

# **CONCEPT OF ISLAMIC STATE & ITS DUTIES**

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### **INTRODUCTION:**

- Significance is given to Quran & sunnah
- Purely a human state based on balanced system of selection between individual, society and government
- Khilafat & shura is main pillars
- Different from secular state
- Allah Almighty is the ultimate authority & law giver

### **SINGLE STATE & MULTIPLE STATE:**

- Islamic state existed under a single khalifah under for a long time
- Later on sultans & amirs assumed power
- Most jurists & philosophers upheld the idea of single state known as 'khalifa'
- Khalifa is the representative of Holy Prophet(PBUH), first four khalifa has legitimate authority to rule
- Sultans started to rule under khilafat & then acts were given more validity

### **CONCEPT OF STATE & KHILAFAT:**

Most of the jurists and philosophers upheld the idea of a single state known as the Khilafah under the leadership of Khalifah. The Islamic state existed under a single Khalifah for a long time. Later in some areas sultans or amirs started assuming power in different regions within the caliphate, and more than one Muslim state had come into existence now question is what is the status of those states in relation with Khilafat.

#### **(I) View of Al-Mawardi**

Most Mawardi defines caliphate as the institution replacing property in the defence of the faith and the administration of the world. It is demanded by the Shariah, not by reason."

#### **(II) View of Al-Ghazali**

The view of Al-Ghazali is, while the practical affairs of the state are to be left to the sultan or Amir Khalifah should devote himself to religious and spiritual functions.

### **(III) View of Ibn-Taymiyah**

He declared that period of the Prophet could not be described as anything but nubuwwah. The Prophet's authority arose from his functions as a prophet and not the head of the state.

Then he proceeded to separate the period of the first four caliphs from that of the umayyads, calling the former as Khilafat al Nabuwwah and the latter as Mulk. The Khilafat-al-Nabuwwah being inspired could not be passed on in succession or even imitated. The only thing that could be passed on was the principle of the supremacy of the Shariah. By doing this he provides that legal foundation for a multiplicity of states.

### **THE ESSENCE OF ISLAMIC STATE:**

The essence or guiding principles of an Islamic government or Islamic state, is the concept of *Al-Shura*. Different scholars have different understandings or thoughts, with regard to the concept al-Shura. However, most Muslim scholars are of the opinion that Islamic al-Shura should consist of:

- 1- Meeting or **consultation**, that follows the teachings of Islam.
- 2- Consultation following the guidelines of the ***Quran* and *Sunnah***.
- 3- There is a leader elected among them to head the meeting
- 4- The discussion should be based on ***mushawarah* and *mudhakarah***.
- 5- All members are given **fair opportunity** to voice out their opinions.
- 6- The issue should be of ***maslahah ammah*** or public interest.
- 7- The voices of the majority are accepted, provided it does not violate the teachings of the Quran or Sunnah.

Muhammad himself respected the decision of the shura members. He is the champion of the notion of al-Shura, and this was illustrated in one of the many historical events, such as in the **Battle of Khandaq (Battle of the Trench)**, where Muhammad was faced with two decisions, i.e. to fight the invading non-Muslim Arab armies outside of Medina or wait until they enter the city. After consultation with the *sahabah* (companions), it was suggested by **Salman al-Farsi** that it would be better if the Muslims fought the non-Muslim Arabs within Medina by building a big ditch on the northern periphery of Medina to prevent the enemies from entering Medina. This idea was later supported by the majority of the *sahabah*, and thereafter Muhammad also approved it.

The reason why Muhammad placed great emphasis on the agreement of the decision of the shura was because the majority of opinion (by the *sahabah*) is better than the decision made by one individual.

### **DUTIES OF THE RULER IN AN ISLAMIC STATE:**

- i- Establish supremacy of shariah
- ii- Safety & welfare of all human beings
- iii- Provide all means of subsistence & shelter
- iv- State must establish conditions for a sound family system in accordance with the dictates of shariah
- v- Ensure economic well being of the people
- vi- Provide freedom of religion, formation of family, education & well being
- vii- Enforcements of policies promoting Amar bil maruf wa nahi anil munkir

### **FEATURES OF AN ISLAMIC STATE:**

#### **1) Sovereignty belongs to Allah Almighty:**

- Real sovereign (supreme dominion or ruler)
- **Quran 42:48 “Do not you know God is the owner of what is in the earth & skies.”**
- French philosopher Gean Bodin 1530 is said to be the first who gave the concept of strong monarchy
- Hobbes book Laviathan referred sovereignty as may be human or divine
- John locke said sovereignty should be given to community
- Rousseu stood for sovereignty of people word

#### **2) Khilafat:**

**“To the earth is Allah’s. He gives it for an inheritance to whom He will. And lo the sequel is for those who keep their duty (unto Him).”**

#### **3) Independence of judiciary:**

One of the salient feature of an Islamic state. Islam stresses for transparent judiciary which must independent from all other organs of government. Judges must be competent, honest and fair. Under the Islamic system, judiciary is independent of executive or legislature. Everyone is equal before law either he is an ordinary citizen or a caliph.

