

ХРИСТИАН (КАТОЛИЦИЗМДЕ) ЖӘНЕ ИСЛАМДАДАҒЫ (СУННИЗМДЕ) МЕНШІК ҚҰҚЫҒЫНА САЛЫСТЫРМАЛЫ ТАЛДАУ

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A COMPARATIVE ANALYSIS OF PROPERTY RIGHTS IN CHRISTIANITY (CATHOLICISM) AND ISLAM (SUNNISM)

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СРАВНИТЕЛЬНЫЙ АНАЛИЗ ПРАВА СОБСТВЕННОСТИ В ХРИСТИАНСТВЕ (КАТОЛИЦИЗМЕ) И ИСЛАМЕ (СУННИЗМЕ)

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Аннатація. Бұл мақалада әлемдік діндер ретінде христиан және ислам дағы меншік түсінігінің салыстырмалы теологиялық талдауы ұсынылып, қарастырылған. Бұл тақырып қазіргі таңда өте өзекті, өйткені осы діндер арасындағы келіспеушіліктер артып келеді. Осыған байланысты, өзара түсіністікке ықпал ететін ғылыми зерттеулерге сұраныс жоғары. Меншік қатынастары социоэкономикалық және құқықтық табиғатқа ие. Меншік иелері өндіріс, тарату, айырбас және шектеулі ресурстар мен материалдық активтерді пайдалану кезінде туындастырылған қатынастар социоэкономикалық және меншік қатынастары ретінде ұқсас түрде көрінеді. Сондықтан меншік қатынастарының қалыптасуы мен дамуы, сондай-ақ заманауи қоғамдағы оның институционалдық реттеу механизмдерінің тиімділігі маңызды. Мақалада осы мәселе бойынша әртүрлі теориялық және әдістемелік тәсілдер сипатталып, бағаланды. Бұл зерттеудің жаңа ғылыми жүйелі салыстырмалы талдауға негізделген маңызды теологиялық енбектердің тапшылығында жатыр. Мақала негізінен Інжіл мен Құран мәтіндеріне сүйеніл, католицизмді халықаралық қатынастардағы ең белсенді христиандық бағыт ретінде, ал ханафи мазхабын сунниттік бағытты мұсылмандарының басым мектебі ретінде қарастырады. Мақала меншік мәселе сінің қалыптасуы мен дамуын талдау христиандық және исламдық сананың меншік пен байлықта қатысты құндық мазмұнының себептерін, көздерін және ерекшеліктерін түсінуге мүмкіндік береді.

Түйін сөздер: Інжіл, Құран, меншік, әділеттілік, меншік институты, христиан, ислам.

الملخص: تقدم هذه المقالة تحليلًا لا هوئيًّا مقارنًا لمفهوم الملكية في المسيحية والإسلام، وهو يعدهان من الأديان العالمية. هذه الموضوعات ذات أهمية خاصة اليوم، حيث تزداد التنازعات والخلافات بين هذه الأديان. نتيجة لذلك، هناك طلب كبير على الدراسات العلمية التي تعزز الفهم المتبادل. تُشتم علاقات الملكية بطبيعة اجتماعية واقتصادية وقانونية. العلاقات التي تظهر عندما يبدأ المالكون في الإنتاج والتوزيع والتبادل واستهلاك الموارد المحدودة والأصول المادية تتجلى بشكل مماثل لعلاقات اجتماعية واقتصادية وعلاقات ملكية، لذلك فإن تشكيل وتطور علاقات الملكية والآيات تنظيمها المؤسسة الفعالة في المجتمع الحديث لها أهمية كبيرة، لذلك تصف هذه المقالة وتقيم مجموعة متنوعة من النهج النظرية والمنهجية المتعلقة بهذه المشكلة.

تتمثل حداة هذا البحث في نقص الأعمال اللاهوتية المهمة التي تستند إلى تحليل مقارن منهجي. تستخدم المقالة بشكل أساسي نصوصًا من الكتاب المقدس والقرآن، وتدرس الكاثوليكية كأكثر اتجاه نشط في المسيحية في العلاقات الدولية، والمذهب الحنفي كمدرسة الغالبية من المسلمين الشيعة. سيسمح النظر في تشكيل وتطوير مسألة تبرير الملكية بفهم الأساليب والمصادر والخصائص المحددة للمحتوى القيمي في الوعي المسيحي والإسلامي فيما يتعلق بالملكية والثروة.

الكلمات المفتاحية: الكتاب المقدس، القرآن، الملكية، العدالة، مؤسسة الملكية، المسيحية، الإسلام.

Abstract. This article provides a comparative theological analysis of the concept of property in Christianity and Islam, which are considered world religions. This topic is highly relevant today, as conflicts and disagreements between world religions are increasing. Consequently, scientific studies that help foster mutual understanding are in great demand. Property relations are both socioeconomically and legal. The same type of relationships that appear when property owners begin production, distribution,

exchange and consumption of limited resources and material assets manifests the same as socioeconomic relations and property relations. For these reasons, the formation and development of property relations and effective mechanisms of its institutional regulation in modern society are important. This article describes and evaluates various theoretical and methodological approaches to this problem. The novelty of this research lies in the lack of significant theological works based on systematic comparative analysis. This article will mainly use the text of the Bible and Koran and examines Catholicism as the most active direction of Christianity in international relations participation, and the madhhab of the Hanafi direction of Islam as the school of the majority of Sunni Muslims. Consideration of the formation and development of the problem of property justification will allow us to understand the reasons, sources of formation and reproduction of the specifics of the value content of Christian and Islamic consciousness concerning property and wealth.

