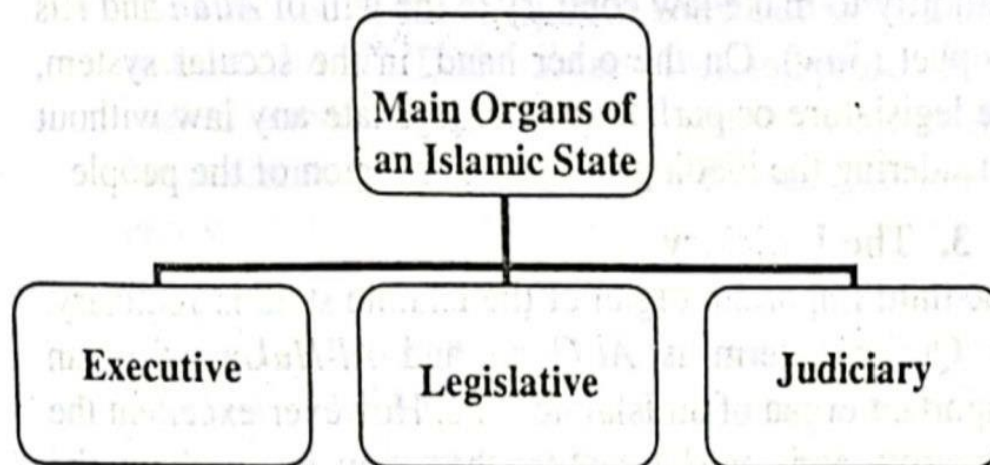


URED-3503

Suggested solve

**1. Islamic State: Organs /types of Islamic State.****The Main Organs of an Islamic State**

There are three major organs of an Islamic State. With the proper combination of these organs, a state (either secular state or Islamic) can run smoothly. These organs are:



### 1. The Executive (the head of the state):

The first and the main organ of the state is Executive. It refers to the ruling class of the state. It may be used into two senses. In its wider sense it means all government officials except those acting in legislative and judicial capacity. But in its narrower sense, this term refers to the government comprising of the chief executive of the state and his council of ministers and advisers.

The head of an Islamic state elected by the people would be supreme leader of the people. The Holy Prophet (Saw) enjoyed the same status in the Islamic state of *Madinah*. After his death, all the rightly guided Caliphs maintained this position.

### 2. The Legislative organ (the law making body):

The second important organ of the Islamic state is the Legislative organ. In secular system, it refers to the Parliament or Legislative Assembly or Law-making body of a state. According to the Islamic terminology, it is called *Majlis-al-Shura* or Consultative Assemble.

In the Islamic legal system, the *Majlis-al-Shura* has no authority to make law contrary to the will of *Allah* and His prophet (Saw). On the other hand, in the secular system, the legislature or parliament can legislate any law without considering the ideologies, faith or religion of the people.

### 3. The Judiciary

The third important organ of the Islamic state is Judiciary. Its Qur'anic term is *Al-Qada* and *Al-Hukm*. It is an important organ of an Islamic state. However excellent the executive and legislative branches may be, without the effective role of the judiciary, an Islamic state cannot

function effectively. In other words, justice in its true sense cannot be effected without the presence of effective judiciary.

All these three organs of a state are complementary to each other. One cannot run smoothly or go ahead without the other. That is why the non-Islamic contemporary states also acknowledge the importance of these major organs.

## 2. Difference between Shari'ah and Man-made Law

Man-made laws differ from Shari'ah in a number of significant ways, like

1. Men make laws when they feel the need; these laws start from a few and then grow in number

over the years. On the other hand, the Islamic law is complete, perfect and includes all aspects of human life.

2. Man-made laws are not permanent; they can be changed according to the time and

circumstances. For example, in a particular country at a particular time, drinking alcohol may

be banned; but this can be changed when public pressure grows. The American government

wants ban alcoholic drinks but removed the ban after a time because it could not be applied.

On the other hand, Sharia'h is permanent for all people all the time. It does not change with

time and conditions. For example, drinking wine and gambling are not allowed under Islamic

law. And no one can change this; it is a law that is valid for all times and for all places.