#### **4) Government by consultation:**

Mutual consultation among the Muslims is a commandment of the Holy Quran and an injunction of the Sunnah of the Holy Prophet (Peace be Upon Him).

Quran says:

***“The affairs of state are run by their mutual consultation.” (Surah-Ash-Shura)***

The institution of Majlis-e-Shoora was developed by the Khulfa-e-Rashideen after wards.

5) **Obedience of the ruler:**

The Quranic injunction calls upon the Muslims to obey the supreme commander among them

6) **Participation of public in state affairs:**

Muslims shall be consulted in the affairs of state through their leaders in whom they profess confidence.

7) **Equality of all mankind:**

In Islam, is no distinction or discrimination of man and man on the ground of race, colour, language, profession or country. All persons are equal in Islamic state.

8) **Aml Al Maruf wall Nahi An-AI-Munkar (order good and punish wrong)**

Islam enjoins the state to maintain morality. It asks the Muslims and the ruler to order good and punish wrong.

Maruf literally means ‘**what is good**’ & munkir means ‘**what is bad**’

Technically maruf is what shariah confers & munkir that violates shariah

9) **Collection of Zakat:**

Collection of Zakat is one of the essential functions of the Islamic state and a primary duty of the Muslims.

10) **Welfare of the state:**

Islamic state is a model of welfare state, providing basic facilities of life and shelter of all its citizens. **Hazrat Umar (R.A)** says,

***“Even if a dog dies at the Bank of Dajl, I will be responsible to Allah for him.”***

11) **Protection of minorities their religion, culture & social values:**

The right of non-Muslims are well protected by the Islamic state. Jizya is a tax imposed on non Muslims for protection of their lives and property from foreign attacks.

**Holy [Quran](#) Says, *Let there be no compulsion in religion”.***

12) **No law against Holy Quran & sunnah**

**13) Rights of man (hakook al ibad and hakook Allah )**

**14) Establish relations with other states on the basis of respect ,equality & treaties:**

Islam is the religion of Joy, Peace and security. It believes in ideals relations with other states. The Prophet (SAW) and four Caliphs made a positive role in this way. They used to give full protocol to foreign missions.

**CONSTITUTIONAL LAW OF AN ISLAMIC STATE:**

The constitution is the supreme law which determines the powers & functions of main organs of state, their mutual relationship.

- Quran & sunnah is the constitution

**Surrah hujrat 22:41**

**“They are those who if we establish them in land, establish the way of life consistent with the divine laws & provide nourishment to individuals, enjoin the right & forbid the wrong.”**

Further Holy Quran says 3:109

**“you are the ummah raised for the good of all mankind your responsibility is to enjoin right and to forbid the wrong.”**

**PRINCIPLES OF POLICY FOR ISLAMIC STATE:**

- 1- Supremacy of laws & of no man:

**“the command is for none but Allah.” [surrah Al ayousaf:40]**

**“.....and whoever does not judge by what Allah has revealed, such are the disbelievers.”**

**[Surrah Al-Maida:44]**

- 2- Islamic state to obey Allah’s command
- 3- Avoidance from what Allah has prohibited
- 4- Consultation (shura)
- 5- Justice & equity are main cornerstone/pillars
- 6- Freedom of :

- a) Speech
- b) Religion
- c) Expression
- d) Education
- e) Family life
- f) Political & cultural beliefs

7- Social, economical, education & well being of its citizens

## **DISTINGUISH BETWEEN ISLAMIC STATE & WESTERN CONCEPT OF STATE:**

### **I. As to sovereignty:**

- (i) In Islamic state sovereignty belong to God.
- (ii) In western concept of state sovereignty belong to the people.

### **II. As to making authority:**

- (i) In Islamic state law making authority is only God.
- (ii) In western concept of state law making authority are people.

### **III. As to religion:**

- (i) In Islamic concept of state religion has important role and state religion in Islam.
- (ii) In west the state may not have religion.

### **IV. As to legislation:**

- (i) In Islamic state law making authority i. e. legislation is Majis-Shura. The law making powers of Majlis-Shura are limited.
- (ii) In western concept of state the legislature is called parliament. It has unlimited powers of law making.