

## THE RULES AND REGULATIONS OF GOVERNMENT IN ISLAMIC CULTURE

### 1. THE NATION HAS THE RIGHT TO ELECT THE RULER AND TO CORRECT HIM:

The nation has the right to elect their ruler and take his pledge, and to monitor his ruling and his properties. They also have the right to correct the ruler if he has gone astray. Every sane and adult Muslim has the right to attend the pledging of the ruler and make a committee to choose a ruler, which is formulated with the consensus of the majority of the able and sane people, this committee is generally known as “Majlis-e-Shura.”

It is not important that all people have agreed upon electing a person as the ruler of the Islamic country. It is known from history that all Muslims never agreed upon choosing a ruler. As for example, people who took pledge in the Rightly -Guided Caliphs (*RaziAllahu Anhum*) they were the inhabitants of Madina and few Muslims of Makkah.

If the ruler's inability, ethical downfall is proved so he would be suspended, but before this, the sincere people and scholars of the nation advise him to come to the right path. If he accepts the right way and acquires it, then it is not allowed to suspend him. If he does not pay attention to the advice of the scholars and the advisors, if he does not consider the counsels of Muslims and does not protect the rights and dignity of Muslims, then it is allowed to suspend him, provided that people are able to suspend him without instigating a fight which would destroy more than constructing something. If there is a fear of killing and destruction

in suspending a ruler then it is better to be patient on his oppression and harm.

## 2. SHURA (CONSULTATION):

Shura is an important and basic pillar of Islamic state. Allah Almighty says:

﴿وَشَاوِرْهُمْ فِي الْأَمْرِ﴾ آل عمران: ١٥٩

*Translation of Meaning: "...And consult them in affairs (of moment)." (Aal-e-Imraan - 159)*

At another place, Allah Almighty says:

﴿وَأْمُرْهُمْ شُورَىٰ بَيْنَهُمْ﴾ الشورى: ٣٨

*Translation of Meaning: "...Who conduct their affairs by mutual consultation..." (Ash-Shura, - 38).*

1. The Prophet (SallAllahu Alaihi Wasallam) consulted with his Companions (RaziAllahu Anhum) a lot, and in the same way, after him, the Rightly-Guided Caliphs (RaziAllahu Anhum) consulted with educated and wise people in all matters such as the election of a leader, the departure of troops and the distribution of spoils of war etc. Those people consulted the religious scholars in such matters which did not have any clear instruction in the Holy Qur'an and Hadith. Hazrat Abu Bakr Siddique (RaziAllahu Anhu) formulated a committee in which such matter was presented which did not have any instruction in the Holy Qur'an and Sahih Sunnah. In the same way, Hazrat Umar (RaziAllahu Anhu) used to stop the senior Companions (RaziAllahu Anhum) so that he could consult them at the times of need.

Such matters would not be consulted which have clear description and instruction in the Holy Qur'an and Sahih Sunnah, in such matters the "Shura" would have no interference. The Prophet (SallAllahu Alaihi Wasallam) adhered to the consultations in such

matters which were not described in the Holy Qur'an and there is no revelation on the Prophet (*SallAllahu Alaihi Wasallam*) which could explain that matter. Consultation is to be sought in two matters:

1. To elect a Muslim ruler who is able to fulfill the responsibility, and to take his pledge in order to follow the Book of Allah and the Sunnah of His Prophet (*SallAllahu Alaihi Wasallam*). If the pledge is completed then his obedience and following is important without any forcible means.
2. The ruler should not be an autocratic; every Muslim has the right to share his views on the matters of the government with complete freedom and full force. It is Wajib on a ruler to listen to him, and if that matter is correct, then the ruler has to make the most of it. Although, people have the right to give their opinions but it is not necessary that the ruler has to consult the public in important matters because they cannot understand the correct situation of matters, instead the ruler would consult the people with wisdom who fulfill the requirements and conditions to give suggestions such as knowledge, piety, righteousness, excellent planning and comprehension skills etc.

The people with solutions and confederation mean those intellectuals, leaders, head of Army and leaders of different capacities with whom people consult in their time of needs and usual counselling.

Islam has paid a lot of attention on Shura or consultation because it has excellent consequences on the society and the life of an individual. Some of them are as follows:

1. It is according to the law which Islam has formulated in terms of the recognition of man, in his respect and collective counselling.

2. It is the safest way to reach to the correct conclusion in matters which lie in the category of Shura, and with the help of Shura, a ruler respects the emotions and rights of public because they are also included in the government.

3. It protects the rights of common people, corrects the behaviour and actions of the rulers and guarantees their consistency and excellent thinking.

This is Islamic consultation and it is indeed the consultation in which any person can freely share his opinion without any fear.

