



ARBITRATION FROM ISLAMIC PERSPECTIVES WITH SPECIAL REFERENCE TO BANGLADESH

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[**Abstract:** Arbitration is a process of conflict settlement. Through arbitration, a third person takes part in the conflicting parties and tries to settle the conflict. The present paper focuses mainly on arbitration from Islamic perspectives. The objectives of this study are to describe the nature of arbitration, various Islamic ways of settling conflict and principles to be followed for the settlement and administration of conflict, qualities of an arbitrator in the eye of Islam, heavy responsibilities of judge in an Islamic society, need for the adherence to Divine Law, relations of the Muslims with others and so on in the public and private business, manufacturing as well as service organizations of Bangladesh. Administration of justice and qualities of an arbitrator have been dealt with the paper. Another focus of the paper is existing practice of arbitration in Bangladesh and pinpoint the similarities and dissimilarities with Islamic rules and principles. The authors have put some recommendations to improve the practices by following Islamic prescriptions. For making this paper, data and information have been collected from both primary as well as secondary sources and for the purpose, 127 respondents have selected from public and private business organizations by resorting non-random convenience sampling methods.]

Key Words: The Qur'an, Hadiths, Arbitration, Conflict, Settlement

DEFINITION OF ARBITRATION

Many definitions may be collected from a good number of sources. Though they have defined in their languages, all the definitions almost carry same meanings. For this purpose, we have collected three (3) definitions only. At the same time, we have given one definition from the existing Arbitration Act, 2001 of Bangladesh.

1. **Merriam Webster:** Arbitration is a process of settling an argument or disagreement in which the people or groups on both sides present their opinions and ideas to a third person or group.
2. **Business Dictionary:** Settlement of a dispute between parties to a contract by a neutral third party (the arbitrator) without resorting to court action.
3. **Mediate.com:** Arbitration while being nicknamed the businessman's method of resolving disputes is governed by state and federal law.
4. **Bangladesh Arbitration Act-2001:** "Arbitration" means any arbitration whether or not administered by permanent institution.

5. New Dictionary of Cultural Literacy (2005):

The settling of disputes (especially labor disputes) between two parties by an impartial third party, whose decision the contending parties agree to accept. Arbitration is often used to resolve conflict diplomatically to prevent a more serious confrontation.

Now we can say that, arbitration is the submission of a disputed matter to an impartial person (the arbitrator) for decision. It is a popular form of alternative dispute resolution that is used by many individuals and businesses to resolve disagreements in place of pursuing a lawsuit. Arbitration is a



flexible, consensual process for resolving business disputes in a binding, enforceable manner. The decision makers are called arbitrators, or collectively the arbitral tribunal. The arbitral tribunal comprises one or more independent individuals selected by the parties or appointed through a mechanism that the parties have agreed upon. An arbitral tribunal's substantive decision is called an award.

OBJECTIVES OF THE STUDY

The objectives of this study are to describe the nature of arbitration, various Islamic ways of settling conflict and principles to be followed for the settlement and administration of conflict, qualities of an arbitrator in the eye of Islam, heavy responsibilities of judge in an Islamic society, need for the adherence to Divine Law, relations of the Muslims with others and so on in the public and private business, manufacturing as well as service organizations of Bangladesh. The present paper has also tried to highlight different opinions of executives, managers, and well conversant people of the society on arbitration from Islamic perspectives. To assess the role of government, trade union leaders and religious leaders regarding Islamization of arbitration is also the objective the paper so that they can help reduce and settle conflict. Last of all, the authors have provided some suggestions both for employees, organizations, and society at large to manage the conflict peacefully and sustain conflict free society.

THE METHODOLOGY OF THE STUDY

Data and information were collected both from primary as well as secondary sources. For collecting primary data, 127 executives, managers working at different levels of a good number of public and private organizations of Bangladesh were selected by using non-random purposive and convenience sampling methods. A structured questionnaire by using three-point scale was distributed among them and collected in person. The respondents were requested to put tick mark on one scale only as per their choice. The secondary data were collected from different books, journals, research papers published at home and abroad, websites. Personal observation of the author has been used to explain the existing practices of arbitration in Bangladesh. A good number of respondents maintained neutrality and they did not respond. Possibly they did not want to involve themselves in responding for or against the issue.

