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**How the Khilafah will
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How the Khilafah will Address Citizenship and Non-Muslims

Allah (swt) said: (وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ) “And we have not sent you but as a mercy to the world.” [21:107]

Islam came as an address for all humankind, regardless of religion, school of thought, race or gender. In the Khilafah all citizens will enjoy the benefits of the Islamic system and full protection of their lives, property and honour without discrimination.

“All citizens of the Islamic State are entitled to enjoy the Shariah rights and duties.” (Article 5 - Draft Constitution for the Khilafah of Hizb ut Tahrir)

Islam rejects all notions of nationalism, which was central to the development of Western nations. Islam transcends all of this because it defines identity upon the basis of a comprehensive view of the world. This view is based upon an understanding that all of creation is created by a Creator – Allah (swt) – and is subservient to His natural law. From a societal perspective Islam views all the inhabitants as humans rather than looking at their ethnicities or race. As a result all those who reside in the Islamic territories are viewed as citizens, irrespective of creed, colour or ethnicity.

Citizenship is based on residency rather than birth or marriage. All those who hold citizenship are subjects of the State, their guardianship and the management of their affairs is the duty of the State, without any discrimination. All the people who hold the Islamic citizenship should therefore be treated equally, without any discrimination between them either by the ruler, in terms of looking after their affairs and in terms of protecting their lives, their honour and their wealth, or by the judge in terms of equality and justice.

“All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or caring of affairs.”(Article 6 - Draft Constitution for the Khilafah of Hizb ut Tahrir)

Citizenship in Islam is based on someone permanently living within the lands of the Khilafah regardless of their ethnicity or creed. It is not a requirement for someone to become Muslim and adopt the values of Islam in order to become a citizen of the state. This is derived from the following hadith. The Prophet (saw) said:

أَدْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ أَجَابُوكَ فَأَقْبِلْ مِنْهُمْ، وَكُفَّ عَنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى النَّحْوْلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَعْلِمُهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ أَنْ لَهُمْ مَا

لِلْمُهَاجِرِينَ، وَأَنْ عَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ

‘Call them to Islam, and if they agree accept from them and refrain from fighting against them, then call them to move from their land to the land of the Muhajireen (the emigrants), and tell them if they do so, then they will have the rights which the Muhajireen enjoy and they will have duties like the duties upon the Muhajireen.’

The non-Muslim citizens living under the Khilafah are referred to in Shariah, as dhimmi. The term “dhimma,” means “obligation to fulfil a covenant.” Islam has come with several rules pertaining to the people of dhimmah, in which it guaranteed the rights of citizenship for them and imposed upon them its duties. Islam also outlined that the dhimmi enjoy the same justice Muslims enjoy and that they should abide by the same rules which Muslims abide by. As for that which they enjoy in terms of justice and fairness, this is derived from the general command reflected in Allah (swt) saying:

[وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ]

“And if you judge between people that you judge with justice.” (TMQ 4:58)

and in His (swt) saying:

[وَلَا يَجْرِمَنَّكُمْ شَنَاَنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ]

“And let not the hatred of others to you to make you swerve to wrong and depart from justice. Be just, that is nearer to piety”(TMQ 5:8)

and it is also reflected in Allah (swt) saying regarding the judgement between the People of the Book

[وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُم بِالْقِسْطِ]

“If you judge, judge with equity between them; for Allah loves those who judge in equity” (TMQ 5:42).

The State will not interfere with the beliefs or worship of the dhimmi. They will be allowed to adhere to their own laws in matters of marriage and divorce according to their religion. The State will appoint a judge from their own people to settle their disputes based on their religion in courts belonging to the State. The non-Muslims will be treated in matters related to foodstuffs and clothing according to their faith and within the scope of what the Shari’ah rules permit. All the remaining Shari’ah matters and rules, such as: the application of transactions, punishments and evidences (at court), the system of ruling and economics are implemented by the State upon everyone, Muslim and non-Muslim alike. (Article 7, Draft Constitution for the Khilafah of Hizb ut Tahrir). Adam

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Metz, a Western historian, wrote regarding the Khilafah in the 4th century after Hijra, "...the Islamic state allowed the people of other religious affiliations to use their own courts. What we know about these courts is that they were church courts and prominent spiritual leaders were the chief justices."

There are many ahadith ordering good treatment of the dhimmi and not abusing them or treating them as second-class citizens. The Messenger of Allah (saw) said:

«أَلَا مَنْ ظَلَمَ مَعَاهِدًا، أَوْ انْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بَغَيْرِ «طِيبِ نَفْسٍ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ»

"He who harms a person under covenant, or charged him more than he can, I will argue against him on the Day of Judgement."

The classical scholars of Islam also detailed the rights of the Muslims towards the dhimmi. The famous Maliki jurist, Shaha al-Deen al-Qarafi states, "It is the responsibility of the Muslims to the people of the dhimma to care for their weak, fulfil the needs of the poor, feed the hungry, provide clothes, address them politely, and even tolerate their harm even if it was from a neighbour, even though the Muslims would have an upper hand. The Muslims must also advise them sincerely on their affairs and protect them against anyone who tries to hurt them or their family, steal their wealth, or violate their rights."

The British historian T. W. Arnold in his book, *The Preaching of Islam*, wrote regarding the treatment of non-Muslims who lived under the Uthmani Khilafah, "...though the Greeks were numerically superior to the Turks in all European provinces of the empire, the religious toleration thus granted them, and the protection of life and property they enjoyed, soon reconciled them to prefer the domination of the Sultan to that of any Christian power". The English writer, H.G. Wells, wrote the following on the application of justice by the Khilafah: "They established great traditions of just tolerance. They inspire people with a spirit of generosity and tolerance, and are humanitarian and practical. They created a humane community in which it was rare to see cruelty and social injustice, unlike any community that came before it."

The dhimmi enjoys the same economic benefits as Muslims. They can be employees, establish companies, be partners with Muslims and buy and sell goods. Their wealth is protected and if they are poor and unable to find work they are entitled to state benefits from the Khilafah's Treasury (Bait ul-Mal).

Non-Muslims are allowed to be members of the Majlis al-Ummah – a body of the state which accounts the Khalifah and represents and expresses the views of the people to him. As members of this body, non-Muslims can voice their complaints in respect to unjust acts performed by the rulers or the misapplication of the

Islamic laws upon them or the lack of services or the like. (Article 105, Draft Constitution for the Khilafah of Hizb ut Tahrir)

Historically, the dhimmi prospered within the lands of the Khilafah. The British Jewish historian Cecil Roth mentions that the treatment of the Jews at the hands of the Ottoman State attracted Jews from all over Western Europe. The land of Islam became the land of opportunity. Jewish physicians from the school of Salanca were employed in the service of the Sultan and the Viziers (ministers). In many places glass-making and metalworking were Jewish monopolies, and with their knowledge of foreign languages, they were the greatest competitors of the Venetian traders.

The most misunderstood Islamic taxation is the jizya. Some historians paint a false picture that the jizya tax was so high that dhimmi were forced to convert to Islam to avoid it. Others bring out erroneous arbitrary jizya rates such as 50%.

The obligation of the jizya is derived from the following verse of the Qur'an. Allah (swt) says:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ

"Fight those who believe not in Allah nor the Last Day, nor hold forbidden that which hath been forbidden by Allah and His Messenger, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the Jizyah with willing submission, and feel themselves subdued (saghiron)." The 'subdued' (sighar) mentioned in this verse means the dhimmi must submit to the rules of Islam. It does not mean physical humiliation.

The jizya tax is applied to all mature, male dhimmi who have the means to pay it. Women and children are exempt as are the poor who have no livelihood. The jizya is applied according to the prosperity of the dhimmi. In the time of 'Umar ibn al-Khattab (ra) he established three different bands of jizya depending on the prosperity of the person. The jizya rates for different provinces (wilayat) of the Khilafah in the time of 'Umar ibn al-Khattab (ra) are shown below.

YEMEN²⁸

	Dinars (Gold coin)	Weight of dinar in grams	Grams in gold
Everyone eligible	1	4.25	4.25 grams

IRAQ²⁹

	Dirhams (Silver coin)	Weight of dirham in grams	Grams in silver
The rich	48	2.975	142.80
The middle class	24	2.975	71.4
The worker	12	2.975	35.7

EGYPT AND ASH-SHAM³⁰

	Dinars (Gold coin)	Weight of dinar in grams	Grams in gold
The rich	4	4.25	17 grams
The middle class	2	4.25	8.50 grams
The worker	1	4.25	4.25 grams

It is forbidden for the Khilafah to overburden the dhimmi with heavy taxation for this would constitute harming them. The Prophet (saw) said,

«أَلَا مَنْ ظَلَمَ مَعَاهِدًا، أَوْ انْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بغيرِ طِيبِ نَفْسٍ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ»

“He who harms a person under covenant, or charged him more than he can, I will argue against him on the Day of Judgement.”