### 3. EQUITY:

Islam has given the orders of equity and justice and has declared it as the objective of Islamic government. Equity means that every person gets his full rights without any deficiency. It is the responsibility of the ruler and accountability. The nation has the right that it can conduct the accountability of the ruler if he harms someone. Equity and justice is for every Muslim and non-Muslim and it includes all the rights which are related with the life, wealth, dignity and freedom etc.

There are many verses of the Holy Qur'an which give clear instructions of equity and justice and they also describe the consequences of oppression and its result. Allah Almighty says:

﴿إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَنِ وَإِيتَايَ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ﴾ (النحل: ٩٠)

*Translation of Meaning: "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that ye may receive admonition."* (An-Nahl: 90)

The Holy Prophet (Sallallahu Alaihi Wasallam) said:

«اتَّقُوا الظُّلْمَ فَإِنَّ الظُّلْمَ ظُلُمَاتٌ يَوْمَ الْقِيَامَةِ»

*Translation: "Beware of oppression because there is darkness for the oppressor on the Day of Judgment." (Muslim)*

3. Justice means that the law is same for everyone; there is no difference between a person with high status and a person with no position, well-off and a poor person, everyone is bound to follow justice. In this way, justice would become a strong foundation for the survival of the government and its security. Ibn Taimia said: "Allah Almighty sustains a just government even if it is non-Muslim, and demolishes an oppressive government even if it is Muslim."

It is important to establish equity and justice that there is such power which would protect it and justice should rule not that it is ruled. This is why, Hazrat Umar Bin Khattab (*RaziAllahu Anhu*) kept the judges, who established justice, free from any position and responsibility. This is one of the important rules of an Islamic government. When Hazrat Umar (*RaziAllahu Anhu*) was appointed as Caliph and the Islamic government spread far and wide, then he appointed a permanent judge for every province, managed the judicial department and separated it from other departments.

Indeed justice makes every citizen to feel peace in terms of his life, honour, dignity and all the other rights. The crimes are lessened due to justice and every person is engaged in his own work. He participates in the development of the society. A person gets the result of his hard work because of justice and he tries to participate more in doing welfare work. The equality is prevailed due to justice and people get succeeded on the basis of their efforts and skills. Islam presented an excellent example by establishing justice in the lives of Muslims.

#### 4. OBEDIENCE TO THE RULER:

The obedience to the ruler is one of the important rules of an Islamic state. A ruler will be obeyed if he implements the limitations of Allah and does not give the orders of oppression. Allah Almighty says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ﴾ النساء: ٥٩

*Translation of Meaning: "O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you." (An-Nisaa: 59)*

It is obliged on a Muslim to listen to his ruler and obeys him even if he likes it or not, except in the case if the ruler orders to commit any sin. If the ruler orders for committing any sin so he would not be obeyed. The Holy Prophet (Sallallahu Alaihi Wasallam) said:

«السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ، مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ»

*Translation: "It is obliged on a Muslim to follow his Ameer/leader the things which he likes or not, unless there is the order of oppression. If there is an order of oppression so it is not to be heard and not to be followed." (Bukhari and Muslim)*

#### 5. FREEDOM:

Islam has cared a lot about personal freedom and has not forced anyone that he acquires any specific philosophy or lives his life according to some specific theory, instead every person has complete freedom in an Islamic country that he thinks and chooses his lifestyle, expresses his opinion provided that others' freedom is not disturbed because of this.

It is the right of the people of the book that they follow their beliefs and no one would stop them from doing so. Allah Almighty says:

﴿لَا إِكْرَاهَ فِي الدِّينِ ۚ﴾ البقرة: ٢٥٦

*Translation of Meaning: "Let there be no compulsion in religion." (Al-Baqara: 256)*

At another place, Allah Almighty says:

﴿أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ﴾ يونس: ٩٩

*Translation of Meaning: "Will you then compel mankind, against their will, to believe!" (Yunus: 99).*

It is a famous incident in history that when the son of Hazrat Amr Bin Aas fought with a Coptic Egyptian so the Egyptian man conquered on which Hazrat Amr Bin Aas' son beat him. Then this Egyptian man complained about this to the Caliph of Muslims Hazrat Umar (*RaziAllahu Anhu*). He then called Hazrat Amr Bin Aas and his son in the court and then ordered the Egyptian man to beat the son in front of his father Hazrat Amr Bin Aas. Hazrat Umar (*RaziAllahu Anhu*) then asked Hazrat Amr that since when you made the people your slaves whereas their mothers born them free. Islam has given other freedoms as well like civil freedom in which a person is free to commit and accepts the responsibility, and Islam has relieved the children and insane person and other than them every person has freedom and they have complete political and intellectual freedom. The freedom in Islam means that it would not conflict its rules and regulations and the freedom of others would not be suffered because of it.

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