Keywords: Bible, Koran, property, justice, ownership institute, Christianity, Islam.

Аннотация. В данной статье представлен сравнительный теологический анализ понятия собственности в христианстве и исламе, которые считаются мировыми религиями. Эта тема особенно актуальна сегодня, так как конфликты и разногласия между этими религиями возрастают. В связи с этим научные исследования, способствующие взаимопониманию, пользуются большим спросом. Отношения собственности имеют как социоэкономическую, так и правовую природу. Отношения, возникающие, когда владельцы собственности занимаются производством, распределением, обменом и потреблением ограниченных ресурсов и материальных активов, проявляются аналогично как социоэкономические, так и собственнические отношения. Поэтому формирование и развитие отношений собственности, а также эффективные механизмы их институционального регулирования в современном обществе имеют решающее значение. В статье описаны и оценены различные теоретические и методологические подходы к этой проблеме. Новизна данного исследования заключается в недостатке значительных теологических работ, основанных на систематическом сравнительном анализе. В статье в основном используются тексты Библии и Корана, рассматривается католицизм как наиболее активное направление христианства в международных отношениях и ханафитский мазхаб как преобладающая школа суннитского ислама. Анализ формирования и развития обоснования собственности поможет понять причины, источники и специфику ценностного содержания христианского и исламского сознания в отношении собственности и богатства.

Ключевые слова: Библия, Коран, собственность, справедливость, институт собственности, христианство, ислам.

Introduction

The institution of property law stands as one of the central and most intricate components within legal systems. Since its inception, human agency has played a pivotal role in shaping this institution. This is inherently tied to the notion that property, as a legal category, serves as the foundation upon which other legal relationships are built. It directly enables individuals to exercise their rights to freedom, happiness, development, and the expression of their capabilities.

Even in ancient times, sacred scriptures underscored the profound importance of property relations in the formation of society, the state, and the individual. Throughout the annals of human thought, eminent figures in culture, philosophy, and religion have endeavored to examine property from the standpoint of its interconnection with human beings, understanding of the world, reason, free will, moral issues, and ethics. Property has been viewed both as a pinnacle achievement of humanity and as a great tragedy of human existence. It has been associated alternately with prosperity and freedom, as well as with moral decay, social injustice, and war. The recurrent discourse throughout cultural history on the issue of property is indicative of profound contradictions inherent in human existence, the focal point of which is property.

As noted by Yusim, Mark Arkadyevich, a prudent and well-informed approach by the state to property law, corresponding to the realities of the era, allows for the establishment of a balance between the individual, society, and the state (Yusim, 2017). Therefore, the issue of property remains relevant even today. Property, as a relationship of ownership or possession, is correlated with the idea of freedom and its limitations. The institution of property law has throughout all epochs regulated conflicts of interest and

determined a just equilibrium between various individuals and social groups through relations concerning material goods. With the evolution of societal relations, the economic and legal category of property law gradually underwent modifications in terms of its content and societal role. Nevertheless, the aspect of its connection to the individual has always remained an integral part of this institution.

Notably, the issue of property is not merely economic but also religious and philosophical. What is property? What nature – material or spiritual – does it possess? Is the basis of property the exploitation of one human being by another? What is the purpose of property, and how can the act of acquiring a certain property by an individual be justified? Is possessing wealth morally acceptable? Is it possible to justify property, i.e., to acknowledge that its appropriation is in accordance with the religious tradition and morality existing within a particular society? (Shestovskikh, 2022, p.3). Numerous studies confirm that society does not develop solely on the basis of its highest economic indicators; the spiritual aspect also plays a significant role. As statistics show, the majority of the world's population identifies with a religion rather than being atheists and adheres to one form of religion or another. Christianity is the world's largest religion in terms of the number of followers. Islam is considered the second-largest religion in the world, comprising 23% of the world's population (Melton J.G., Baumann M., 2010).

In this article, Catholicism is examined as the most active branch of Christianity in participating in international relations, whereas the Hanafi school of Islamic jurisprudence is considered the predominant school among Sunni Muslims, with its founder, Abu Hanifa, being a prominent Muslim jurist of his time. Exploring the for-

mation and development of the justification of property issues will allow us to understand the reasons, sources, and reproduction of the specific value content of Christian and Islamic consciousness regarding property and wealth.

Methodology

The scientific methods serve as the methodological basis of this article. Through comparative analysis and historical analysis methods, the concepts and definitions associated with the institution of property in the laws of Christianity, specifically Catholicism (canon law/ecclesiastical law) and Islam (Islamic law) through the Hanafi legal school, were described and compared.

The main part

Given the conditions of the contemporary global economic crisis, it has become particularly evident that wealth is not only an economic but also a moral category. Increasingly, one can hear statements from religious leaders that many problems stem from distorted economic activities that do not serve the genuine needs of humanity but rather from a relentless pursuit of profit, often becoming obsessive. Thus, a society will thrive when it combines efficiency with justice and social solidarity.