LITERATURE REVIEW

A core function of arbitration is implementing strategies to manage conflict in the workplace. Trudel and Reio (2011) suggested that HRM professionals must competently apply effective techniques to manage the process and outcomes of interpersonal conflicts. Conflict management approaches take numerous variables into account. While many of these styles are reliant upon personality type and leadership styles, knowledge of culture and religious foundations contribute to creating an effective conflict management strategy (Busch, 2012). Some researchers have suggested that HRM should develop their negotiation, communication, persuasion, and interpersonal skills in order to resolve conflict (Robbins and Hunsaker, 2006; Trudel and Reio, 2011). Trudel and Reio (2011) posited that research since the late 70s has developed conflict management styles based on five variables: (1) problem-solving, collaboration, and integration; (2) compulsion; (3) accommodation; (4) avoidance; and (5) compromise. Tjosvold (2014) postulated that conflict management research should be applied by HRM in order to facilitate positive outcomes. However, Tjosvold (2008) had previously argued that conflict research had a negative impact on HRM due to reinforcing misleading theories on conflict. The reason, he argued, was due to researchers' categorization of conflict, its sources, and outcomes. Managers and HRM are taking conflict management more seriously, Tjosvold (2008) argued. His argument is based on the necessity of conflict resolution in a global environment. Some researchers differentiated between conflict resolution and



conflict management. Rahim (2002) explained that conflict resolution views the conflict as fundamentally negative. Therefore, conflict has to be reduced or eliminated completely, whereas conflict management views conflict as an opportunity to develop strategies that can lead to positive results (Randeree and El Faramawy, 2011). The cost reduction and productivity increase alone should be a motivator for organizations to apply research in their HRM practice. Tiffan (2009) proclaimed that organizations and individuals are still afraid to resolve conflict from fear of negative outcomes. Tjosvold (2008) noted that even though the most popular strategy is to avoid conflict altogether, it is not the appropriate strategy for HRM. Poor management is often to blame for conflict escalation, according to Tjosvold (2008). The involvement of HRM is imperative to the organization's success in managing conflict. Kolb (2013) stated that the first step is to understand the nature of conflict and its cyclical process. While this is assuredly the case, many researchers are starting to study religiosity as a component to managing conflict (Abu-Nimer, 1996; Busch, 2012; Randeree and El Faramawy, 2011; Rehman, 2011). Tjosvold (2008) postulated that the nature of conflict research is changing and headed in a positive direction. With a growing influence of religiosity in the workplace (Manaf et al., 2014; Schaeffer and Mattis, 2012), conflict resolution research and religious values must be explored in more detail.

METHODS OF CONFLICT RESOLUTION

Imam Reza of the Islamic Republic of Iran has discussed arbitration as a method of conflict resolution from the Islamic perspective in 2009. From time to time differences arise on various questions between the people living together. Historical and personal experience shows that no society has ever existed, between the individuals or the social organizations of which there have never been any differences. Such differences have always existed in all societies from the primitive and semi barbaric to the most advanced and civilized.

Usually the differences and clash of interests arise between two individuals, two organizations, two classes or two nations, in one of the two ways. Showing just and acceptable conduct orientation and training can play a significant role. But this type of practical training is hardly available in Bangladesh for successful arbitration purposes.

In many cases the difference is due to wrong thinking, wrong behavior and unjust conduct of one or both the parties. In Bangladesh, arbitration takes place formally and informally among the conflicting parties. But as per human nature arbitrator's behavior is more or less acceptable. Sometimes they are provided with wrong information. That is why they may be misguided by any of the parties.

In more or less every society there are individuals or groups which are not spiritually and morally mature enough to be fair in all cases and not to violate the rights of others. Spiritual and moral maturity is also important for arbitration. Though a good number of people are available in Bangladesh, but these people do not show any significant interest to take part as arbitrators. For efficient arbitration purposes, strong commitment and sentiments are also important. This can help them to control selfishness and greediness. In Bangladeshi society, a good number of selfless and less greedy people are there. But while they are invited to act as an arbitrator, they hardly show any significant interest. Therefore, sometimes selfish people can take responsibility as arbitrator. Under this circumstance, there may be a possibility of continuance of conflict for a long time. Such people, if their personal interest demands, do not show any consideration for the rights of others. Their human sentiments are not strong enough to control their selfishness and greediness. They neither possess noble moral character nor are they interested in seeking the pleasure of Allāh (swt) . They do not fear the consequences of their misconduct in this world or in the next.