Umar bin Al Khattab (ra) as Khalifah was brought a huge amount of wealth. Abu Ubayd said, ‘I believe, he said “Of jizya” – and he (Umar) said: “I think you must have placed the people in hardship (for such wealth).” They said: “No, by Allah, we did not collect anything that was not given voluntarily and of their own free will.” He said: “Without using the stick and without stringing (them up)?” They said: “Yes.” He said: “Praise be to Allah, who has not caused this to happen at my hands or during my authority.”

“At the time of the Umayyad caliphate, the people of the covenant, Christians, Zoroastrians, Jews, and Sabians, all enjoyed a degree of tolerance that we do not find even today in Christian countries. They were free to practice the rituals of their religion and their churches and temples were preserved. They enjoyed autonomy in that they were subject to the religious laws of the scholars and judges.” (Will Durant, American writer and historian, The Story of Civilization – The Age of Faith)

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How the Khilafah Will Prevent Sectarian Division



It is Islam, its culture, history and heritage that are the common uniting factors that bond Muslims across the Muslim world, whether Sunni or Shia, while the Western-imposed secular system has exploited differences for political aims. The Islamic beliefs that unite them are much greater than certain theological differences that exist between the various schools of thought. They both agree on the fundamental tenets of Islam and that the Qur'an and Sunnah are the principle sources of Islamic law. Allah (swt) says,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

“O you who believe! Obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is the best (way) and best in result.” [An-Nisa: 59]

It is only Islam and Islamic rule that has a proven track record of destroying sectarianism and tribalism and of uniting people of different backgrounds, ethnicity and beliefs into one Ummah and one state. Before Islam, the tribes of Aws and Khazraj fought many wars against each other, yet when they accepted Islam, they became brothers and together were known as the Ansar. Allah (swt) says,

وَأَلَّفَ بَيْنَ قُلُوبِهِمْ لَوْ أَنْفَقْتَ مَا فِي الْأَرْضِ جَمِيعًا مَا أَلَّفْتَ بَيْنَ قُلُوبِهِمْ وَلَكِنَّ اللَّهَ أَلَّفَ بَيْنَهُمْ إِنَّهُ عَزِيزٌ حَكِيمٌ

“And He has united their hearts (the believers). Had you spent all that is in the earth, you could not have united their hearts, but Allah united them. Indeed He is All-Mighty, All-Wise.” [Al-Anfal: 63]

The Sunni and Shia Muslims in Yemen, Iraq and elsewhere lived side by side in peace in the same neighbourhoods for centuries under the Islamic rule of the Khilafah. They intermarried, prayed in the same mosques and fought together against enemies of the state.

The Khilafah is not a Sunni or Shia state or one based on any Madhab (school of thought). Rather, it is a political system built upon Islam which is for all Muslims and all human beings, regardless of belief, ethnicity or nationality.

In contrast to the non-Islamic regimes and systems in the Muslim lands today that exploit differences between the people for political aims, the Khilafah views political unity between all its citizens as vital. Its domestic policies reflect a unique methodology in moulding different people into one harmonious society that respects religious differences. They are united together in the Khilafah on the basis of citizenship, and the rights, roles and responsibilities this embodies. The Khilafah will also

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uproot any colonial interference in the Muslim lands, including the use of sectarianism to divide the Ummah.

All citizens of the Khilafah enjoy the same rights of citizenship – in politics, economics, education, healthcare and other fields of life - regardless of their creed, ethnicity, race or anything else. This is because Islam prohibits discrimination between people in the provision of citizenship rights. The Prophet (saw) said,

«تَمَّ ادْعُهُمْ إِلَى النَّحْوَلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا
«ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ»

“Then invite them to migrate from their lands to the land of Emigrants (Muhajirin) and inform them that, if they do so, they shall have all the privileges and obligations of the Emigrants.”

“All citizens of the Islamic State are entitled to enjoy the Shariah rights and duties.” (Article 5 - Draft Constitution for the Khilafah of Hizb ut Tahrir)

The Khilafah's political system is not based on representation along specific ethnic, racial, or sectarian lines which can fuel division, hostility and competition between different sectors of society for resources and power. Rather the Khalifah (the leader of the state) is obliged Islamically to be a guardian over the needs and interests of all his citizens regardless of their creed, ethnicity or background. This includes ensuring every citizen of the state – Sunni or Shia, Muslim or non-Muslim - has their basic needs of food, clothing, shelter, education and shelter fulfilled, and a dignified standard of life as well as guaranteeing the protection of their blood, belief, honour, and property.

“All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or caring of affairs.” (Article 6 - Draft Constitution for the Khilafah of Hizb ut Tahrir)

Those elected to be part of the Majlis-al-Ummah which is a consultative body which accounts the Khalifah regarding his duties towards the people and represent the interests of all in their community rather than specific groups of people within the society.

The Khilafah will not adopt legislation covering belief or Ibadaat (personal worship) issues in Islam unless they have a societal impact such as Zakat, leaving Muslims to follow in these areas whichever school of thought they view as strongest. This is because adopting on such matters can cause hardship and resentment amongst those Muslims with differences of opinion on these issues, which the Islamic system seeks to prevent. Rather the Khilafah will only adopt on those issues required for political unity and the effective running of the affairs of the state. Furthermore, the Khalifah may

adopt from any school of thought for the state's affairs, whether Sunni or Shia, based upon what he views as the strongest opinion in Islam.

“The Khaleefah does not adopt divine rules pertaining to worship, i.e. ibadaat, except in connection with alms (zakaah) and war (jihad). Also, he does not adopt any of the thoughts connected with the Islamic 'Aqeedah.” (Article 4 - Draft Constitution for the Khilafah of Hizb ut Tahrir)

The Education System of the Khilafah will promote the correct Islamic values and understanding. It will strive to build a strong bond of Muslim brotherhood between the Muslim students to heal and prevent any rifts between the hearts of the believers, including striving to eradicate any concepts such as sectarianism, nationalism and tribalism that cause division. It will also seek to build amongst its students, a strong sense of care and responsibility towards others, and their rights, needs and interests, which will ensure a unified harmonious society. The Khilafah's Judicial and Penal Systems will deal harshly with those who seek to spread sectarianism or divide the Muslims or society in any way. The state will have a zero-tolerance approach to any form of sectarian division or violence.

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How the Khilafah will Address Political Corruption



Allah (swt) says in Surat Al-Mu'minun Verse 71,

وَلَوْ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ بَلْ أَتَيْنَاهُمْ بِذِكْرِهِمْ فَهُمْ عَنِ ذِكْرِهِمْ مُعْرِضُونَ

“But if the Truth had followed their inclinations, the heavens and the earth and whoever is in them would have been ruined. Rather, We have brought them their message, but they, from their message, are turning away.”

Thus, if the Almighty does what these polytheists desire and managed the affairs according to their will and desires and left the Truth (al-Haq) that they hate, the heavens and the earth and whoever is in them would have been corrupted; this is because they do not know the consequences of things and the righteous and the corrupt of the management (interpretation of Tabari). The manner of this life is not valid, and its conduct is only possible by what Allah (swt) has enacted of rules and treatments which He revealed to the people as guidance and mercy.

- Islam is a doctrine from which a system that guides people to the ways of good and success emanates. It came to correct the world and rule the world, and if it is void from their lives, corruption would prevail and the

people would get lost. Corruption means swaying away from the right path, showing disobedience of Allah (swt) on earth and not submitting to the Almighty's Lordship:

إِنَّ هَذَا لَهُوَ الْفَقْصُ الْحَقُّ وَمَا مِنْ إِلَهٍ إِلَّا اللَّهُ وَإِنَّ اللَّهَ لَهُوَ الْعَزِيزُ الْحَكِيمُ * فَإِنْ تَوَلَّوْا فَإِنَّ اللَّهَ عَلِيمٌ بِالْمُفْسِدِينَ

“Indeed, this is the true narration. And there is no deity except Allah. And indeed, Allah is the Exalted in Might, the Wise. *But if they turn away, then indeed - Allah is Knowing of the corrupters.” [Al-i-Imran: 62-63].

- What Allah considers to be corruption then it is so, even if some people would see it otherwise. Allah (swt) says:

وَإِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ
الْفُسَادَ

“And when he goes away, he strives throughout the land to cause corruption therein and destroy crops and animals. And Allah does not like corruption.” [Al-Baqara: 205]

So, to judge a deed as righteous or corrupt, we must have a criterion. This criterion must be a Shari' and not a rational one; for if it were rational, every person would claim that what he is doing is righteousness and otherwise it is corruption, as the people of Pharaoh said:

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...أَتَذَرُ مُوسَى وَقَوْمَهُ لِيُفْسِدُوا فِي الْأَرْضِ وَيَذَرَكَ وَآلِهَتِكَ

“Will you leave Moses and his people to cause corruption in the land and abandon you and your gods?” [Al-A'raf: 127].