Property has always existed and will continue to exist; it is among those concepts around which constant debates are held and upon which the greatest minds of humanity work. Attempts to alter established property relations in society and establish a new order of these relations have been the cause of most social transformations throughout world history. The issue of property, both directly and indirectly, is extensively addressed in studies of social philosophy (Plato, Aristotle, John Locke, Jean-Jacques Rousseau, Pierre-Joseph Proudhon, Karl Marx, and others). Even ancient Greek, Roman, Eastern, and medieval thinkers dedicated their work to

the regulation and development of property relations. Among the religious canons of almost all people, property relations occupy a central place. For example, in the teachings of medieval European canonists (legal scholars), significant attention is devoted to property relations; in the sacred book of all Muslims – the Quran – property relations are determined with a very profound, clear, and scientifically logical sequence concerning the principles related to appropriation, use, and disposal.

In every historical epoch in the development of political and legal thought, the idea of personal freedom has invariably been coupled with the idea of the individual's right to property. Personal freedom has never been conceived in isolation from one's right to ownership or joint ownership of property. Thus, for Aristotle, the polis itself as a union of free citizens arises from the community of householders – the owners of family property – which constitute the starting point of the national economy (Polivko, Salnikov, Shafiev, 2018).

The concept of "property," its forms, rights, and place in the system of social relations, has long been a subject of concern not only in ancient times but also in contemporary times. When attempting to define property, there is often a mixture of two concepts: rights and relations. Property relations regulate human interactions on the surface of socioeconomic phenomena and provide answers to questions such as who owns what and how much and who possesses and disposes of what (Gareeva, 2014).

In archaic societies, encroachment upon the property of the tribe was punished by death, and the supreme owners and rulers were gods and spirits. The denial of property in Christianity expressed its transient nature, and it also underlines the contradiction between individual or familial private property

and the collective property of the people, society, or state. Property, even in its nonmaterial forms (such as “intellectual” property), is linked to the material side of life, hence elements of its negation in various religious and communist doctrines. However, mechanisms for redistributing property are necessary in any society (Yusim, 2017).

In the 19th century, the issue of private property became a focal point in society. Supporters of Marxist theory emphasized the idea of the primacy of the means of production in the understanding of property. They relied on the concept that social conditions influence individual consciousness and worldview. Although this view is quite foreign to Christian doctrine, Christian currents of social thought emerged, striving to reconcile Christian teachings with Marxist ideas. Modern Catholic and some Orthodox social doctrines have arisen in response to Marxism and other communist movements over the last two centuries. Consequently, there are significant differences in the official doctrines of various Christian denominations and interpretations by individual Christian authors regarding the institution of private property and its role in contemporary society. Thus, there is a need to continue the development of both Christian and, broadly, sociological thought in this direction, both normatively and positively (Lukin, 2014).

Private property is the foundation of society and the economy. At the same time, it is one of the inalienable, fundamental rights of human beings and emerged even before our era. The right to private property arises from the nature of humans and is connected with their pursuit of material goods and the instinct for self-preservation.

Many researchers consider property to be one of the most important socioeconomic relationships throughout human history. Property lies at the core of the structural

organization of the economy and society, differentiates economic interests, and determines forms of income. During socio-economic transformations, socioeconomic interests concentrate and intensify around property. Under the conditions of a contemporary high-industrial, informational society, there is a need for the development of property methodology and theory (Tim Ross, 2017, pp.96-105). « Property, as a historical category, is directly related to the processes occurring in society » (Tim Ross, 2017, pp.96--105).

The material component of property is assets. Modern interpretations of the concept of “assets” include not only material value but also intangible goods, such as things, money, securities, all types of property, property rights, and the right to the results of intellectual activity, work, services, information, etc. “Property”, as a legal category, reflects the right to ownership of assets. It is defined as social norms regulating access to limited resources. However, even the legal interpretation of the concept of “property” cannot ignore the socioinstitutional context of its functioning, as real, reliable protection of property rights cannot be achieved beyond the scope of social relations.

Institution of Property Rights in Christianity

Early Christianity. Christianity emerged within a Jewish context where norms regulating consumption and many aspects of economic activity had been in place for centuries. The Ten Commandments sanctified and placed under God’s protection the personal property of the Jews. This included not only the commandment “thou shalt not steal” but also the prohibition against coveting another’s property. Additionally, Jews were obligated to observe a complex system of dietary restrictions, leave gleanings in the field for strangers, forgive debts every ju-

bilee (the 50th year), and more. One of the commandments strictly prohibited any labor on Sabbath day.

Jesus, acting as God, abolished this commandment, stating, “It is lawful to do good on the Sabbath days” (Matthew 12:12), and declared many ritual prohibitions, especially dietary ones, as nonmandatory. However, the Ten Commandments retained their obligatory force, and the New Testament, compared with the Old Testament, does not indicate a different attitude toward the arrangement of earthly life (Isaev, 2008, pp. 118 – 120).

The concept of property has ancient roots in human history and is one of the primary institutions regulating relationships among people. Both the Old and New Testaments, as well as later Christian authors, assert that this understanding was established by God Himself. At the same time, they are practically unanimous in their opinion that a system based on private property is not the Christian ideal. The property arrangement of the early Christian community in Jerusalem is considered to be closest to this ideal (Lukin, 2014).