There is no doubt that lack or weakness of faith is the most common and the most effective cause of the differences. Anyhow, this cause is not peculiar to individuals. The same thing is true of classes and nations. We often find in social life that two faithful and pious persons differ on a certain point. Here the difference is not due to their unjust behavior but is due to the difference in determining what is right. The presently working and potential arbitrators in Bangladesh do not agree that they have weaknesses in faith. Despite they may have differences in thoughts and as well as practices. Some are regular practitioners of Islamic rules, but some are not regular practitioners, but they do not disagree with practitioners. Most of the arbitrators are not professionally trained on Islamic faiths neither have they due orientation on the issues. In training institutes of both public and private sectors, a few training courses are partially offered to focus on ethical standards, Islamic principles and the need for just behavior in successful arbitration. In spite of this, some are showing just and acceptable behavior for the said purpose.

In such cases both the parties, according to their light, believe that they are right and think that the other party is either involved in selfishness or is mistaken. Anyway, a pious man defends him and what he believes to be his right with zeal and enthusiasm but is never prepared to do a thing which he regards unjust and wrong.

It is a social duty to settle the differences. Any differences which may arise between individuals or social organizations should be settled as early as possible, for their continuance, whether they are due to any willful transgression or mere misunderstanding, always adds to the conflict between the parties concerned and culminates in ugly events or at least perpetuates some sort of hostility and malice between them. Anyway, to make an effort to settle the differences is a social duty.

The Qur'an urges the Muslims to try to adjust any disputes which may arise between them. "Have a fear of Allāh (swt) and resolve your differences". (Surah al-Anfal,8:1).

In tradition also much importance has been given to this question. The holy Prophet (saw) is reported to have said: "To settle the differences is more meritorious than prayers and fasting".

VARIOUS WAYS OF SETTLING DIFFERENCES

People usually adopt one of the following methods to settle their disputes:

Personal force: Use of personal force is one of the oldest methods of settling a dispute. When a person is unable to settle a quarrel amicably, he at once jumps to fight either individually or with the help of his friends and supporters. This is called the law of the jungle, according to which the stronger is always right.

Shouting, abusing and vilification: Sometimes the two parties involved in a quarrel do not have the power or courage to stand up to each other and to fight a battle. They instead of fighting in the field resort to another kind of battle, viz. the verbal battle. Either face to face or behind the back they shout at each other, abuse each other and vilify each other, till one party is reduced to submission.

Normally the eviler tongued and foul-mouthed come out victorious in these verbal battles. Evidently this solution is of the same category as the first. It is even worse, because it shows the cowardice and faint-heartedness of the parties concerned. Socially also it is more harmful.



The Qur'an totally disapproves of vilification, except in cases where wrong is done to someone, and he does not find anyone to do justice to him. In this case the only reaction which he can show is to raise an outcry and expose the aggressor.

"Allāh (swt) does not like shouting of evil words unless a man has been wronged. Allāh (swt) is All-Hearer, All-Knowing". (Surah al-Nisa, 4:147).

Passage of time: Where the disputing parties are not in a position even to make an outcry, they leave the matter to the factor of time in the hope that with the passage of the time the fairness of their position will be established and their right will be restored. This is mostly the solution of the weak, though it is sometimes adopted by the discreet and cunning among the strong also. Anyhow, it is a solution that seldom leads to the desired result. More often than not it causes the right and the claimant both to be buried in the debris of history. Sometimes the passage of time merely means to give greater opportunity to the termite of the dispute to eat up whatever social link exists between the disputants and turn them into absolute enemies of each other.

In Bangladesh, the arbitration process formal and informal takes significant time. The arbitrators usually believe that due to the passage of time disagreement may be reduced to a minimum and conflicting parties will come to a solution. Though sometimes the unnecessary killing of time may aggravate the situation and lead to severe disagreement instigating outsiders to the same conflict.

Arbitration: When, with the social development of human life man reached a stage where he could understand social affairs better and could be benefited by his past experience to make a better future, the ground was prepared for submitting the dispute to an arbiter for his judgment instead of using physical force, vilification or leaving the matter to the passage of time.

In Bangladesh, there is an Arbitration Act which is enacted in 2001. This Act incorporates a good number of provisions relating to the successful settlement of conflict among the disputants. If all provisions are followed strictly, there may be a possibility of resolving disputes. Categorically there are no rules and principles prescribed by Islamic Shariah, although this Act can contribute a lot for conflict settlement.

