



HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

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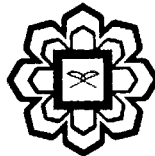


**HARMONISATION OF THE
SHARĪ'AH AND CIVIL LAWS
(PERSPECTIVE AND PRACTICE)**

EDITORS

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**THEORIES AND PRINCIPLES OF GOOD GOVERNANCE IN THE
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**Khairil Azmin Mokhtar
Nayel Musa Shaker Al-Omran**

1. Introduction

There is no single definition of Good Governance and there are differing norms for its measurement.¹ Yet values such as accountability, transparency, participation, and equality are to some degree common in literature, writings and subject.² According to the World Bank, good governance is 'exercising that authority in ways that respect the integrity, rights, and needs of everyone within the State'.³ The values of good governance are common to the *Shari'ah*. In Islam the authority or government must follow principles which are pre requisites for establishment of just government. It is believed that good governance as propounded by the West and in Islam have more similarities than differences. Although the sources, origin and jurisprudence of the principles in Islam and the West may not be totally the same in most respects, the theory and principles of good governance from both perspectives are mostly mutually compatible. This can be observed in the first part of the paper.

The second part of the paper makes brief observation of the incorporation of the principles of good governance in two countries, namely, the United States of America and Egypt. This attempt is to show that Muslim and non-Muslim countries not only share the idea of good governance, but these countries also employ mechanism and institutions which are similar to achieve good governance. Thus, to a certain extent, there already exists harmonization between civil law