All Christian denominations and sects acknowledge that everything in the world, including the world itself, belongs and belongs to the one who created it, namely, God. However, the True Owner can grant temporary ownership of part of His possession to people. Therefore, the transgression of the commandment “thou shalt not steal” is committed not only against one’s neighbor but also against God (Koval, 1993, p. 9).

The institution of communal land ownership preceded the institution of private property. This is because, in ancient times, humans could not live outside the clan, the tribal community. This is especially evident in the case of Palestine, where land allotments owned by members of the clan com-

munity were transferred exclusively within the clan. However, by the 8th century BCE, land increasingly became the property of individual heads of household as communal kinship ties disintegrated. For example, Abraham purchased “a field with a cave in it and all the trees in the field” for 400 shekels of silver (Genesis 23:16). Gradually, private property became firmly established in Ancient Israel to the extent that the Bible speaks of God’s wrath toward those who encroach upon private property (Oganesyan, 2019, p. 11).

Mark transmits Christ’s words as follows: “Children, how hard is it for them that trust in riches to enter into the Kingdom of God! » (Mark 10 :24). Christ urged his disciples not to worry about tomorrow, not to gather treasures on earth, “where moth and rust destroy, and where thieves break in and steal” (Matthew 6:19). However, a Christian is not obligated to live in hunger and rags. “Your heavenly father knows that you need all these things. Christ gently rebukes the industrious and caring Martha and praises Mary precisely for following this “order,” whereas Martha does not (Luke 10:41–42). Even pagans Christ condemns not for striving for material prosperity but for not thinking first about the Kingdom of God and righteousness (Matthew 6:31). Sending the apostles « on a mission, » Christ commanded them not to take anything with them – but only because the listeners are obligated to provide them with everything necessary: « The laborer is worthy of his food » (Matthew 10 :10).

Thus, Christians are promised material well-being – but on the “condition” that they will not strive for material prosperity. This is the greatest paradox of Christian economic ethics. We put the word “condition” in the quotes. It is achievable – in the sense that in the past and today, there have been individ-

ual Christians and entire Christian communities whose activities strive not for material well-being but, for example, for fulfilling their duty or vocation as they understand it. However, it is unattainable in the sense that it cannot be achieved by any external action or by any act of free will. No one can “set themselves” such a pious aspiration: it is as impossible as forgetting anything through a deliberate effort of will (Isaev, 2008, pp. 118 – 120).

Christianity obliges every Christian to respect the property of others. However, Christianity also imposes obligations on every property owner related to ownership. For example, paying taxes (« Render to Caesar the things that are Caesar's »), even if the state is not Christian (Matthew 22:17 – 21). In addition, most importantly – sharing with the less fortunate. However, Christ considered such charity that led the giver to acute shortages meaningless. Such acts of charity Christ call soul-saving in every sense of the word: those who did not engage in any charity will go to hell (Matthew 25:40 – 45). To prevent almsgiving, done openly and publicly, from becoming a source of pride and tempting the giver with pride, Christ strongly advises giving alms in secret (Matthew 6:3 – 4).

Noticeable in the New Testament are episodes where the discourse on property is presented from an eschatological perspective. Before the end of the world, Christians should not take anything from their property (Mark 13:14–16). « The time is short, so... those who buy, [should be] as though they did not possess » wrote the Apostle Paul (1 Corinthians 7:29 – 30).

As soon as it became clear that Christians faced a sufficiently long earthly life during which they must spread their faith, wealthy Christian communities (such as those in Antioch and Ephesus) began mate-

rially aiding newly established ones. Then, until the Edict of Milan in 313 AD, Christianity existed in the Roman Empire semilegally and was periodically subjected to fierce persecution. Christian property was theoretically under the same protection of Roman law as any Roman citizen property. During times of moral decline, reliable protection was not guaranteed, and belonging to Christianity created additional risk. However, in the mid-3rd century, when a new Christian institution emerged in Egypt – monasticism – the founder of monasticism, Anthony the Great (approximately 250–355 AD), retreated into the desert to save his soul from the temptations of wealth, realizing that the words Christ addressed to the rich youth also applied to him. However, Egyptian monks understood well that not only wealth but also any other earthly good could be a temptation. They believed that everyone should determine what is the most dangerous temptation for them personally. In addition, if it was water (scarce in Egypt !), consumed internally, the monk took a vow of abstinence; if water was used for ablutions, the monk became dirty, and so on. Anthony was a hermit monk, but Pachomius the Great (d. 348), his disciple, laid the foundation for communal (cenobitic) monasticism. Monasteries were founded to escape the temptations of wealth; however, for monasteries to exist and multiply, their inhabitants again had to create and multiply wealth through their labor. This paradoxical situation was repeated later in the establishment of the Franciscan order in the early 13th century, with Sergius of Radonezh in the foundation of the Trinity Lavra of St. Sergius, several more times (Isaev, 2008, pp. 118–120).

The Book of Genesis on the Emergence of the Institution of Private Property. The right of ownership of land, including its plant and animal world, is mentioned in

the first chapter of Genesis (Genesis 1:28). « Be fruitful, multiply, replenish the earth, and subdue it. » The word “subdue” encompasses various forms. This includes the general, one might say family, ownership of the first family, and the aggregate of private and communal ownerships in the period after the fall of the first parents. However, in both periods, these rights were not absolute and unlimited. Granting humans this right, the Supreme Owner, according to the Book of Genesis, simultaneously introduces some limitations on the right of use. He commanded not to eat the fruit of the tree of the knowledge of good and evil (Genesis 2:16–17). Allowing people the freedom to choose: to obey or to violate the commandment, God warns of the most serious consequences of disobedience (Genesis 2:17).