Did arbitration, in the beginning have the form of intervention by the head of the family or the chief of the tribe? Did it then take the form of settlement of disputes by the priest etc. and lastly did it develop into the present form? Did the weak first use this solution to protect themselves against the dishonest contrivances of the strong? Or did the strong feel that they could achieve their objects more easily with the help of a judge hand-picked by them? Or was it the mental growth that persuaded society to devise such a means of settling disputes as might be acceptable to all? Or is it an invention of the intellectuals to solve a problem faced by society? Or is it a remedy suggested to society or its social leaders by their love for justice and defense of the oppressed? Or has it some other origin?

For the present it is enough to say that there can be two real motives of referring a dispute to an arbiter: (1) Natural instinct of man to defend himself and his rights, an instinct which is shared by other living beings also; (2) Love of the virtue of justice and a desire of mitigating social hardships.

ADMINISTRATION OF JUSTICE IN ISLAM

In the social system of Islam, utmost importance has been given to arbitration, to an arbiter and to their role in the security of society. Islam considers it to be a part of faith to refer a dispute to a competent arbiter. A person who has a legal dispute should try to settle it by negotiation, and if a result is not



obtained this way, he should refer it to an arbiter, competent in accordance with Islamic standards. Whatever judgment is given by the arbiter should be accepted unconditionally.

Religious leaders in Bangladesh are taking remarkable parts in settling conflicts. These people may be sufficiently knowledgeable regarding Islamic rules and principles for conflict settlement. But, due to absence of favorable environment they do not come forward to problem solving. Even they cannot reconcile conflicts among the religious leaders. Rather different types of conflicts are aggravated among themselves. They cannot come to peaceful solutions and permanent settlements neither for the organizational nor national benefits. In this respect the Qur'an says: "By your Lord! (the fact is) that they will not be true believers until they make you judge in what is in dispute between them and then do not find in themselves any dislike of what you decide, and submit (to your judgment) without reservation". (Surah al-Nisa, 4:65). In an Islamic society the judicial and executive system should be at the service of those whose rights have been violated. "Allāh (swt) does not favor a society with virtuousness and purity in which there is no arrangement for defending the rights of the weak against the strong" (Mustadrak, vol. 2).

In Bangladesh, the weaker parties are usually exploited in society, in business and industrial organizations. Here the personal interest takes the important part other than mass interest. Thus, in most cases, arbitrators go against the weaker parties due to lack of support or putting strong arguments though their cases are more genuine. Bangladesh police are the popular authority for resolving any sort of conflict at all levels throughout the country. The government has empowered them to take initial disciplinary action. Bangladesh police, therefore, can play the most prominent roles to settle conflict through arbitration and thus they can give formal as well as informal flavor in resolution.

QUALITY OF AN ARBITRATOR IN THE EYE IF ISLAM

The soundness of arbitration mostly depends on the fitness of the arbiter. The commander of the faithful, Kalifa Hazrat Ali (R) wrote to Malik al Ashtar, the then governor of Egypt, as under: "Select, as your chief judge from the people, one who is by far the best among them - one who is not obsessed with domestic worries, one who cannot be intimidated, one who does not err too often, one who does not turn back from the right path once he finds it, one who is not self-centered or avaricious, one who will not decide before knowing the full facts, one who will weigh with care every attendant doubt and pronounce a clear verdict. after taking everything into full consideration, one who will not grow restive over the arguments of advocates and who will examine with patience every new disclosure of fact and who will be strictly impartial in his decision, one whom flattery cannot mislead, one who does not exult over his position. But such people are scarce".

Heavy Responsibilities of a Judge

A judge must realize that, in reality, he is a refuge for the people against every injustice and excess. If he does not feel that he is competent to hold this position, he must not accept it. Otherwise he will be a source of trouble to himself as well as to others. Addressing Justice Shurayh, Hazrat Ali (R) said: "Shurayh! You are occupying a seat that should be occupied by a Prophet or his nominee. Otherwise it is a seat of a wretched man". (Wasail al-Shi'ah, vol. 18). Imam Ja'far Ibn Muhammad al Sadiq (P) is reported to have said: "Avoid being a judge, for a judgeship is a position which should be held only by a person who knows how to administer justice and whose judgments are impartial. Such a person can only be either a prophet or his nominee" (Wasail al-Shi'ah, vol. 18, p. 7).

