the course "Political, Social and Legal Environment of Business" is designed to give non-law undergraduate students a legal background of all major legal aspects of business. Therefore, it provides essential information concerning various laws and regulations that govern the business environment in Saudi Arabia. Emphasis is placed on the definition of regulations, commercial law, company law, liquidation and bankruptcy law, banking control law, labor law and foreign investment law. The course aims to:

1) Explain the principle of commercial and business law in any business activity.
2) Explain the structure of the Saudi legal environment of business.
3) Identify the development of the Saudi legal environment of business.
4) Relate the Saudi legislation to the local business environment.
5) Analyze the current legal issues in the local environment of business
6) Apply the Saudi legislation to the local business environment.

However, the researcher has updated this syllabus by adding a complete chapter to educate students the knowledge and to train them through practical cases of crimes connected to economy. This chapter is titled "The Law to Combat Economic Crimes". It includes several economic crimes, namely Fraud; Bribery; Forgery; Credit Crimes; Financial Market Crimes; Money Laundering Crime. Moreover, the contents explain cases studies of practical issues related to corruption. For example, in fraud topic, there are several cases such as fraud cases in
governmental workplace, such as embezzlement of governmental assets abusing them, ignoring fulfilling the job duties. These issues are covered in both public services as well private sectors as the private sector is directly or indirectly linked to the subject and is part of the integrity.

This course discusses the concepts of criminal law in general. Then it explains the law related the economy. Also it, explains the concepts, definition, cornerstones of each crime. Moreover, it clarifies the legal consequences and penalties of each crime. Meanwhile, there is illustration of practical cases (lawsuits) as applicable as possible. This course, as structured, has been productive and interesting as non-law and non-Shariah students unfortunately are less aware of these topics. Finally, this course describes the role of regulators that are concerned to each type of crimes as well as the judicial jurisdictions. This last part explains the procedures of the regulators to prevent and combat those crimes as well as how to deal with such cases. This concept can be applied to number of non-Shariah and non-law courses. For example, economic crimes and corruption issues can simply be touch under several subjects by establishing accurate syllabuses from political, social, business, environmental aspects.
Conclusion:

It is so clear that universities have arms that other institutions do not have. Therefore, depending on universities to establish and implement ideas is productive. The researcher argues that the role of universities must not be underestimated. Moreover, the strategic role of universities in maintaining integrity must not be limited to certain subjects or field of study. It should cover numbers of field of studies as well as non-class activities. The research indicates that the subjects of anti-corruption mechanism and maintain integrity require long-term strategic plan starting from the enrolment at university till graduation. Therefore, issuing laws and regulation is not enough, but there should be collective collaboration. The researcher argues that this collective collaboration can be performed by universities as universities have the focal point of learning and practice. Also, universities have direct and indirect access to all level of the society. The researcher believes that the role of universities can result more productive initiatives than what is really practiced.