According to the Book of Genesis, one of the consequences of the fall was the displacement of the first family into a world of limited goods, where the necessary goods for life had to be obtained through hard work (Genesis 3:17–19). Under such conditions, peaceful coexistence of people and trade could exist only with the institution of private property. This institution allowed society, to some extent, to avoid degradation and sliding into a wild state. Already in the second generation of humans, according to the Book of Genesis, there are signs of property separation. The farmer Cain brings a portion of his crops as an offering to the Lord (Genesis 4:4).

He makes the decision himself about what to sacrifice. Cain, apparently, sacrifices something not the best. Regarding Abel's sacrifice, the author of Genesis says that “Abel also brought of the firstborn of his flock and of their fat” (Genesis 4:4). The word “of theirs” means that Abel considered himself entitled to dispose of the lambs of the flock he was raising. In Abra-

ham's life, which begins with Chapter 11 of Genesis, there are mentions of his property and transactions, which are possible only in a developed institution of private property. When moving from Haran to the land of Canaan, Abraham's family took with them “the possessions that they had acquired” and the slaves in their possession (Genesis 11:5). In the next chapter, it is reported that the basis of Abraham's property was livestock, draft animals, and slaves. Taking Sarah into Pharaoh's house, Abraham's property was preserved, “male and female slaves, and camels” (Genesis 12:16). In subsequent chapters, it is noted that the righteous Abraham owned quite a large estate in various forms. He was “very rich in livestock, silver, and gold” and “had many farming fields” (Genesis 13:2; 26:14). In the 23rd chapter of Genesis, there is a fairly detailed description of a deal concluded by Abraham with the Hittites. Importantly, Abraham prefers to purchase land for the establishment of a family burial site over a gift. He prefers private property and does not want to create a sense of community with Hittites through a gift. Here, another relevant function of private property is examined.

In the narrative about Abraham's life, there is also mention of the existence of the institution of inheritance of property. The progenitor of the Jewish people left all his property to Isaac, the only son of his legitimate wife, distributing gifts to the children of concubines (Genesis 25:5–6).

Property in Islam

The Sacred Quran on Property. In Islam, a person can possess anything within the bounds permitted by the Sacred Quran. No one has the right to exceed what is permitted by the Almighty. The measure used when assessing property rights is only the concept of halal (permissible) and haram (forbidden). No one has precedence in ac-

quiring property. Therefore, Islam acknowledges the natural inclination toward accumulation.

« ... and provide for them out of the wealth which Allah has given you. » (**Quran 24 :33**).

« Do not give the foolish [your] property which Allah has made a means of support for you, but feed and clothe them from it, and speak to them words of appropriate kindness” (Quran 4:5).

«The Jews claimed, ‘Uzair is the son of Allah.’ Christians claimed, “The Messiah is the son of Allah,” but these are just words spoken by [their] mouths, reminiscent of the words of those who disbelieved [in Allah] long before them. May Allah strike them down! How far are they [from the truth]!” (Quran 9:30).

Numerous verses of the Quran make it clear that the Owner (Proprietor) of all things in the Universe is their Creator – the Most High Allah. In an absolute sense, everything in the world belongs to Him: **“To Allah belongs the dominion of the heavens and the earth and whatever is between them. He creates what He wills, and Allah is over all things competent!”** (Quran 5:120). According to the Quran, Allah is the **“Owner of sovereignty!”** (Quran 3:26).

However, this does not mean the absence of authority for humans. Our ownership of any given object takes on a special character in this light. Humans can be considered, to some extent, “trustees” of God on Earth.

Thus, the Quran does not negate the right to private property. For example, the following verse can be cited: **“...only Allah accepts repentance from His servants and receives [their] charities, and that Allah is the Accepting of Repentance, the Merciful? »** (Quran, 9 :104). Since God « accepts charities, » it means that His servants have property they can donate.

Islam provides different categories of property for various authorities. There are things that belong to God and are inaccessible to humans, such as planets. There are also things that belong to humanity as a whole, such as oceans – they cannot be privately owned. In every country and society, there are things that belong to every citizen, such as public lands. There are also items that can be owned by a specific individual or group of individuals.

All property owned by people is associated with certain rights and responsibilities. Islamic law has several limitations in this regard. The main thing to remember is that, ultimately, everything belongs to the Most High, and we must manage our property in accordance with His commands.

One of the restrictions imposed by Islam is that property must be acquired through lawful means. In turn, the right of a person to defend their property is sacred. Prophet Muhammad (peace be upon him) said: “A man should not harm himself or others” (Muslim). This must be considered when using property. For example, Islam condemns the monopolization of resources essential to society. Additionally, Sharia noted that causing minor harm is permissible if necessary to prevent greater harm to a significant number of people or society as a whole.

A third restriction is that the owner must be of sound mind. If they are insane, a guardian must be appointed, whose task is to oversee the use of the property in the ward’s best interests, as the latter, acting independently, could harm themselves or others.