Adherence to the Divine Law



A judge must pronounce his judgment in accordance with the Divine law which covers all aspects of justice. Anyone who pronounces judgment in accordance with any other law not conforming to the Divine law and based on personal or class interests, is a deviator and a sinner.

"Those who do not judge in accordance with what Allāh (swt) has revealed are wicked indeed". (Surah al-Maidah,5:47). Imam Muhammad al Baqir (P) is reported to have said:

"There are two kinds of judgment: Divine and pagan. He who deviates from the Divine judgment, automatically pronounces the pagan one. Anyone who pronounces a judgment contrary to what Allāh (swt) has commanded, is an unbeliever, though his judgment is in a case involving two dirhams only" (Wasail al-Shi'ah vol. 18 p. 18).

Behavior Towards Litigants

Behavior of a judge towards the litigants should in every respect be the same, even in the way he addresses them and looks at them.

"It is your duty to give the same treatment to both the parties of a case even in the matter of looking at them. You should not look at one party longer than at the other" (Nahj al-Balaghah).

Independence and Immunity of judiciary

In the social system of Islam whenever a heavy duty or duties are placed on the shoulders of anyone, he is allowed to have certain privileges also. The same general rule applies to the judges also. As a judge has to undertake heavy duties, his position is quite strong. In Islamic society the independence of a judge is truly respected. Even the head of Muslim society should show full respect to the independence of the judiciary. Those who have to forego their unlawful gains consequent upon the just judgment of a judge should not be allowed to think that they could shake the confidence of the head of society in a judge or could damage the prestige of the judiciary. "Protect the position of a judge so that others, especially those who are closer to you, may not be tempted to disturb him. Let him be satisfied that nobody can hatch an intrigue against him. Be very careful in this respect, for this religion was previously in the hands of the wicked who used it for self-aggrandizement" (Nahj al-Balaghah).

The judge also has a reciprocal duty. He is strictly forbidden to accept any gift from the litigants.

"Rufa'ah! Avoid every temptation; suppress base desires; do not be dejected and be careful not to accept any bribe"(Epistle of Imam Ali (P) addressed to Rufa'ah, his judge in Ahwaz).

Administration of justice based on such a strong foundation can provide the best solution to the disputes of the members of a nation and can be a source of strength for their social ties.

Relations of the Muslims with Others

We know that the Muslim Ummah has come into existence on the basis of a particular system of doctrines and actions, and its continuance depends on the preservation of its ideology and the stability of its social set up.

Evidently, the individuals and nations not subscribing to Islamic ideology, being beyond its doctrinal pale, cannot be considered to be members of the Muslim Ummah. They are aliens, but the degree of their alienation will be judged by these two considerations:

(1) How far they share the ideology of Islam?



(2) To what extent are they hostile to the Muslims? As regards (1) above

(a) Islam believes that the whole world and all its phenomena. It depends on an absolute truth which transcends matter, viz. Allāh (swt) . The whole world, including man has been created and is being maintained by Him.

(b) From the Islamic point of view man, in order to know the true nature of the world and to become aware of his own relationship with Allāh (swt) , should turn to revelation, which is a great source of knowledge. As such, belief in the Prophets and their invisible contact with Allāh (swt) is a part of Islamic Cosmology.

(c) Next to the belief in Allāh (swt) and revelation, there is a question of doing good deeds, which include all individual and collective efforts for human welfare and development. Islam has a close relationship with all other systems, which are also based on these three principles. But it has no relations with the materialistic and polytheistic ideologies and systems.

On this basis, Islam will have especially close relations with a system that beliefs in the Unity of Allāh (swt) in its true Islamic sense. If a system also believes in true Divine revelation, in the Prophets and- the Divine Scriptures, Islam's relation with it will naturally be deeper. The Qur'an has repeatedly referred to this natural affinity between various Divine systems. It considers their origin and their basic principles to be common and coherent. Of course, this does not mean the endorsement of the present beliefs of the followers of these religions or of the contents of their existing religious books. This is only a recognition of the Divine origin of these religions. The Qur'an draws the attention of the followers of these religions to their deviations and wants to reform them.

(3) The hostility which others show to Islam has several degrees:

(a) Sometimes they oppose the Muslims formally. They either actually launch an attack against the land of the Muslims, their life and property or their religion, or at least have an intention to do so. In this case, they will be regarded as invaders and aggressors.

It is but logical that the life, property and the land of an invading enemy are not to be respected, and so long as he is at war, friendly contact or co-operation with him is not allowed. This is the case in which the question of jihad, defense and their relevant rules arises.

