****

**Assignment - 2**

|  |  |
| --- | --- |
| **Name** | **Shawaiz Shahid Memon** |

|  |  |
| --- | --- |
| **Date** | **3rd May 2024** |

|  |  |
| --- | --- |
| **Roll no** | **23P-0599** |

|  |  |
| --- | --- |
| **Section** | **2C** |

|  |  |
| --- | --- |
| **Program** | **BS(CS)** |

|  |  |
| --- | --- |
| **Course Name** | **Islamic Studies** |

|  |  |
| --- | --- |
| **Course Code** | **SS1007** |

**The Islamic System of State**

Islam is not just a religion but also a comprehensive way of life that encompasses various aspects, including governance and state structure. The Islamic system of state is rooted in the principles laid down by the Qur’an and the teachings of Prophet Muhammad (peace be upon him). It comprises political, legislative, and judicial systems, each operating within the framework of Islamic principles.

The Islamic system of state is based on the concept of Tawheed (the oneness of Allah) and the submission to His will. It combines spiritual guidance with practical governance, aiming to establish justice, equality, and welfare for all members of society.

**Political System in Islam**

**Role of the Caliphate:** In Islam, the political system is based on the concept of **Khilafah** (Caliphate). The Caliph, as the successor to Prophet Muhammad (PBUH), was responsible for both temporal and spiritual leadership. The Caliphate was based on the principle of consultation **(Shura)** among the leaders and the governed, ensuring collective decision-making and representation.

**Principles of Shura (Consultation):** Shura is a fundamental principle in Islam, emphasizing the importance of consultation in governance. It promotes participatory decision-making, where leaders seek advice and input from the community before making significant decisions. This ensures transparency, accountability, and the inclusion of diverse perspectives in the decision-making process.

[An example of this system can be seen in the early Islamic state of Madinah under the Prophet Muhammad (PBUH), where decisions were made with the consensus of the community](https://en.wikipedia.org/wiki/Islamic_state).

**Legislative System in Islam**

**Sources of Islamic Law (Sharia):** The legislative system in Islam derives its authority from the Sharia, which encompasses the Quran, the Sunnah (the teachings and practices of Prophet Muhammad (PBUH)), Ijma (consensus of scholars), and Qiyas (analogical reasoning). These sources provide guidance on matters of personal conduct, family law, economics, politics, and more, shaping the legal framework of Islamic societies.

**Role of Islamic Scholars (Ulema):** Islamic scholars, known as Ulema, play a crucial role in interpreting and applying Islamic law. They possess deep knowledge of the Quran and Hadith (sayings of Prophet Muhammad (PBUH)) and provide legal opinions (fatwas) on various issues. The Ulema ensure that legislation aligns with Islamic principles and values, upholding justice and morality in society.

A historical case study is the Ottoman Empire’s Majalla, a civil code that attempted to codify Sharia principles in the late 19th and early 20th centuries. [It was one of the first attempts to integrate Islamic jurisprudence with modern legal systems](https://en.wikipedia.org/wiki/Political_aspects_of_Islam).

**Judicial System in Islam**

**Establishment of Qadi Courts:** Islamic law is administered through Qadi courts, which are responsible for adjudicating disputes and enforcing Sharia. Qadis, appointed judges with expertise in Islamic jurisprudence, preside over these courts and ensure the fair and impartial application of Islamic law. These courts operate at various levels, from local to regional, ensuring accessibility to justice for all citizens. [The judiciary is independent and strives to protect the rights of the people, uphold moral values, and prevent injustice](https://www.islamreligion.com/articles/240/viewall/judicial-system-in-islam-part-1).

**Application of Islamic Law in Judiciary:** In Islamic jurisprudence, judges interpret and apply Sharia based on the principles of equity, fairness, and compassion. The goal of Islamic law is not only to resolve disputes but also to promote reconciliation, forgiveness, and social cohesion. Qadi courts emphasize restorative justice, aiming to rehabilitate offenders and restore harmony within the community.

[In contemporary times, countries like Saudi Arabia and Iran have legal frameworks heavily influenced by Islamic law, while others like Indonesia have incorporated elements of Sharia into their national laws](https://www.cambridge.org/core/journals/asian-journal-of-comparative-law/article/abs/islamic-law-in-a-national-legal-system-a-study-on-the-implementation-of-shariah-in-aceh-indonesia/081EACD258FC1DA9CAE6B6ED6F9B25CC).

**Governance According to Islamic Teachings**

The Islamic system of governance is guided by core principles that uphold justice, equality, accountability, and welfare for all members of society.

**Justice and Equality:** Islam emphasizes the importance of justice and equality, regardless of social status, wealth, or ethnicity. Leaders are required to rule with fairness and integrity, ensuring equal rights and opportunities for all citizens. The Quran commands believers to **"stand firm for justice, even if it is against yourselves or your parents" (Quran 4:135)**, highlighting the paramount importance of justice in Islamic governance.

**Accountability and Transparency:** Islamic governance emphasizes accountability and transparency in decision-making and administration. Leaders are accountable to both Allah and the people they govern, and they are expected to govern with honesty, integrity, and humility. Transparency in governance fosters trust and confidence among citizens, ensuring that their rights and interests are protected and upheld.

**Welfare and Social Justice:** Islam places a strong emphasis on social welfare and compassion towards the less fortunate. The concept of Zakat (obligatory almsgiving) and Sadaqah (voluntary charity) ensure the equitable distribution of wealth and resources, alleviating poverty and providing support to those in need. Islamic governance prioritizes the well-being of the entire community, promoting social justice and solidarity.

**Conclusion**

The Islamic system of state encompasses political, legislative, and judicial systems that operate within the framework of Islamic principles. It emphasizes justice, equality, accountability, and welfare, aiming to create a just and harmonious society based on the teachings of Islam.

It’s important to note that while these examples provide a glimpse into the application of Islamic principles in governance, the interpretation and implementation of Islamic law can vary widely across different cultures and societies. The references provided offer a comprehensive understanding of the Islamic system of state governance and its historical and modern-day applications.

**References**

<https://www.cambridge.org/core/journals/asian-journal-of-comparative-law/article/abs/islamic-law-in-a-national-legal-system-a-study-on-the-implementation-of-shariah-in-aceh-indonesia/081EACD258FC1DA9CAE6B6ED6F9B25CC>

<http://judiciariesworldwide.fjc.gov/islamic-legal-systems>

<https://www.jstor.org/stable/3381398>

<https://www.brookings.edu/articles/the-legal-foundations-of-the-islamic-state/>

<https://www.cambridge.org/core/books/modern-challenges-to-islamic-law/37881AD28FEB0C8C2B27EE3BDCF75218>