According to Sharia, the right to property is associated with fulfilling certain obligations. One of them is using property to support the family (sometimes the extended family). Another obligation related to property is paying Zakat (alms), which is

obligatory for every Muslim. Zakat is one of the pillars of Islam, a form of worship of the Most High Allah. Zakat can be paid, including in monetary form. It is not a type of income tax. The Zakat amount is 2.5% of the value of the person's specific property, and property used for their primary needs (for example, a home they reside in) is not counted. Zakat is paid once a year.

In addition, there are other types of taxes in Muslim society. The Prophet's words are known: "Other obligations lie on property, besides Zakat" (Tirmidhi). However, a just ruler imposes additional taxes only if the Zakat amount is insufficient to meet the needs of society, such as in times of war, famine, illness, or other unforeseen circumstances.

Property is considered lawful if it has been acquired by permissible means. One of them is a person's personal labor, which may involve employment, business, trade, hunting, or fishing. However, Islam also acknowledges other ways of acquiring property. For example, a woman receives a dowry from her husband when she marries (mahr) and is entitled to maintenance. Islam also provides for property inheritance. The needy can receive Zakat or Sadaqah (voluntary charity). Additionally, Islam allows for gifting and bartering goods. Among the unlawful ways of acquiring property are theft, extortion, misappropriation of public funds, and other actions recognized as crimes in any modern society (e.g., acquiring property through deception-fraud, as well as taking bribes). However, Islam also considers unlawful the means of acquiring money and other valuables that are unacceptable for a Muslim (Muslima), such as engaging in prostitution, fortune-telling, selling alcohol, drugs, pork, etc.

Legal and ethical norms in Islam are closely intertwined. Take, for example, sav-

ings. Anyone can set aside a sum of money for unforeseen circumstances. However, accumulating wealth as an end in itself is not encouraged. The Quran states, "And those who hoard up gold and silver and spend it not in the Way of Allah, give them tidings of a painful torment" (Quran 9:34). This ethical requirement has a clear economic rationale: money is withdrawn from circulation, resulting in a slowdown in the process of natural resource development, a reduction in the number of jobs, etc.

Another requirement mentioned in the Quran is moderation in spending money. Islam prohibits both stinginess and extravagance: "**And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty**" (Quran 17:29). In another verse, it is said: "**Eat and drink, but waste not by extravagance; certainly, He (Allah) likes not Al-Musrifun (those who waste by extravagance)**" (Quran 7:31).

In Sharia, property is considered one of the fundamental values, along with religion, life, reason, and progeny. Only religion is related to the divine aspect of Sharia, whereas the others emphasize its secular orientation. According to Islam, Allah endows His obedient servants with material blessings. This is expressed in understanding property rights as a special relationship established by Sharia between a person and the mentioned blessings. Therefore, a person endowed from above with certain property, i.e., having lawfully acquired it, thereby becomes its owner and, in particular, has the right to prevent others from claiming it.

In Islam, the inviolability of property is a fundamental principle, and its beneficial use is ensured. Even if the realization of personal interests is initially assumed, their orientation toward compliance with public

interests is noted as the most important feature (Tim Ross, 2017, p.96-105).

Property rights in Islam are regulated by Muslim law, which is an independent legal system. Therefore, studying it presents not only historical but also general theoretical interest. Its analysis in a comparative context shows that some concepts and conclusions of the general theory of law, claiming to be universally significant, need further development and clarification, taking into account the peculiarities of the main legal systems of modernity, one of which is Islamic law.

In particular, a characteristic feature of Islamic law is that the state did not directly participate in the formation of most of its norms. It played its legislative role indirectly – by sanctioning the conclusions of Muslim legal interpretations (madhabs). The main source of Islamic law in a legal sense belongs to doctrine, and the state officially sanctioned its conclusions by appointing judges and obliging them to decide cases on the basis of the doctrine of a certain madhab. Under these conditions, the Quran can be considered the general ideological basis of Islamic law, since only a small number of its norms come from “divine revelation” and traditions about the life of the Prophet (Sunna) (Krushinskaya, 2011).

The Hanafi legal school undoubtedly occupies a central place in Islamic legal doctrine. This is primarily explained by the fact that the number of followers of Hanafism exceeded the number of supporters of other legal schools several times during the Middle Ages and the modern era. This school is considered more liberal, and by some researchers, it is positioned as oppositional to the strict dogmas that dominated the Arabian Peninsula in the 7th century. Therefore, it is not by chance that the appearance of the first supporters of Hanafism coincided with the liberal Baghdad, which at that time became

a kind of headache for the conservative political elite of Medina. Notably, the founders of Hanafism were truly foresighted. Having significantly softened the positions of the then dominant approach to many legislative issues, they prepared a new dogma that was relatively easily accepted by conquered peoples and countries (Minniakhmetov, 2014).

As Russian researchers of Islamic jurisprudence rightly note, “Hanafi law is the most flexible and convenient for secular authority. “This circumstance allowed Hanafism to consolidate its position further during the era of sultanates. Notably, the vast majority of Turkic-speaking nomadic peoples embraced Islam precisely in its Hanafi interpretation because the new norms of human behavior and social organization were largely understandable and familiar to them (Minniakhmetov, 2014).

With respect to property rights, in Islam, the power of Allah is reduced to the fact that He acts simultaneously as the supreme dispenser of property granted to people, the legislator establishing the boundaries and conditions for acquiring and exercising property rights, and the supreme judge ensuring compliance with these rules (Gareeva, 2014).