3. Man does not have knowledge of the future. Hence, man-made laws cannot stand the test of

time. On the other hand, Allah is All-knowing and All-powerful. He is the most Wise and His

laws are the best and the complete.

4. Man is a created being. His laws are the creation of the created. And Allah is the creator and

His laws are for the men, His creations.

5. Man-made laws may be suitable for the particular nation or country. They cannot be

universal. On the other hand, Allah's laws are for all nations, all countries and for all times.

They are universal.

6. Man-made laws suit their own needs. Suppose, members of parliament want to decrease the

rate of tax on the rich, they would do so, even if the majority of the people suffered and there

was high unemployment in the country. On the other hand, Allah is above all needs. He is not

dependent on anything, so His laws are for the good of all people and not for a few selfish people.

### 3. Constitution :Characteristics of the Constitution under Islamic Constitution

“Islamic constitution is a codification of some relevant portions of revealed laws and practices of the rightly guided caliphs that determine and dictate the matters relating to state and citizen thereof.”

Every discipline has its own basis and basis means the main principles or sources. The basis of

Islamic constitution is Shariah the Islamic law. It means that a constitution to be Islamic must be

based on Islamic law. Islamic law is based on Shariah. Regarding the source and role of Shariah

Allah Ta’ala says,

Then (O prophet) we put you on Shari’ah (the right way of religion)  
Therefore follow it

and do not follow the desire of those who do not know . Shari’ah in the sense of ordinance and making of law, Allah Ta’ala says,

The same law (Al din) He has ordained for you as that which He ordained on Nuh that

which we have sent be inspiration to you and that which we ordained on Ibrahim, Musa

and Isa. Therefore, establish the Din and do not ... [Characteristics:](#)

1. Supremacy of Shari’ah
2. Administration through consultation:
3. All wealth belonged to Allah

4. Citizen shares their property for the wellbeing of their fellow human being
5. It acts as mouthpiece of government
6. Role of Public media is for the interest of Muslim and Islam:
7. The Government is savior of distress and oppressed people:
8. Government is duty bound to produce basic needs
9. The government is guardian for building of good character:
10. .It produces Allah fearing and hereafter faced citizen

#### 4.Judiciar.

: Justice in its true sense can only be materialized through judiciary. Therefore, it is very important. The aim of sending the messengers of Allah with clear signs and sending the scriptures down with them is that the people would uphold justice. The judiciary is the organ which administers impartial judgment according to the law of the country.

#### Nature of Judiciary before Islam:

According to Al-Ashram, the nature of judiciary before Islam was as follows: [1] There was no written law or code at all. The social customs and natural rules were the

measurement for all decisions. [2] None was bound to abide by the verdict, nor was there any acceptable standard of

carrying out the verdict of the court. As such, the winners had to jump on the losers

together with their supporters. By nature the Arabs used to side with the cause of the



victims. Therefore, it was easy to get the attackers. And the decision of the court was not more than a moral advice.

### Nature of Judiciary under Prophetic Rule

There were several features of the Judiciary under the Prophetic period of the new Islamic state

of Madina. These are as follow: <sup>[1]</sup> The Qur'an and the Sunnah were the primary sources of Judiciary in place of custom

and tribalism that was practiced before Islam. As regards the authority of them Allah says, "But no, by your Lord, they can have no faith until they make you judge in all disputes

between them and find in themselves no resistance against your decisions and accept with

full submission<sup>43</sup>" <sup>[2]</sup> Acceptance and execution of the decision of the Prophet (SAA) was made very much

compulsory and obligatory; rather it was a vital part of Iman for both of them (a

claimant, plaintiff and defendant) <sup>[3]</sup> The Prophet was made the chief Justice in the place of tribal head. He Prophet (SAA)

was the head in all important organs of his government namely executive, legislative,

judiciary and culture. It was only for him because Qur'an was being revealed for proper

judgment of each and every case and all the organs of the state were dependant on Qur'anic revelations. However, the first caliph Abu bakr (R) separated the judiciary from the control of executive and appointed Omar bin Khattab (r) as the chief justice of the state.