These eminent among the people of Pharaoh judged Moses and his people as corrupters and they argued that Pharaoh is the amender ... This ruling is based only on whims and interests, which makes it a wrong and corrupt judgment.

Resorting to the mind to judge acts with righteousness or corruption will not lead to the correct result or to the right judgment. The law set by the mind describes all that is outside it or call for other than it as corrupt and corrupter: thus, a Capitalist according to the socialists is corrupt and a Muslim according to the capitalists is corrupt... based on the concepts that emerged from these beliefs and differed according to the ideology.

وَإِذَا قِيلَ لَهُمْ لَا تُفْسِدُوا فِي الْأَرْضِ قَالُوا إِنَّمَا نَحْنُ مُصْلِحُونَ * أَلَا إِنَّهُمْ هُمُ الْمُفْسِدُونَ وَلَكِن لَّا يَشْعُرُونَ

“And when it is said to them: ‘Create not disorder on the earth,’ they say: ‘We are only promoters of peace.’ Beware! it is surely they who create disorder, but they do not perceive it.” [Al-Baqara: 11-12]

- Political corruption (corruption in taking care of people's affairs) generally is the corruption of the system that runs life's affairs which will not be upright unless it is ruled by the system of its Creator:

وَمَنْ أَعْرَضَ عَن ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكاً وَنَحْشُرُهُ يَوْمَ الْقِيَامَةِ أَعْمَى

“And whoever turns away from My remembrance - indeed, he will have a depressed life.” [Ta-Ha: 124]

Corruption is the abandonment of Allah's law and the adoption of a law other than the Sharia law. Therefore, the Messenger of Allah (saw) was keen to establish the rule of Allah on earth, so he (saw) spread the message, delivered the trust and laid the foundations of a state that protects Alkhair (the goodness) and fights its enemies and stay up for its survival by accounting and preventing every corruption in the State and outside it.

So, how the state of the Khilafah (Caliphate) fought corruption and its people?

- Through Jihad, the Khilafah has spread Allah's law... and through Jihad, the goodness and righteousness prevailed... and by it, people were brought out from the darkness to the light and it called them to worship the Lord of the people and leave whatever beyond it of corruption... It did not compel people to enter Islam, but worked to make the world governed by nothing but this goodness and to apply to the people its rules and the justice and mercy they contain!

At the external level, the Khilafah State has spread Alkhair (al-Islam) throughout the world, so its area has expanded ... and it has prevented corruption (the laws that man has established) thus, reduced it and worked to eliminate it. While internally, the Khilafah has fought corruption and the corruptors, and prevented oppression and the oppressors, and has not allow any one to rule over Muslims unless the Ummah chooses him, thus, the authority belongs the Ummah and it alone has the right to appoint the whom it deems fit to apply the law of Allah.

No one is compelled to be a Khaleefah for the Ummah and it is not allowed to compel anyone to choose who to become the Khaleefah, this is because “The Khilafah is a contract of choice and consent” (Article 25 of the Draft Constitution of the Khilafah State prepared by Hizb ut Tahrir).

Every Muslim has the right to elect the Khaleefah and pledge allegiance (Bayah) to him. Khilafah is contracted to an individual by the pledge of those selected by the Ummah to represent it in giving the pledge, whereas, the pledge of the remainder of the people is a pledge upon obedience and not a pledge of contracting “anyone who is seen to have the potential of rebellion is forced to give the pledge” (Article 27 of the Draft Constitution).

- If a person takes over the Khilafah without the allegiance of the Ummah then he has become a usurper of its right and authority and has stepped the first step in the path of corruption, and the Ummah must stand before him, deter him and restore the authority and elect the one who it deems competent for it, “No one can be Khalifah unless the Muslims appoint him, and no one possesses the mandatory powers of the leadership of the State unless the contract with him has been concluded according to the Shari'ah, like any contract in Islam.” (Article 28 of the Draft Constitution).

- Accounting the Khaleefah is an Obligation upon the Ummah; “Accounting of the rulers by Muslims is one of their rights and an obligation of sufficiency upon them.

The non-Muslim subjects have the right to voice complaint regarding the ruler's injustice towards them or misapplication of the rules of Islam upon them”. (Article 20 of the Draft Constitution of the Khilafah State prepared by Hizb ut Tahrir). The Prophet (saw) said:

أَلَا مَنْ ظَلَمَ مُعَاهِداً، أَوْ انْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئاً بغير طيب نَفْسٍ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ

“Beware, if anyone wrongs a contracting man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment.” (Narrated by Abu Dawood). Accordingly, misapplication of the Shari'ah rules is considered an act of injustice, and the complaint regarding it is a right for the Muslim and Dhimmi, since the Messenger (saw) says:

“By Allah if Fatimah the daughter of Muhammad was to have stolen I would have cut off her hand.”

Manifesting a pure and clear thought which he (saw) pursued so he was guided and by it he guided those who believed in Allah as their Lord and Mohammed as a Prophet and a Messenger. The Sahabah and the Tab'ieen followed him in that and they pursued his path. Thus, Omar (r.a) carried out the Shari'i punishment for drinking (intoxicants) upon his son because he knew that he consumed some type of a drink that causes intoxication.

- Omar bin al-Khattab (may Allah be pleased with him) said:

أرأيتم إن استعملت عليكم خير ما أعلم ثم أمرته بالعدل فيكم، أكنت قضيت ما علي؟ قالوا: نعم، قال: لا، حتى أنظر في عمله أعمل بما أمرته أم لا

“Do you think if I appointed over you the best whom I know, and then commanded him to be just, that have I completed what was upon me?” They replied, yes.

He said, “No, until I looked into his actions – did he act according to what I commanded him to or not”. Although monitoring of the Muslim individual begins with self-monitoring practiced by the Muslim himself, man however, is prone to error and a few people who can move away from the slippage.

Therefore, an individual needs to be monitored, and Allah has made the responsibility of monitoring a collective responsibility of the state and the entire Muslim community. “It is imperative that the Khalifah scrutinises the actions of the delegated assistants (Tafwid) and their management of the affairs, in order to confirm what was right, and to correct any errors, since the management of the affairs of the Ummah has been delegated to the Khalifah and is decided by his Ijtihad” (Article 46 of the Draft Constitution of the Khilafah State). “The Khalifah must examine the actions of the governors and continually assess their performance strictly. He must deputise people to monitor their situations, investigate them, and periodically gather all or some of them, and listen to the complaints of the subjects regarding them” (Article 60 of the Draft Constitution of the Khilafah State). The predecessors (Salaf) of the Ummah have followed this approach in order to uproot corruption from the Islamic community and eliminate its manifestations.

Therefore, the problem is not the presence of corrupt people in the state, but rather the problem is turning a blind eye to corruption and not punishing the corrupt people, the corrupters. There is a vast gap between a just ruler who fights corruption and asks Allah (swt) to grant him success in order to apply His rulings, and a corrupt ruler who evades and disobeys, rather, he bargains with the people of corruption and deals with them, and thus he betrays Allah and His Messenger and the believers, and will receive from Allah what he

“I hope that I meet my Lord and none of you are seeking (recompense from) me for an injustice.” (reported by Al-Tirmidhi who said the narration is Hasan Sahih).

مَنْ أَخَذَتْ لَهُ مَالًا فَهَذَا مَالِي فَلْيَأْخُذْ مِنْهُ، وَمَنْ جَلَدَتْ لَهُ ظَهْرًا فَهَذَا ظَهْرِي...
فَلْيَقْتَصِرْ مِنْهُ

“...Whosoever property I have taken from, here is my property; let him take from it, and whosoever back I have lashed, here is my back; let him lash it.” Thus, to achieve Allah’s rule and justice on earth it is necessary for the Ummah - after giving its allegiance to the Khaleefah to whom it pleases to rule them by what Allah has revealed - to hold him accountable and raise his matter to Court of Injustices (Madhalim) (through the Ummah Council) if he refuses to refrain from his corruption and the court has the right to dismiss him.

- The friend and the companion of the Messenger of Allah (saw), Abu Bakr al-Siddiq said when he took over the Khilafah of Muslims:

إن أحسنت فأعينوني، وإن أسأت فقوموني، الصدق أمانة، والكذب خيانة،
والضعيف فيكم قوي عندي حتى أريح عليه حقه إن شاء الله، والقوي فيكم
ضعيف حتى أخذ الحق منه إن شاء الله

“I have been given the authority over you, and I am not the best of you. If I do well, help me; and if I do wrong, set me right. Sincere regard for truth is Amanah (trust) and disregard for truth is treachery. The weak amongst you shall be strong with me until I have secured his rights, if Allah will; and the strong amongst you shall be weak with me until I have wrested from him the rights of others, if Allah will.”