Overall, Islam regards property with respect and does not consider the acquisition of wealth as something shameful or distracting from serving Allah. Individual types of property cannot be in private ownership. Objects serving public interests (such as major roads or cemeteries) are under public ownership among many people. Islamic forms of collective ownership fall into this category as well. According to the words of the Prophet Muhammad, “people are partners in three things: pasture, water, and fire. » These three “things” should be in collective or state ownership since they are intended to meet the basic needs of all people.

In a social sense, burdens on property provided by Muslim law have special significance. According to Sharia, it is not wealth itself that is condemned, but rather empty accumulation, the concentration of property in few hands that is not used, is not in circulation, does not generate income, and is not spent for beneficial purposes. It is from these provisions that such a specific institution of Islamic tax law as Zakat arises – an obligatory donation that wealthy Muslims must provide to the needy – impoverished, the destitute, travelers. Thus, the principle of limiting private rights comes into play here, giving the role of the state in the economy a religious-ethical dimension (Gareeva, 2014).

Property issues did not occupy a separate place in traditional treatises but were considered in connection with the development of issues such as ghanima (war booty), zakat (mandatory donation), inheritance division, and certain types of contracts. Zakat was used as a tax for the benefit of the poor and needy, as well as for the development of projects; it also contributed to the spread of Islam and true knowledge, being one of the five pillars of Islam. Unlike sadaqah, zakat is a compulsory charity that Muslims pay once a year under certain conditions. Sadaqah, on the other hand, is a voluntary charity that a person pays at their discretion and desire.

Property in Islam was viewed as an object of property rights, meaning that property was divided into state, private, public, impure (wine, pork, books contradicting Islamic teachings), waqf (sacred things), and abandoned (ownerless) property. Waqf may be of particular interest.

Waqf, or endowment, is a property that is taken out of circulation and designated for charitable purposes. Waqf belongs to mosques and other religious institutions. The person transferring their property to

waqf forfeit their ownership rights over it but could still use the property and reserve a portion of the income for personal use or pass it on as inheritance. This institution was previously widely used to support education and science, and currently, it is also used in the Islamic world for financing social programs (Gareeva, 2014).

An important feature of the Muslim legal system is its diversity, stemming from differences in the interpretation of property rights by various madhabs (schools of thought). According to some Islamic scholars, the legal norms contained in the Quran can be divided into two groups: those regulating relations between Allah and humans (religious rituals) and those between people. The ways of interpreting these norms have evolved over a long period, often differing in various national state formations, resulting in the emergence of four schools of Islamic legal thought (four madhabs).

The proclaimed connection between Allah's will and property rights in Muslim law leaves its mark on the interpretation of the content of public and state property. At the same time, poor people have an established right to the property of the rich, regulated by zakat, "those who allocate a portion of their property for the asking and the deprived" (Quran, 70:24, 25). As noted in Islamic literature, "this right cannot be violated or prohibited" (Goncharov, 2000).

Thus, Islam recognizes the right to private property while simultaneously protecting the interests of society, imposing certain moral and ethical obligations on the property owner.

Conclusion

Above, we present quotes from the Bible related to the early period of Christianity. The second period was associated with Christianity becoming the official religion of the Byz-

antine Empire. Among the believers, there were many wealthy individuals, and overall, the number of Christians increased. The life of church parishes began to differ increasingly from the life of early Christian communities. The communal sharing of property was mostly absent. At this time, new believers no longer clearly understood that Christ's love requires the renunciation of property in favor of the less fortunate. Property rights were protected by law, and Christians were not in a hurry to part with their possessions. « The Church Fathers zealously fought against this pagan understanding of this right (property rights). This is why Holy Fathers were forced to explain in more detail than they did in the early centuries the need for almsgiving and the correct view of one's property as a tool for carrying out the will of God.

Christian views on property and wealth, on earthly goods and the earthly life of man developed along complex trajectories in subsequent centuries. The Orthodox, Catholic, and Protestant traditions have diverged significantly on many important issues, including socioeconomic ones. This is the subject of special study. Notably, the main difference between Orthodox and Catholic approaches to the issue of private property is that Catholicism, which relies on St. Thomas Aquinas, indirectly links private property with the provisions of natural law. Orthodoxy tends to consider property as nothing more than a historical institution, "which constantly changes in its outlines, as well as in its social significance, and none of its forms of existence has self-sufficient, eternally enduring significance" (Bulgakov, 1991).

While rejecting self-sufficient ownership and its ethical unaccountability, Christianity does not deny that wealth could be a means of serving God. The owner was required to behave in a certain way. How could

one feed the hungry, give drink to the thirsty, clothe the naked, and shelter the homeless if each person first suffers from these needs? Wealth is a tool. If you use it correctly, it serves you for justification, but if you misuse it, you may end up serving injustice. For its nature is to serve, not to dominate.

Although many Church Fathers sharply condemned private property and considered communal ownership the only acceptable form, Christianity as a whole proceeded because the form of ownership does not determine one's internal attitude toward it. One could be equally enslaved by both private and communal property. The only thing that Christianity calls for in this regard is not to immerse oneself completely in economic affairs, not to let oneself be dominated by the instinct of arranging oneself in this world, but to subjugate property and wealth to religious-ethical norms, to serve God and to loved ones (Koval, 1993).