(b) A nation which has no intention to attack and betray the Muslim Ummah or a Muslim country and is not intriguing against them, will not be considered to be an aggressor: If it enters into a peace treaty with the Muslims or a pact of non-aggression and reciprocal respect of the borders and the rights of each other, such agreement will be respected, whether it is concluded directly between the Muslims and a non-Muslim country or both of them join a common world covenant resulting in an undertaking of mutual respect and preservation of the borders of others. In this case, the non-Muslim country or nation will be in peaceful treaty relations with the Muslims and the agreement concluded with it will be respected so long as it does not visibly or invisibly violate it by hatching an intrigue or launching aggression. If it is found to be intriguing against the Muslims it will, of course, be regarded as an enemy.



In history we find that wherever the interest of the Muslim Ummah demanded, the holy Prophet concluded a treaty of peace and non-aggression even with the polytheists. We see that in the sixth year of the Hijri era he signed a treaty with the polytheists of Mecca. He respected it and scrupulously implemented every clause of it, till the enemy himself practically abrogated it. It was only then that the

Prophet decided to take action against

Organizational Culture
 Proactive Behaviour
 Taawan(Quran-5:2)
 Sabar(Quran-3:200)
 AIT aqhi(Quran-49:10)

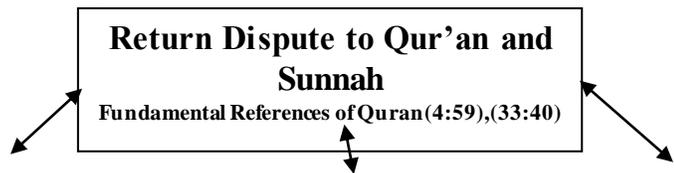
Appoint a Muslih(Quran-49:10)
 1.Knowledge(Quran-58:11)
 2.Justice in Decision Making(Quran-5:8)
 3.Reliability(Quran-49:6)
 4.Truthfulness(Quran-19:41)
 5.Wishdom(Quran-2:259)
 6.Expertize
 7.Sincirity(Quran-4:35)

Establish Shura(Quran-38:42)
 1.Knowledge(Quran-58:11)
 2.Justice in Decision Making(Quran-5:8)
 3.Reliability(Quran-49:6)
 4.Truthfulness(Quran-19:41)
 5.Wishdom(Quran-2:259)
 6.Expertize
 7.Sincirity(Quran-4:35)

the enemy for being guilty of violating the treaty. Thus the way was prepared for the conquest of Mecca, which was conquered in 8 A.H. We find that during the marinate period of his life the holy Prophet concluded a number of treaties and pacts.

(c) The third class consists of those non-Muslims who live under the protection of the Muslim government. They are called zimmi and their life, property, and even religious rites are respected, provided they abide by their covenant and pay the capitation tax. They can live peacefully along with the Muslims and enjoy all human rights. With this brief explanation of the relations of the Muslims with the non-Muslims we can understand all the basic teachings of Islam having a bearing on the foreign policy of Muslim society.

In this connection, one of the most important questions is that of jihad. The importance which Islam attaches to it has unfortunately given a weapon in the hands of the opponents of this Divine system to project the valuable teachings of Islam in a distorted form and to launch an attack against the Qur'an and Islam by declaring in their writings and speeches that Islam is a religion of the sword. In our opinion the best way to enable you to understand the correctness or otherwise of this assertion is to acquaint you further with the salient features of jihad in Islam.





Source: Field Survey

*Some respondents did not put a tick on a few questions.

SURVEY RESULTS AND FINDINGS

From the above Table it is shown that, out of 127 executives, managers 55(43%) expressed that 'Arbitration rules may be fully Islamized in Bangladesh' and 61 (49%) respondents agreed that a largenumber of people favor the arbitration form Islamic perspectives. 84 (66%) respondents are on the opinion that a few people may not support arbitration under the Islamic framework. The statement 'for successful execution of arbitral rules, Islamic prescriptions should be used, and it is supported by 59(49%) respondents. A remarkable number of respondents 98(78%) opined that Bangladesh suffers from a lack of expert people on Islamic arbitration. If arbitration is practiced from Islamic perspectives both the conflicting parties would be benefited. This statement has been supported by 99(%) respondents of the