Thus, the companion of the Messenger of Allah understood the message and on the guidance of his Prophet (saw), he fulfilled the trust, and asked people’s advice and help, and on his path the Sahabah (the companions) and the Tab’ieen (the followers) marched, so they ruled and upheld justice and spread Allah’s mercy and guidance.

- The message of Islam is legitimate provisions (Ahkam Shariah) implemented on earth for the happiness of humanity, and these orders are only accomplished with a Khaleefah. His presence is imperative to attain righteousness; and if he is absent, corruption prevails ... But this Khaleefah or others who are in charge of the implementation of the Ahkam may make mistakes - for they are human - so Islam put controls so as not to leave room for injustice and the spread of corruption ... In the Seerah (biography) of our beloved Messenger are the best lessons, for he adhered to the law of his Lord and did not deviate from it ... He established the legal punishments (Hudood), without compromising them or discriminate among the subjects ... He swore by Allah saying:

deserves.

- In “democratic governance” corrupt people legitimize their corruption, and within democracy they enact laws that serve their interests and endorse their transgressions. To achieve this, we see them intensify their electoral campaigns, communicate with people and spend money to ensure the highest number of votes, and afterwards, after ruling them with their “democracy” they turn their backs and collect large sums of money to compensate for what they spent multiplied. While we see that under Allah’s law this trust is not given to those who seek it, out of fear that he may divert and deceived about Allah by a deceiver, so he is lost, becomes corrupt and he commits corruption. The Prophet (saw) said:

إِنَّا وَاللَّهِ لَا نُؤَيِّي عَلَى هَذَا الْعَمَلِ أَحَدًا سَأَلَهُ، وَلَا أَحَدًا حَرَصَ عَلَيْهِ

“By Allah we do not appoint someone to this post who seeks it or someone who contends for it”.

The one who seeks the Khilafah post and asks and contends for it he seeks it for his self, and has self-ambitions and personal gains, and whoever is like that he would not seek the interests of others and will not be keen to benefit them. So, when Abu Dhar asked for it, and he is the righteous and trustworthy, saying:

يَا رَسُولَ اللَّهِ أَلَا تَسْتَعْمِلُنِي؟

قَالَ:

فَضْرَبَ بِيَدِهِ عَلَى مَنْكِبِي ثُمَّ قَالَ: يَا أَبَا ذَرٍّ إِنَّكَ ضَعِيفٌ وَإِنَّهَا أَمَانَةٌ وَإِنَّهَا يَوْمَ الْقِيَامَةِ خِزْيٌ وَنَدَامَةٌ إِلَّا مَنْ أَخَذَهَا بِحَقِّهَا وَأَدَّى الَّذِي عَلَيْهِ فِيهَا

“I said: O Messenger of Allah, Why don’t you appoint me (to an official position)? He patted me on the shoulder with his hand and said, “O Abu Dharr, you are a weak man and it is a trust and it will be a cause of disgrace and remorse on the Day of Resurrection except for one who takes it up with a full sense of responsibility and fulfils what is entrusted to him (discharges its obligations efficiently)”

The political corruption that has afflicted the Islamic Ummah and the world in general under this rotten democracy, with its unjust laws, cannot be ended and cannot be eliminated except by the Islamic ruling system, “the Khilafah (Caliphate) on the method of the Prophethood”. It is the only one that will combat corruption, because its laws are enacted according to the orders of Allah (swt), not according to the whims and wishes of the rulers who dug trenches between them and the Ummah, who are not trusted on the Deen of Allah or the people’s life, and who are benefited by the Kaffir in spreading corruption and preventing the Ummah from adhering to Islam and adopting its provisions and living under it.

In order to eliminate corruption ... and to return to the people security, tranquility and prosperity ... it is imperative for Muslims to join the work to resume the Islamic way of life and live under the just provisions of

their Lord, and to strive to eliminate democracy and its corruption and persecution of humanity until Allah’s promise is attained:

وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَى لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ خَوْفِهِمْ أَمْنًا أَمَنَّا يَعْبُدُونَنِي لَا يُشْرِكُونَ بِي شَيْئًا وَمَنْ كَفَرَ بَعْدَ ذَلِكَ فَأُولَئِكَ هُمُ الْفَاسِقُونَ

“Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and that He will surely establish for them [therein] their religion which He has preferred for them and that He will surely substitute for them, after their fear, security, [for] they worship Me, not associating anything with Me. But whoever disbelieves after that - then those are the defiantly disobedient.” [An-Nur: 55].

And the prophecy of the Prophet (saw) is established:

ثُمَّ تَكُونُ مُلْكًا جَبْرِيَّةً فَتَكُونُ مَا شَاءَ اللَّهُ أَنْ تَكُونَ ثُمَّ يَرْفَعُهَا إِذَا شَاءَ أَنْ يَرْفَعَهَا...
ثُمَّ تَكُونُ خِلَافَةً عَلَى مَنَاجِ النُّبُوَّةِ ثُمَّ سَكَتَ

“...then there will a forcible rule, as long as Allah wants, then Allah will remove if He so wants, then there will be a Khilafah on the Method of Prophethood, and then he (saw) was silent”. (Narrated by Ahmad).

Written for the Central Media Office of Hizb ut Tahrir by

Zainah As-Saamit

The Punishment System of Islam

It is the blessing of Allah (swt) that He (swt) sent his Prophet with the Deen of Truth (Islam) and blessed us with the Khilafah (Caliphate) through which the Muslim Ummah undertook the duty of spreading the message of Islam to humanity. Islam is not just a religion, rather, it is a complete system that governs all aspects of our lives - whether they are morals or acts of worship, or they are political, economic and societal matters, or whether such matters are related to foreign policy or education system - Islam has ahkaam (orders and prohibitions) which provide us complete and comprehensive guidance on all matters. Allah (swt) said,

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيِّمًا عَلَيْهِ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا

“And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law and a method.” (TMQ 5:48) Thus, the Shari’ah (legislation) which was revealed to our Prophet (saw) in the form of Qur’an and Sunnah contains detailed ahkaam related to judiciary, crimes, testimonies, evidences and punishments which are implemented by the Islamic State.

For 1300 years, the Khilafah had been providing justice to its citizens by implementing such rules. The Indian Sub-continent was also governed by such Islamic laws until the British came and repealed them. Since then, disputes between people are being judged according to Kufr (un-Islamic) laws. After getting independence from the British colonialists, Muslims should have implemented Islamic laws relating to punishments. Instead, Pakistan’s political leadership submitted to intellectual authority of the West and adopted British laws with slight changes, thus neglecting the command of Allah (swt),

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ

“And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient.” [TMQ 5:47] The increasing rate of crimes today in Pakistan is due to non-implementation of the judicial and punishment system of Islam.

To pacify the emotions of Muslims, few Islamic punishments were implemented and that too was with lack of sincerity as evident from their improper execution whereas the judicial structure, rules of testimonies and evidences and identification of crimes were all based on Kufr thoughts. Thus, the so-called notion of “Islamization”

did not leave a significant impact on the lives of Muslims.

Decades of continuous implementation of Kufr laws have blurred the image of the judicial and punishment system of Islam in the minds of Muslims today. Moreover, the influence of Western culture due to its propagation by the colonialists has seduced the Muslim mind to the point where it has started to question some of the Islamic laws. The objective of this article is to provide a glimpse of the punishment system of Islam. May Allah (swt) guide the Muslims towards implementing the Shari’ah of Muhammad (saw) comprehensively through the re-establishment of the Khilafah and may He (swt) bless us with the Islamic society where crimes become negligible to the extent that they are rarely heard of.

Types of punishments (Uqoobah)

The punishments in Shari’ah are of four types:

1. Hudood (determined punishments)
2. Jinayaat (punishments for crimes)
3. Ta’zeer (discretionary punishments)
4. Mukhalafaat (punishments for violations)

The definition of crime in Shari’ah

Before getting into the details of each type of punishment, it is essential to understand the meaning of crimes which the Shari’ah has given. Shari’ah rules related to the actions of man are five; the fard (obligatory), the mandoub (recommended), the mubah (permissible), the haram (forbidden) and the makrooh (disliked). The fard is a decisive obligation leaving which is a sin; the mandoub is an indecisive command which is rewarding but does not lead to sin if neglected; the mubah neither leads to any reward due to its fulfillment nor any sin due to negligence; the haram is a decisive obligation to leave (the action) and leads to sin if perpetrated; and the makrooh is an address to leave (the action) indecisively but does not lead to sin if perpetrated.