In light of this, it also becomes clear why it is impossible to enrich oneself forever and elevate oneself through this imaginary property. However, temporary possessions can be disposed of in different ways. Christianity considers property and wealth neutral in moral terms; they can be a blessing, or they can turn into a curse. Everything depends, as Christianity teaches, on internal intentions, which are motivations that guide the manager of property and wealth. The main goal is to achieve internal freedom from the goods of the world, from attachment to wealth. There is nothing new in renouncing wealth and sharing it with the poor, which many did even before the advent of the Savior, some for leisure and learning, others for worldly honor and glory – said Clement of Alexandria, noting that external renunciation of property and wealth is meaningless without internal freedom of spirit from attachment to the goods of the world (Koval, 1993).

For the sake of comparison, we briefly outline the Catholic view of property here as well. The theological position of the Roman Catholic Church on property relations fundamentally differs from the position of the Orthodox Church and is expressed in two papal encyclicals – “Rerum Novarum” (New Things) and “Centessimus Annus” (The Hundredth Year) – as well as in the decisions of the Second Vatican Council. In the encyclical “Rerum Novarum,” Pope Leo XIII (1891), the Catholic Church, for the first time, consistently and thoroughly expresses its views on the just economic organization of human society. The main idea of this document on the issue of interest to us is expressed in the recognition of the unconditional right of man to private property (Bobrova, 2018).

The teachings of Western churches, particularly Catholics starting from Thomas Aquinas, have deviated from the patristic doctrine. Catholicism has long held a compromising position, attempting to reconcile the demands of the time with the Gospel. The final recognition of the unquestionably positive value of private property among Catholics occurred only after the collapse of socialist regimes in Eastern Europe.

The Catholic position regarding property can be summarized as follows: “Thus, the ideal of social structure in papal encyclicals is seen as follows: capitalism based on private property, but a ‘soft’ capitalism, where everyone understands that it is better to respect each other and therefore cooperate rather than exploit or conflict. This harmony can be achieved through preaching love, reminding of responsibility, etc. This is the social doctrine of the Catholic Church, which it actively preaches. » It is also important to note the difference in emphasis regarding the value of labor in the life of a believer: “Catholicism demands working and pray-

ing”; Orthodoxy calls for praying and working” (Bobrova, 2018).

In Islam, labor takes a secondary place after the main rituals: prayers, fasting, and zakat. Thus, it is forbidden when a person refrains from work to perform these forms of worship. Everyone should rely on their own efforts, striving, and earning a living without burdening others.

The concept of labor occupies an important and relevant place in both Islamic and Christian teachings. Islam is a religion that calls for labor and striving. The Bible is a book based on the principle of labor both in paradise and on earth after expulsion from paradise. Both Islam and Christianity affirm that labor is a means of sustenance, earning a livelihood. In many verses of the Holy Quran and in many places in the Holy Scriptures, labor is presented as a vital necessity. In them, there is a call to labor. In addition, the performance of labor reaches the level of worship and devotion. In Christianity, it is said that the purpose of human life from the first moment of creation is labor (cultivation of the land), whereas in Islam, the purpose of human life and all creations of Allah is worshiping the Most High Allah. However, this difference cannot be considered significant. Thus, in Christianity, labor is valued as prayer, and in Islam, it is seen as a means of closeness to Allah, which is considered prayer (Iman, 2013, p.811-818).

In summary, we can come to the following conclusion: the acquisition of wealth by a believer should be with the right intentions and through permissible means. Both Christianity and Islam are allowed and encouraged to set important goals in life and pursue them through righteous means. Anyone who has achieved success in this life and acquired wealth and property and further helped people, performed good deeds, cared for and spent on the needy – such a person

can attain peace and the grace of the Most High Allah.

For both religions, the main idea is closeness to the Most High. In Islam, the idea of true reliance on Allah is developed, according to which a person should do everything within his power and leave everything else to Allah. A person should do everything he can and expect rewards from Allah, believing that Allah does not lose the rewards of those who do good. In Christianity, we encounter a similar position, according to which, in Christianity, a person's labor is not valued by people; the true value of labor in Christianity is known only to *God*.

The ethical basis of property relations in the Republic of Kazakhstan is the Islamic tradition. The religious mentality that has been formed over thousands of years on Kazakh land has the necessary characteristics of stability and sustainability, meaning that its values have become internally linked with the values of the state and society. Consequently, within the framework of this mentality and the activation of its attitudes, responsible property management is possible in the conditions of Kazakhstan.

Kazakhstan is a country where the Muslim factor has significant importance. Although Kazakhstan lacks Islamic fundamentalism, Islam is not the only religion in the republic, and Kazakhstan itself is a secular state; nevertheless, the Islamic factor is taken into account due to its role and influence in modern international relations. Here, Islam is the most widespread religion, and it affects the interests of a significant part of the population. When they cooperate with countries in the Muslim world, Muslims have opportunities for spiritual communication. Kazakhstan has set a strategic task of entering the top 50 most competitive countries in the world within the next ten years, and intensive processes of forming a new identity for people, challenging traditional values, are taking place in the country. Under these conditions, it is important to realize the rootedness of economic phenomena in the mentalities of people and to identify the religious and social foundations for decision-making at the level of the country's residents, organizations, and states and their associations.

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