

Pakistan Needs Laws that are Based on the Noble Quran and Prophetic Sunnah, not on Two-Thirds Parliamentary Majority

News:

Allama Dr Raghیب Naeemi, chairman of the Council of Islamic Ideology (CII), said on Monday (18/11/2024) that among various “unIslamic” uses of Virtual Private Networks (VPNs) was making statements “against national security” and character assassination of a person. [Dawn]

Comment:

It is not a surprise that the Council of Islamic Ideology has disappointed the Muslims of Pakistan yet again. The existence of the Council of Islamic Ideology is rooted in a constitution that is based on the principle of a two-thirds parliamentary majority vote. The Council's role is merely advisory. Its recommendations are not binding on any governmental institution unless the authorities themselves decide to act upon them. Regarding the permissibility or prohibition of the use of VPNs, the Council has not brought Islamic evidences from the Noble Quran and the Prophetic Sunnah, or even Shariah rulings, it has used to make its opinion.

It is noteworthy that the Council gives advice where there is no room for consultation because the definitive Islamic ruling (hukm qati'i) exists, such as the prohibition of usury (riba). The Council also remains silent over many commands and prohibitions of Allah (swt).

So the Council does not demand the adoption of the Noble Quran and Prophetic Sunnah as the basis of legislation, instead of a two-thirds parliamentary majority vote. Islam has defined the Islamic authority (sultan) as the ruling by all that Allah (swt) has revealed. Allah (swt) said, **﴿وَأَنْ أَحْكُمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ﴾** **“Rule between them by all that Allah has revealed. Do not follow their desires. Beware of them lest they tempt you away from even part of all that Allah has revealed to you.”** [TMQ Surah Al-Maida 5:49]. Even if the entire parliament voted to permit the meat of swine or intoxicant, it has no weight in the view of Islam. Allah (swt) is the Legislator and He Alone has the right of Legislation.

Accounting the ruler for his neglect of Islam is not character assassination, it is a Shariah obligation. The Messenger of Allah (saw) said, **«أَلَا إِنَّ أَفْضَلَ الْجِهَادِ كَلِمَةً حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ»** **“Indeed, the best jihad is to the word of truth in front of a tyrant ruler,”** (Ahmed) and he (saw) said, **«سَيِّدُ الشُّهَدَاءِ حَمَزَةُ بْنُ عَبْدِ الْمُطَّلِبِ وَرَجُلٌ قَامَ إِلَى إِمَامٍ جَائِرٍ فَأَمَرَهُ وَنَهَاهُ فَفَتَلَهُ»** **“The chief of martyrs is Hamzah bin Abd il-Muttalib and any man who stood in front of a tyrant ruler, commanded and forbade him, so the tyrant killed him.”** [Al-Haakim in Al-Mustadrak]. In addition to neglecting Islam, the rulers of Pakistan are agents of the colonialists, harming the security of the Muslims in order to establish the dominance of the interests of the colonialists.

The Council does not demand the mobilization of the armed forces regarding the liberation of Kashmir and Palestine. Allah (swt) has made it a Shariah obligation to end the usurpation of the lands of the Muslims by the kafiireen. Allah (swt) said, ﴿وَأَخْرِجُوهُمْ مِّنْ حَيْثُ أَخْرَجُوكُمْ﴾ **“Expel them from wherever they have expelled you.”** [TMQ Surah Al-Baqarah 2:191].

The Council does not reject the riba based financial order in Pakistan, which has crushed the country and the people under huge debt. Allah (swt) has clearly prohibited riba. Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُّؤْمِنِينَ * فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ﴾ **“O you who believe, fear Allah and give up what remains of your demand for riba if you are indeed believers. If you do it not, take notice of war from Allah and His Messenger.”** [TMQ Surah Al-Baqarah 2:278-279].

Yet, the Council goes beyond mere recommendations, and adopts the tone of issuing a fatwa (Islamic ruling), in defending the policies of rulers that rule by the laws and constitution of Western law, which is based on the detachment of religion from life.

Pakistan needs a constitution, laws and policies that are derived from the Deen of its people. Hizb ut Tahrir has prepared a draft constitution derived from the Noble Quran and Sunnah. Article 1 states, “The Islamic aqeedah is the foundation of the state. This means that the existence of the state, its structure, its accountability, and anything related to it must be based solely on the Islamic creed. Similarly, this creed will be the basis for the constitution and laws, and nothing concerning them will be permitted unless derived from the Islamic aqeedah.” Hizb ut Tahrir mentions the detailed Islamic evidences for this article and all 191 articles of the draft constitution.

Let the Muslims of Pakistan work with Hizb ut Tahrir to establish Islam in ruling. Let them study the details of the Islamic way of life and carry the Dawah to Islam. Let them demand from their relatives and friends in the armed forces to give Nussrah to Hizb ut Tahrir for the establishment of the Khilafah Rashidah (rightly guided Caliphahte) upon the method of the Prophethood.

**Written for the Central Media Office of Hizb ut Tahrir by
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