The actions over which punishments are prescribed are neglecting the fard, perpetrating the haram, and violating the decisive orders of the Islamic State. The offence (crime) is an ugly (qabeeh) action which the Shari’ah has made repugnant; that is, either that the action falls under haraam (forbidden) or the Shari’ah specifies a punishment for it. Therefore, actions are not considered crimes if the Shari’ah does not make them repugnant. Similarly, there are generally no punishments over makrooh and mubah actions. However, Shari’ah has given the right to Khaleefah (Caliph) to ordain punishments for certain violations which fall under

mukhaalafaat such as violations relating to administration of the Islamic State, construction of buildings and traffic rules etc. Moreover, there is no punishment for neglecting mandoub or undertaking a makrooh action because Allah (swt) only punishes upon violating the decisive request to take (the action) and upon violating the decisive request to leave (the action).

Therefore, all such actions are included in crimes whether those are decisive commands or those which are adopted by the Khaleefah based on ijtihaad and these are punishable under the punishment system of Islam.

Why are the punishments legislated?

Carrying out an offence does not exist in the innate nature of man. It is also not a disease by which man is inflicted. It is rather a violation of the system that organizes man's actions.

Allah (swt) created man and created in him instincts and organic needs. These instincts and organic needs are the vital energy in man that drives him to satisfy them. So he carries out actions for the sake of their satisfaction. Leaving the satisfaction of these instincts and organic needs without a system causes anarchy and disorder. Therefore, in order to organize man's actions, Allah (swt) revealed ahkaam al-shari'ah (Islamic rules) which provide us with detailed guidance regarding our actions. He (swt) legislated the halal (permitted) and the haram (forbidden). He (swt) addressed the man to undertake actions which are fard and refrain from those which are haraam. Thus, the one who either neglects a fard or undertakes haraam commits a qabeeh (offence) action for which he is punishable.

In the absence of punishments, a society cannot be curbed from evils as Allah (swt) said, (وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ) "And there is (saving of) life for you in retaliation." (TMQ 2:179). Allah (swt) described (carrying out) Qisaas (retaliation) as something which saves lives in the society. This is not by saving the life of the one who was punished, for in the retaliation (punishment) is his death and not his life, rather, the life of the one who witnessed the occurrence of retaliation in the society. A sensible person knows that he will be killed if he kills another. Therefore, it deters him from committing the offence of killing and thus protects the society.

Furthermore, punishment, carried out by the State, in the Dunya (World) over a specific sin removes the punishment of the Aakhirah (Hereafter) as the person on whom punishment is inflicted asks Allah (swt) for forgiveness. Prophet (saw) said,

وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا، فَعُوقِبَ فِي الدُّنْيَا، فَهُوَ كَفَّارَةٌ لَهُ. وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا، ثُمَّ سَتَرَهُ اللَّهُ، فَهُوَ إِلَى اللَّهِ، إِنْ شَاءَ عَفَا عَنْهُ، وَإِنْ شَاءَ عَاقَبَهُ

"Whoever commits something of such sins and receives the legal punishment for it, that will be considered as the expiation for that sin, and whoever commits something of

such sins and Allah screens him, it is up to Allah whether to excuse or punish him." And Allah (swt) said,

قُلْ يَا عِبَادِيَ الَّذِينَ أَسْرَفُوا عَلَىٰ أَنفُسِهِمْ لَا تَقْنَطُوا مِنْ رَحْمَةِ اللَّهِ إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعًا إِنَّهُ هُوَ الْعَفُورُ الرَّحِيمُ

"Say, 'O My servants who have transgressed against themselves [by sinning], do not despair of the mercy of Allah. Indeed, Allah forgives all sins. Indeed, it is He who is the Forgiving, the Merciful.'" [TMQ 39:53]

Throughout the Islamic history, especially the period of the Islamic State of Medina, we find that those who committed zina (adultery) willingly presented themselves before our Prophet (saw) and after due process, he (saw) would declare hadd (punishment) on them. Thus, to please their Lord (swt) and earn His mercy, such people surrendered themselves so that they are saved from the Hellfire at the cost of worldly punishment.

Thus, we can derive two wisdoms or benefits from punishments in general. Firstly, the punishments are deterrents as they deter the people from committing crimes. Therefore, life, property and honor are protected as the society is deterred from crimes by strict implementation of punishments in a way that no one even thinks about committing any offence. Secondly punishments also eliminate the punishment of the Aakhirah as the person asks Allah (swt) for forgiveness as explained above.

Who has the authority to implement Uqooabaat (punishments)?

The authority to implement shar'i punishments rests with the Khaleefah (or Imam) who executes such punishments through the writ of the State. No person or organization has the right or obligation to implement punishments on the people. This is because the Khaleefah gets this authority from the Ummah through bay'ah (pledge of allegiance) and the Ummah gives him bay'ah on the condition that he will implement Islamic laws in the State. In contrast, groups or organizations neither have bay'ah from the Ummah for ruling them, nor they are regarded as "Ulil Amr" (i.e., those having authority).

Thus, the Khaleefah manages the affairs of the people; he adopts Shari'ah as laws for implementation in the Islamic State; and he punishes those who violate such laws.

Prophet (saw) said, «الإمام راعٍ ومسؤولٌ عن رعيته» "Imam (or Khaleefah) is a shepherd (responsible) for the people on whom he is given authority."

Types of Islamic punishments and their brief description

The Punishments in Shari'ah are divided into four types, details of which are following:

1. Hudood

The Shari'ah has described Hudood as determined punishments for those crimes (haraam actions). The retribution of which is the right of Allah (swt) and not the humans or the State. Thus, such punishments are explicitly mentioned in the text and neither the ruler nor the one oppressed have the right to reduce or waive such punishments on behalf of Allah (swt). They are called Hudood, because they generally prevent the sinner from returning to the sin for which he was punished with the hadd. For instance, Allah (swt) ordered,

الرَّائِيَةَ وَالزَّانِيَ فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ

“(If unmarried) woman or (unmarried) man is found guilty of sexual intercourse, strike each of them a hundred lashes, and let not pity for them overcome you in Allah’s law” (TMQ 24:2) and

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ

“[As for] the thief, the male and the female, amputate their hands in recompense for what they committed, as a deterrent [punishment] from Allah” (TMQ 5:38).

Therefore, hudood are determined punishments decreed by Allah (swt) which are implemented by the authority of the Islamic State.

In this regard, there is a renowned hadith of Rasulullah (saw)

وَالَّذِي نَفْسِي بِيَدِهِ لَوْ كَانَتْ فَاطِمَةُ بِنْتُ مُحَمَّدٍ، لَقَطَعْتُ يَدَهَا

“By Him in Whose Hand my soul is! If Fatima (the daughter of the Prophet ﷺ) did that (i.e. stole), I would cut off her hand.” (Sahih Bukhari 6787).

Thus, in the light of various authentic reports, it is certain that no one has the authority to forgive the person who is charged with the crime obligating hadd. This is also because Allah (swt) did not mention about any kaffara (expiation) for such crimes. However, if the person who has committed the sin sincerely repents and is punished with the hadd as obligated, only then he is forgiven in the hereafter.

Allah (swt) informed us,

قُلْ يَا عِبَادِيَ الَّذِينَ أَسْرَفُوا عَلَىٰ أَنفُسِهِمْ لَا تَقْنَطُوا مِن رَّحْمَةِ اللَّهِ إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعًا إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ

“Say, ‘O My servants who have transgressed against themselves [by sinning], do not despair of the mercy of Allah. Indeed, Allah forgives all sins. Indeed, it is He who is the Forgiving, the Merciful.’” [TMQ 39:53]

Therefore, crimes, such as sariqa (theft), zina (adultery), liwat (homosexual intercourse), drinking khimr (alcohol), irtidaad (apostasy), qadhif (accusation of adultery), qutaa’ al-turooq (highway robbery) and rebellion fall under

hudood which are implemented by the Islamic State and for which there is no kaffara (expiation) in this world.

2. Jinayaat

As for jinayaat (criminal offences), the Shari'ah has included some punishments in this category. These punishments are inflicted for those crimes (haraam actions), the retribution of which is the right of humans. Thus, the person whose right is impaired as a result of a crime is empowered by the Shari'ah to either retaliate by demanding punishment or forgive the criminal according to Islamic rules. Killing an innocent human or bodily assaults are Jinayaat punishable according to Shari'ah. Allah (swt) ordered,

كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى الْقَتْلَى بِالْحَرْ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَى بِالْأُنثَى

“Prescribed for you is legal retribution for those murdered - the free (will be killed) for the free, the slave for the slave, and the female for the female.” (TMQ 2:178).

However, if the legal heirs of the aggrieved person want to forgive the guilty, then they are allowed to do so by insisting on diyyah (blood money) from the person guilty of crime as Allah (swt) informed,

فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءً فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ

“But whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him with good conduct.” (TMQ 2:178).