Sl	Statement	1	2	3	Total
1	Arbitration rules may be fully Islamized in Bangladesh.	55	32	37	124
2	A large number of people are in favor of arbitration from Islamic perspectives.	61	47	16	124
3	A few people may not be agreeable to Islamize the arbitral rules.	84	26	20	127
4	For successful execution of arbitral rules, Islamic prescriptions should be used	59	53	8	120
5	In Bangladesh there is a shortage of expert people in Arbitration from Islamic perspectives.	98	12	15	126
6	Arbitration from Islamic perspectives may satisfy both the conflicting parties.	83	29	12	124
7	Islamic Arbitration can help run other conflict resolution processes successfully.	99	21	6	126
8	Islamization of arbitration may have been challenged by the employers first.	64	45	16	125
9	Initiative of Islam of arbitration should be taken by legal bodies first.	93	23	8	124
10	Government role is prominent for Islamic arbitration in Bangladesh.	64	33	30	127
11	For following the Islamic Arbitration principles, all party members may be from different religions.	55	44	28	127
12	Islamic arbitration will not make any harm for the persons of other religions.	91	22	13	126
13	If arbitration is practiced from Islamic perspective, conflict will always be at minimum level.	88	30	9	127
14	Trade union leaders can play a significant role in Islamization of arbitration.	80	34	13	127
15	For sustaining Islamic arbitration principles religious leaders must be well acquainted with Islamic rules.	110	14	3	127



study. There are other processes of conflict resolution. If arbitration is practiced Islamically, these other methods of conflict resolution might be handled successfully. Of course, we cannot ignore the challenges to be faced by some forces. Among these forces, employers might be the first forces and 64(51%) respondents supported this statement. As Islam is the best way to resolve conflict, therefore legal bodies 93(75 %), and the government may come forward to take the initiative to Islamize the process and thus it can be easily executed throughout the country. As conflict may be within people from different religions, so by following rules and persons from different religions may be involved in the arbitration process. But strong support has not been received from the responses of the survey. Only 55(43%) respondents agree with the statement. Though 91(72 %) respondents supported that this will not cause any harm from them. Islamic arbitration is the best process among all ways settling the conflict and that is why the strong agreement has come out from the survey i.e., 88(69%) respondents strongly supported the statement ‘If arbitration is practiced from an Islamic perspective, conflict will always be at a minimum level.’

In the business and industrial firms, trade union leaders are the main force influencing general employees. Therefore, in Islamic arbitration, they can play significant roles which have found out with strong agreement by 80(63%) respondents. Because general employees still comply with the advices of trade union leaders. For sustaining Islamic arbitration for a long time in Bangladesh, Islamic educationists, Imams and thinkers must be well acquainted with proper knowledge on the subject. Maximum respondents 110(87%) of the survey supported the statement. Only 3(2%) respondents did not agree with the statement as shown in the Table.

CONCLUSIONS AND RECOMMENDATIONS

For resolving conflict, arbitration is one of the best ways. Secular arbitration might affect any of the conflicting parties. Islamic arbitration can give a guarantee in this regard. There is divided opinion regarding Islamic arbitration in Bangladesh. But a significant number of people are in favor of Islamization of arbitration. To some people Islamization of arbitration may not be acceptable. Islamic prescription can help a lot to execute arbitration program. In Bangladesh, a small number of people are capable of and interested to Islamic arbitration. If Islamic arbitration is executed, it can satisfy both the disputants and other conflict resolution also the process may become easier. In Bangladesh, employers of some organizations may not be agreeable and prohibit arbitration if it goes against their interest. The government as well as other legal bodies must come forward to establish Islamic arbitration process and sustain that for all organizations. For the greater success of the organization as well as disputants, sometimes persons from other religions may be involved in process retaining Islamic principles intact and this will not do any harm for them. Most of the respondents are on the opinion that conflict may always be kept at the minimum level by following the Islamic arbitration. For avoiding conflict and maintaining peace in the organization, trade union leaders can play a significant role in the Islamization of arbitration. Because trade union leaders along with the disputant employees suffer mostly by conflict and disagreements. Last but not east, most of the respondents felt that for sustaining Islamic arbitration principles religious leaders must be acquainted with Islamic rules. They will publicize Islamic rules and encourage the concerned people (arbitrator, disputants) and those who may be involved in the conflict in future. Thus, organizational and social peace may be established and sustained. Therefore, the arbitration process should be Islamized for the settlement of all types of conflict in all organizations in Bangladesh.

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