Rasulullah (saw) said,

مَنْ قُتِلَ لَهُ قَتِيلٌ فَهُوَ بِخَيْرِ النَّظَرَيْنِ إِمَّا أَنْ يَقْتُلَ وَإِمَّا أَنْ يَفْدَىٰ

“If a person’s relative is killed, he has the choice of two things: He may either have the killer killed, or he may demand the blood money.” (Sunan Ibn Majah 2624).

Examples of crimes obligating such punishments and/or blood, money include premeditated killings, mistaken killings, bodily assaults etc.

3. Ta'zeer

Ta'zeer is a discretionary punishment inflicted over the person as the result of a sin for which there is no hadd (determined punishment) in Qur'an and Sunnah. If a criminal is punished for a crime obligating hadd or jinayaat, then a specified punishment is given to him and he is not charged with any ta'zeer. However, if the Qur'an and Sunnah do not explicitly mention punishment for a crime, then such offences are punished with ta'zeer. Therefore, ta'zeer is the punishment of those sins for which there is neither any hadd nor kaffara. For instance, Shari'ah has designated a specific punishment for bodily assaults; therefore, such crime will not lead to hukm of ta'zeer. Moreover, the Qadhi (judge) implements the hukm of ta'zeer according to the nature of crime based on his ijtihaad (understanding the reality and extraction

of hukm shar'i accordingly from shari'ah evidences). However, Qadhi or Khaleefah cannot adopt whatever punishment he desires because Shari'ah has made certain punishments impermissible, such as punishing with burning through fire etc. However, certain portion of hudood or jinayaat can be prescribed as ta'zeer.

Ta'zeer is different from other punishments because the person charged with ta'zeer can be pardoned by the State or his term can be reduced whereas in case of hudood or jinayaat, there is no pardoning by the State. Because hudood and jinayaat are inflicted due to violating the right of Allah (swt) and human beings respectively, the State or Qadhi cannot pardon the criminal on behalf of Allah (swt) and humans. Therefore, the crimes obligating hudood and jinayaat are punishable without any recourse. However, in case of crimes entailing ta'zeer, such as accusing the Khaleefah of wrong doing etc, the State can reduce and even pardon the criminal.

The hukm of ta'zeer is identified through Qiyaas (process of deductive analogy) according to the nature of the crime. The address of the Legislator (swt) gives the qareena (indication) about the intensity of the qabeeh action according to which punishment is deduced.

Moreover, the adoption and implementation of such punishments require thorough understanding of the reality and are based on 'illah (legislative reason) associated with "deterrence (from haraam)" as Allah (swt) revealed, (وَلَكُمْ فِي الْقِصَاصِ حَيَوةٌ) "And there is (saving of) life for you in retaliation." (TMQ 2:179). Few examples of ta'zeer are as under:

1. If a person attempted to rape but, as a result of some barrier, did not reach the limit of intercourse as required for hadd, he would be punished with ta'zeer of three years prison along with reduced number of lashes and exiled. This is because he would have done a haraam action obligating hadd had there been no barrier, and since the qabeeh action did not reach the level of had, the criminal is charged with ta'zeer.
2. Selling of obscene literature, video, audio and related services are punishable with six months prison.
3. If a person consumes intoxicant other than alcohol, such as hash or drugs, then he is punishable with lashes and five years prison along with fine.
4. If a person, having proper knowledge of the fact, buys any property or article which is usurped or stolen, then he is punishable with imprisonment for a period ranging from three months to two years along with the obligation to compensate the aggrieved.
5. If a person, with the intent to conspire against the unity of the Islamic State, promotes asbiy'yah (nationalism), then he is punishable with imprisonment according to intensity of the crime for a period ranging from five to fifty years.

4. Mukhalafaat

The Shari'ah has designated those punishments as Mukhalafah which are inflicted due to violating the hukm (order) of Imam (Khaleefah). Because the Shari'ah has allowed the Khaleefah to adopt laws for mubah (permissible) matters, such as traffic rules which fall under State administration, based on consultation with experts or the Ummah council, it is imperative that violation of such laws is also penalized. As such, violation of an administrative law is disobedience to Imam. Similarly, disobedience to mu'awineen (assistants of the Khaleefah) is also disobedience to Khaleefah because the Khaleefah charged them with the orders for implementation of Islamic laws. Allah (swt) made obedience to Khaleefah obligatory as He (swt) ordered,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ

"O you who have believed, obey Allah and obey the Messenger and those in authority among you." (TMQ 4:59), meaning listen and obey those who are granted authority by the Ummah.

Further, obedience to an Ameer who is duly appointed by the Khaleefah is also obligatory on Muslims, as Rasulullah (saw) ﷺ informed,

من أطاعني فقد أطاع الله، ومن يعصني فقد عصى الله، ومن يطع الأمير فقد أطاعني، ومن يعص الأمير فقد عصاني

"Whosoever obeys me, obeys Allah; and he who disobeys me, disobeys Allah; and whosoever obeys the Ameer (leader), in fact, obeys me; and he who disobeys the Ameer, in fact, disobeys me." (Bukhari / Muslim). However, such obedience is only in ma'roof (good) and not in munkar (evil) as He (saw) said, «إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ» "Obedience is required only in what is good." (Sahih al-Bukhari 7145).

It is evident that abiding by the orders of the Imam is conditional upon implementation of Islamic laws by him and not in case of Kufr laws. Thus, disobeying the orders of the Khaleefah is an offense (violation) which entails punishment according to the judgment of the Qadhi of the Islamic State. Some Fuqahaa' (Islamic jurists) have included such punishments in ta'zeer and not as a separate category. However, the classification distinguishing ta'zeer and mukhalafaah is more sound: the former are inflicted due to violating the commands of Allah (swt) directly whereas the latter result from violating the orders of the Khaleefah.

It is essential to understand that orders issued by the Khaleefah are solely the adoption of akhaam and not the legislation of such akhaam on his own because it is haraam for the Khaleefah to adopt anything but Shari'ah. As for the mubah matters, such as security measures for bait ul-maal (State treasury), construction of cities and planning of army troops etc., these are left for the Khaleefah to decide based on consultation. This is

deduced from an understanding of the hadith,

«أَنْتُمْ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ» “You have better knowledge (of a technical skill) in the affairs of the world.” (Sahih Muslim 6128).

It means mubah matters which require knowledge and skill of (worldly) things can be dealt with human's own conscience and experience of the reality as they

progress. Similarly, Khaleefah can adopt laws to address such issues which fall under administration and he can also fix punishments for violation of his administrative orders.

Written for the Central Media Office of Hizb ut Tahrir
by

Muhammad Sadiq Amin

How will the Khilafah Prevent Political Oppression?

Democracy, freedom of opinion and the right to elect and hold the ruler accountable, are slogans that are raised under the existing man-made regimes in the world today, however, the falsity of these slogans is soon revealed when an individual or a group criticizes these regimes and their corruption, or demands a right that they have lost or duties that they failed to fulfil for their people. The prisons of Russia, the heir to the Soviet Union, which celebrates the day of the victims of political persecution on 3/10 each year, commemorating the hunger strike which took place on 30/10/1974 CE and started by prisoners in the camps of Mardovia and Perm, where the political prisoners declared a hunger strike in protest against political persecution which was exercised by the Soviet Union, these prisons are a witness to it, and the prisons of the criminal regimes in the Islamic world, and their executioners in Egypt, Syria, Libya, Uzbekistan and other Muslim countries also attest to this.

And because the Khilafah (Caliphate) is a system from the Wise who is Acquainted with all things, and because it is the authentic solution and not an alternative to these man-made regimes, we will present in this article broad lines that prevent the repression and political persecution that we are witnessing today:

1- The Khilafah state is not a police state that tightens its grip on the people and monitors their movements, and set up cameras to monitor them in public and sometimes even private places. Or monitors their phones or accounts on electronic sites, arresting them and torturing them because of a tweet or publication on these websites, or hiding them behind the sun “because of their political affiliations” as do the regimes in the Islamic world today. Islam has forbidden to spy on Muslims by the text of the Ayah (وَلَا تَجَسَّسُوا) “And do not spy” [Al-Hujurat: 12]. This is general prohibition of spying and it has to continue as general unless there is specific evidence. This is confirmed by the narration reported by Ahmad and Abu Dawud with a chain from Al-Miqdad and Abu Umamah when they said:

«إِنَّ الْأَمِيرَ إِذَا ابْتَغَى الرِّيْبَةَ مِنَ النَّاسِ أَفْسَدَهُمْ»

make imputations against the people, he corrupts them.”

Therefore, spying on a Muslim is prohibited. This rule also applies on the people of Dhimmah from the citizens of the State. Thus, spying is prohibited upon the citizens, Muslims and non-Muslims.

Islam also forbade the ruler to torture and harm people. Muslim narrated in his Sahih from Hisham ibn Hakim ibn Hizam, He said: I heard the Messenger of Allah (saw), he says: «إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذِّبُونَ النَّاسَ فِي الدُّنْيَا» “Allah would torture those who torture people in this world”.

The Messenger of Allah (saw) also said:

صِنْفَانِ مِنْ أَهْلِ النَّارِ لَمْ أَرَهُمَا، قَوْمٌ مَعَهُمْ سِيَاطٌ كَأَذْنَابِ الْبَقَرِ يَضْرِبُونَ بِهَا النَّاسَ...

“There are two types of the people of Hell (Fire) that I have not seen yet: men with whips like the tails of cattle, with which they strike the people...” (Narrated by Muslim). Islam has also forbidden to attack the sanctity of Muslims, their dignity, and their properties and to violate their homes, the Messenger of Allah (saw) said:

كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ دَمُهُ وَمَالُهُ وَعَرْضُهُ

“It is prohibited for the Muslim to violate a Muslim over his blood, and his money, and his honor”.

2- Under the Khilafah, people have the right to speak and express their opinion, and to hold the rulers accountable and change them if they deny the rights of the citizens, fail to fulfill their duties towards them, neglect their affairs, violate the rulings of Islam or judge by other than what Allah has revealed. People have the right to do that whether individually or collectively through the Ummah Council or the existing parties in the State. Allah Almighty has made enjoining what is right (Ma'ruf) and forbidding what is wrong (Munkar) obligatory upon Muslims, He (swt) says:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ

“[And they are] those who, if We give them authority in

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the land, establish prayer and give zakah and enjoin what is right and forbid what is wrong.” [Al-Hajj: 41].

And there have been Ahadith that mention the accountability of the ruler in particular. Muslim narrated in his Saheeh from Umm Salamah (ra) that the Messenger of Allah (saw) said:

سَتَكُونُ أَمْرَاءَ فَتَعْرِفُونَ وَتُنْكِرُونَ، فَمَنْ عَرَفَ بَرِيءًا، وَمَنْ أَنْكَرَ سَلِيمًا، وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ « قَالُوا: أَفَلَا نُقَاتِلُهُمْ؟ قَالَ: «لَا، مَا صَلَّوْا

“There will be Amirs (rulers) and you will like their good deeds and dislike their bad deeds. One who sees through their deeds (and tries to prevent their repetition), is absolved from blame, and one who hates their bad deeds (in their hearts, being unable to prevent their recurrence), is (also) safe. But one who approves of their bad deeds and imitates them is spiritually ruined”. They asked: “Shouldn’t we fight against them?” He replied: “No, as long as they still pray” and prayer here is a metaphor for ruling by Islam.

The Prophet (saw), urged to fight the unjust rulers, regardless of the harm that may take place in the cause of doing so, even if it leads to murder, where he (saw) said:

سَيِّدُ الشُّهَدَاءِ حَمَزَةُ بْنُ عَبْدِ الْمُطَّلِبِ وَرَجُلٌ قَامَ إِلَى إِمَامٍ جَانِبِ قَامَرَهُ وَنَهَاهُ فَقَتَلَهُ
“The master of the Martyrs is Hamzah bin Abdul Muttalib, and a man who stood to an oppressor ruler where he ordered him and forbade him and so he (the ruler) killed him.”

This is one of the most eloquent wordings in expressing the Truth and to endure the harm to death in order to hold accountable the rulers and struggle against the oppressive rulers.

There are many evidences in the history of Muslims about Muslims accounting the rulers and demanding their rights without being denied by anyone. They held Omar ibn al-Khattab accountable, while on the pulpit, over the division of the Yemeni garments. Likewise, Bilal and Az-Zubayr among others, objected and disputed with him because he did not split the land of Sawad in Iraq after its opening; he discussed and consulted the companions until he persuaded them of his opinion. As well as Ali (ra) denied Othman (ra), who was the Commander of the believers, his opinion in the completion of Hajj and Umrah.

3- Under the Khilafah, the Ummah Council will be representative of the people and their concerns truly and not in a fictitious manner. It will represent them in expressing the opinion on their behalf, raising their complaints, and holding the Khalifa and those in power accountable. Muslims and non-Muslims, men and women, are entitled to be members of this Council, where Article 107 of the Draft Constitution prepared by Hizb ut Tahrir states:

“Every citizen who is adult and sane, has the right to be a member of the Ummah Council or the Provincial Council, whether they are male, female, Muslim or non-Muslim; the non-Muslim member is restricted to raising complaints regarding the oppression of the rulers or the misapplication of the laws of Islam.”

4- Under the Khilafah, the judiciary will not be a tool for oppressing and suppressing people, preventing them from exercising their natural right to account and expressing opinions, fabricating the charges against them because of their political affiliation and issuing unjust sentences against them, as happened in the cold blooded execution of nine youths from Egypt on Wednesday morning, 20 February 2019, based on confessions extracted under electric torture. Instead, the courts would be a beacon of the truth, justice and returning rights to their owners. There will not be immunity to the ruler or any employee in the state. There will be a specialized court to hear cases against the Khalifah or the people in authority, namely, the Court of Mazalim (Unjust Acts). Where, the Judiciary of Mazalim is responsible “for delivering of the divine rule by way of compulsion in regarding any dispute there may be between the citizens and the Khalifah or any of his Walis or employees, or any difference between the Muslims about the interpretation of any of the Shariah texts to be used in order to judge by them and to rule according to them.” (The Institutions of State in the Khilafah in Ruling and Administration).

In the history of Muslims, the Khalifah of Muslims sat with one of his subjects before the judiciary and the judge gave verdict for the opponent and condemned the Khalifah. The story of Omar ibn al-Khattab with the man who he wanted to buy the horses from him is well-known, as is the story of the judge who issued his ruling requesting Omar bin Abdul Aziz to withdraw his army from the country they opened because they did not invite its people to Islam before mobilizing the armies, and other stories that can be referred to.

5- Under the Khilafah, the establishment of political parties in the State is not prohibited, provided that they are based on Islam, and the establishment of such parties does not require the authorization of the State. Article 21 of the Draft Constitution prepared by Hizb ut Tahrir states: “The Muslims have the right to establish political parties in order to account the rulers or to reach the rule through the Ummah on the condition that their basis is the Islamic Aqeedah and that the rules they adopt are Shari’ah rules. The formation of a party does not require any permission. Any group formed on an un-Islamic basis is prohibited.” Its evidence is the words of Allah (swt):

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

“And let there be [arising] from you a nation (a band of people) inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful” [Al-i-Imaran:104].

The angle of using this verse as an evidence for the establishment of political parties is that Allah (swt) ordered the Muslims to have a group which carries out the Da'wah to Islam amongst them, and likewise carries out enjoining the Ma'ruf and forbidding the Munkar.

6- Under the Khilafah sovereignty belongs to the Shariah and authority is for the Ummah. The Ummah chooses its ruler and gives him the pledge of allegiance upon the Book of Allah (swt) and the Sunnah His Messenger (saw) to implement the Shariah. The ruler is not imposed on them to implement the will of his masters, as is the case today in the Muslim countries. The Khilafah state has real political will, and exercises politics in its true sense; taking care of the affairs of the people, not dominating over their necks and suppressing and oppressing them. And under the Khilafah, the ruler and the citizens subject to the rulings of Sharia and the obedience of the citizens to the ruler is conditional upon his compliance to the rulings of Sharia:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

“O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.” [An-Nisa: 59]

In conclusion, I would go back to what I started with, recalling that the Khilafah Rashidah on the method of the Prophethood is the authentic solution to the problems of the Ummah, rather, of all humanity. It is a unique distinct system from the Wise One who is Acquainted with all things. Then is it not enough 98 years of injustice, oppression and misery without Khilafah?! Should not we strengthen our determination and hasten to establish it?!

Written for the Central Media Office of Hizb ut Tahrir by

Bara'ah Manasrah

Divorce is Halal Even if it is the Most Hated Halal

Because it is a complete legislation, it has taken care of man and provided him with ways to enable him to satisfy his organic needs and instincts without causing misery for him and other human beings, and created adequate curative solutions to all the problems and difficulties he encounters. This is Islam, the Deen that the Creator approved it for His servants so that they may live in comfort, satisfied and pleasing their Lord. Like other instincts, Islam addressed the procreation instinct and the preservation of the human kind, and indicated the legitimate way to satisfy them, so it recognized marriage to be a sacred relationship between the spouses. A strong bond that unites them, Almighty said:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

“And how could you take it while you have gone in unto each other and they have taken from you a solemn covenant?”. [An-Nisa:21]

This is the bond which everyone who believes in Allah should follow alone and not to follow other solutions that satisfy this instinct. This is why Islam enjoined us to make a good choice and stressed the concern that the good men should be for the good women:

وَالطَّيِّبُونَ لِلطَّيِّبَاتِ

“And men of purity are for women of purity” [An-Noor:26] so that this partnership is strong, durable and lasting throughout their lives.

But, mistakes in choosing can be made, either in choosing a husband or a wife, which spoil the relationship between them and pursuance of the marital life becomes impossible because they are different in their characters, or because of conflict in their interests, or a lack of harmony and love between them. Consequently, this life turns into an intolerable hell, and the inevitable solution imposes itself: divorce! Yes, Islam has legislated divorce and considered it - the most hated halal - but it is a necessary solution in some cases of marriage, in which the agreement is difficult between the two parties, rather, their living together is impossible.

To preserve this cell from other destructive dangers to it and to the whole society, Islam legislated divorce. And in order not to contaminate this relationship, and not to tarnish this deep bond upon the absence of harmony and agreement between the spouses, Islam legislated divorce. Because Allah knows who He created, and He knows what He innately disposed in His creation, He made for the spouses a Halal outlet to untie this bond so that they would not walk in paths that would take them down to desecrate that relationship and anger their Lord.

When Christianity dealt with this issue, it considered it unacceptable and did not allow for spouses to divorce, for it considers it a sacred bond. A man must be associated with one woman for life, and both spouses must be faithful to the sacred marriage vows. So, it principally prohibited divorce as a rule. But it found itself in front of situations where spouses could no longer together, which can push them to find other ways to live by, each meeting their own desires and needs as they want. So, illegitimate relations spread, family ties shaken, and society becomes corrupt. The Church relies on its first reference, the “Holy book”, which states in many places that “any man who divorces his wife, except for sexual immorality, causes her to commit adultery, and whoever marries a divorced woman commits adultery”. However, in view of the difficulties it faced in deciding on troubled marital relations, it was forced to enact legislation and jurisprudence to make divorce acceptable. These included committing adultery by one of the parties, desecration of the sanctity of marriage, the insanity of one of the spouses and emotional trauma that cannot be cured and which pose a danger to the marriage life and later to the children, or if a spouse left the marital home without the permission or knowledge of the other and for a long period of time perhaps three years or more, and also when the marriage of one of the parties to the other was under duress and without his or her consent and satisfaction.

This is the position of the Church, which recognizes marriage as a sacred bond that must endure and not be dismantled. Nevertheless, in the face of the challenges encountered by many families, in which the cohabitation of the spouses was difficult, it has approved many cases of divorce.

Another position is promoted by the advocates of liberties and feminism, calling to live without this bond, so each party is to live as he/she pleases!! A position in which its holders seek to undermine the family and destroy its entity.

The existential writer, Simon de Beauvoir, considers marriage “the eternal imprisonment of a woman that cuts off her hopes and dreams.” She considered the institution of marriage an institution for the oppression of women that should be demolished and abolished. Feminist philosophy also called for “freedom of bonding and freedom of separating at any time between two individuals; be they homo or heterosexuals.” It establishes a life of confusion, futility, lineage mixing, and demolition of families and the entire community.

Islam is Allah’s legislation, which is the best thing to organize human life. Who knows about the creation

except their Creator, and who is better able to run their lives and regulate their actions but Him? He legitimized for them getting married to satisfy their instincts and to procreate and reproduce so their kind continues, and their life continues. And He encouraged them to make good choice to continue this marriage and to live a life of understanding and harmony. But the intimacy of this relationship may be disturbed and the devil (Satan) works to differentiate between the spouses, bragging and happy for achieving it. The Messenger of Allah (saw) said:

إِنَّ إبليس يضع عرشه على الماء ثم يبعث سراياه فأدناهم منه منزلة أعظمهم فتنة يجيء أحدهم فيقول فعلت كذا وكذا فيقول ما صنعت شيئا قال ثم يجيء أحدهم فيقول: ما تركته حتى فرقت بينه وبين امرأته قال فيدنيه منه ويقول: نعم أنت...

“Iblis places his throne upon water; he then sends detachments (for creating dissension); the nearer to him in rank are those who are most notorious in creating dissension. One of them comes and says: “I did so and so.” And he says: “You have done nothing.” Then one amongst them comes and says: “I did not spare so and so until I sowed the seed of discord between a husband and a wife.” The Satan goes near him and says: “You have done well.”

It is the work of the Satan. And although it is the most hated permissible thing to Allah, it remains halal and remains a solution after all attempts fail to resolve disputes and differences and when life between the spouses becomes impossible. So, dissolving the marriage becomes imperative, and it becomes the best solution because the continuity of life between the spouses has become worse and more serious than this dissolution.

Islam came and cleared societies of all impurities, corrupt ideas and erroneous relationships, and concentrated purity and serenity in its ideas and relations, so they became pure and clear. Those are its concepts, treatments and its solution to the spouse’s relationship when it becomes impossible to continue, and divorce was only to settle this issue because the relationship had been devoid of tranquility, compassion and affection and had been replaced by hatred, hate and lack of harmony. Allah (swt) has singled out this issue in a whole Surah, At-Talaq (The Divorce), and also has elaborated it in Surat al-Baqarah. Thus, His rulings regarding it are explained and defined to the people, so that they can lead their lives in accordance with them--as their Lord wants--to preserve the society, which if one of its cells have been infected, it stands firm to the tremors that target it and want to undermine it. Indeed, this great Deen contains solutions by which the society repels harm from its entity and stabilizes its foundations. In Islam, all the goodness, no matter what seems to us of disadvantages and evil in things, for our judgements on them and their consequences are incomplete, for we do not see their secrets and only Allah knows them:

وَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

“But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah Knows, while you know not.” [Al-Baqara: 216]

Divorce, even if there are disadvantages in it, is good, by Allah’s permission, for the spouses, for the children and for the family in general. It is better than their being together - after it has been impossible - for life will turn into hell and it will bring about evil and abuses. The marriage is an intimate and strong bond which Islam has urged to be built on solid firm pillars that make it withstand the difficulties and differences that could be encountered by the spouses, which they treat with the provisions they have adopted and by what the relationship between them is built on, of love in Allah and the work to satisfy Him. This is what Allah has decreed for His servants so that the family can be harmonious and have ties of compassion, love and mercy. The society thus becomes a cohesive society that bonds its members with competition for attaining goodness and seeking the satisfaction of the Lord of the Earth and the Heavens. And if these relations are marred by some disturbance and deficiency, then the solutions are available which are explained by the law of Ar-Rahman.

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Zaina Al-Saamit

The Prophet's (saw) Methodology for Revival

22nd Halaqa: Jihad



In this circle we will talk about JIHAD which is ذروة سنام الإسلام (the hump of Islam) this is metaphorical to the glory of Jihad and its highest status in Islam.

Through Jihad Islam and Muslims get honor, kufr and polytheism get humiliation, and by Jihad the Islamic State gets status, and remains glorious with protection.

Through JIHAD rights are protected and given to their rightful owners, and by it Muslims' honor is protected, their sanctities, their rank, their Lands and households. And by Jihad the entire Islam is protected. And the Islamic State implements Islam on Muslims and carry its message to the whole world through Jihad.

Jihad which when people abandon it become humiliated in front of their enemies. Jihad by which the righteous before us were zealous on it, they fought Jihad truly for the sake of Allah until they were met with certainty (death). They sort for death but were given life, and became successful by the happiness of two abodes "the world and the Hereafter" they became successful with highest ranks in eternal Jannah which Allah has prepared for His believing servants.

And indeed it is very saddening and painful for all Muslims in the East and West, to teach subjects containing vital issues by which Islam and Muslims achieve honor just by way of theory, and their discussion done merely through talks and sermons offered on pulpits, while we are in dire need of seeing them in reality and see them being practically implemented in the lives of Muslims.

By Allah we are tired of humiliation, By Allah we are yearning for the eternal Jannah which Allah has prepared for the MUJAHIDEEN. And so that we get rid of humiliation from ourselves, and succeed in attaining the pleasures of our Lord, it is inevitable to follow the path traced to us by our Messenger and our Prophet the LEADER صلى الله عليه وسلم and work harder and with sincerity, in carrying the Da'wah.

And be patient and hope from Allah His Nusrah and help for this party which believes with certainty and conviction that the Nusrah is only from Allah. This party which does neither tire nor despair, but rather keeps on working and working, and knocking on the closed doors until they are opened by the will of Allah.

We ask Allah (swt) that the time be soon, and by our hands, indeed He listens and He is very close and the accepts of dua.

A poet said:

أخلق بذى الصبر أن يحظى بحاجته

Be of the patient character who waits until his need is met

ومدمن القرع للأبواب أن يلجا

And who persists in knocking on the doors until he enters