

Volume 20, No. 1  February 2023

JOURNAL OF

Islam in Asia

A Refereed International Biannual Arabic – English Journal

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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JOURNAL OF *Islam in Asia*

Volume 20, No. 1 February 2023

ISSN: 1823-0970 E-ISSN: 2289-8077

Journal of Islam in Asia

SPECIAL ISSUE: ISLAMIC CONTEMPORARY RESEARCH

Selected Papers from the International Conference on Islamic
Contemporary Studies and Management 2021 (ICICM2021)

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E-ISSN: 2289-8077

The Essence of Shariah Enforcement and Its Necessity for Human Prosperity: An Analysis of Sayyid Abu ‘Alā Mawdūdī

Hakikat Penguatkuasaan Shariah dan Keperluannya Bagi Kemakmuran Manusia: Analisis Terhadap Abu ‘Alā Mawdūdī

Issah Abeeblahi Obalowu,* Adibah Binti AbdulRahim**

Abstract

This paper aims at analysing the necessity and inevitability of Islamic governance based on Shariah enforcement for the prosperity and wellbeing of mankind. So, the concept of Shariah enforcement, its essential principles, and the current situations of the people regarding the application of Shariah are addressed based on the perspectives of Sayyid Abu ‘Alā Mawdūdī. The major objective of the paper is to demonstrate the value of Islamic law and its capability to solve human problems. It also aims to illustrate the essence of Shariah enforcement and its significance in providing for human needs. Since the paper is theoretical in nature, it is purely based on library research by adopting the qualitative method. The inductive approach is used to explore al-Mawdūdī’s arguments and discourse about the topic, meanwhile, the analytical approach is employed for the explanation of the arguments. The study reveals that the concept of Shariah enforcement is beyond the narrow perception that limits it to the mere enactment and enforcement of the Islamic penal code, but it also entails the total adherence to the rules of Allah in the entire political, social, and economic systems.

Keywords: Shariah, Abū ‘Alā Mawdūdī, Islamic law, Enforcement, Prosperity.

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Abstrak

Kertas kerja ini bertujuan untuk menganalisis keperluan tadbir urus Islam berdasarkan penguatkuasaan Syariah bagi memastikan kemakmuran dan kesejahteraan manusia. Oleh itu, kertas kerja ini akan membincangkan konsep penguatkuasaan Syariah, prinsip-prinsip penting dan situasi semasa rakyat terhadap penerapan Syariah berdasarkan perspektif Sayyid Abu 'Alā Mawdūdī. Objektif utama kertas kerja ini adalah untuk menunjukkan nilai undang-undang Islam dan keupayaannya untuk menyelesaikan masalah manusia. Ia bertujuan untuk menggarap intipati penguatkuasaan Syariah dan kepentingannya terhadap keperluan manusia. Memandangkan kertas kerja ini bersifat teori, ia menggunakan kaedah penyelidikan perpustakaan secara kualitatif. Pendekatan induktif digunakan untuk meneroka hujah dan wacana al-Mawdūdī mengenai topik terbabit, manakala pendekatan analisis digunakan untuk penjelasan hujah-hujah beliau. Kajian itu mendapati bahawa konsep penguatkuasaan Syariah adalah di luar persepsi sempit yang membatasinya kepada enakmen dan penguatkuasaan Kanun Keseksaaan Islam semata-mata, tetapi ia juga melibatkan kepatuhan sepenuhnya kepada peraturan Allah dalam keseluruhan sistem politik, sosial dan ekonomi.

Kata kunci: Syariah, Abū 'Alā Mawdūdī, undang-undang Islam, Penguatkuasaan, Kemakmuran.

Introduction

The significance of Islamic governance for human wellbeing is not recognized by many contemporary Muslims, let alone non-Muslims, since its aspect of capital punishment is always discussed and presented to the masses by anti-Islamic law enforcement. Whereas such capital punishments are found and stipulated in all other social and political systems. It is indisputable that no nation can be harmonious and prosperous without such capital punishments in its system to curb the culprits. Allah that created man and made him His vicegerent on the land is the All-Knower of human nature. So, He sent His messengers to restrain the unavoidable mischief that occurs from them. The mischievous act is a part of human nature, and the angels of Allah knew this fact, hence, when Allah informed them about creating man on the earth, they asked Him for the reason.¹

According to Ibn Khaldūn, since man is social by nature, several kinds of conflicts, transgressions, and social injustices are unavoidable in

¹ Qur'an, al-Baqarah: 30.

their midst, therefore, a strict means of prevention must be adopted to curb all sorts of social atrocities and mayhems, or else, man will not live harmoniously and prosperously.² Moreover, man is most inclined to the wrongdoing except if he/she is afraid of the punishment. Qur'an says while reporting the statement of Prophet Yusuf (Joseph): "I do not claim innocence for my soul, for surely the human soul always enjoins evil."³ Therefore, the penal code that is found in the Islamic system, as it is found in all other systems, is a requirement and necessity for harmony in society. Though, the Islamic penal code supersedes all others in terms of benefit, justice, and effectiveness, since it is a divine law that comes from the One Who created mankind and knew what is perfect for them.⁴

The main purpose of the divine law that was brought by the Prophets of Allah (pbuh) is well established in many verses of the Qur'an, as the mere interest of humanity. Since none of the human services renders any benefit to Allah.⁵ Allah sent His messengers to eliminate all forms of social and political injustice and launch an ideal, healthy and divine-guided social and political system that is capable of solving the entire life problems and preserving the values and morals that are the essential aspect of humans. Thus, every messenger of Allah rigorously fought all forms of social, religious and political immoralities found in their communities in parallel with the propagation of *al-tawhīd* (monotheism).⁶

Unfortunately, many contemporary Muslims reject the enforcement of Shariah and fail to acknowledge its potential ability to solve global problems due to their sheer ignorance about the essence of Shariah and its real content that is mainly made for human interest. Though the rejection of Shariah enforcement in most cases is not mainly resulted from the antagonism towards Islam as a religion, however, it is often established on the ignorance and bad experience resulting from poor governance and incompetence of some Muslim leaders that have led to massive failure in many aspects.⁷ Actually, if we consider the

² See: Abd Al-Rahman bin Muhammad bin Khaldūn, *Muqaddimah Ibn Khaldun*, (Damshq: Dār Ya'rab, 1st edn. 2004), 122-139.

³ Qur'an, Yusuf: 53.

⁴ See: Quran, al-Maidah: 50; al-Mulk: 14.

⁵ See: Qur'an, Adh-Dhariyat: 57-58.

⁶ See: Qur'an, Shu'arai; al-Hadid: 25; al-Baqarah: 213.

⁷ See: Sayyid Abu al-'Alā Mawdūdī, *The Islamic law and constitution*, Trans. and Edit: Kurshid Ahmad, (Pakistan: Islamic Publication Limited, 1960), 40-44.

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current situation of many Muslims around the world towards the enforcement of the Shariah of Allah in their daily social and political activities, and examine their stances based on the verses of the Qur'an and the Hadith that state the meaning and essence of Islam and Īmān, we will discover a wide margin between their perceptions and correct teachings of Islam. Qur'an stated that:

- All believers must adhere to Islamic principles and norms completely.⁸
- A believer should not have any choice regarding the decision and decree of Allah and His Messenger.⁹
- No one will be a true believer until he/she accepts the judgement of the Prophet unconditionally and without any resistance or reluctance.¹⁰
- Any social or political decision that is not based on the principle of Islam is an act of ignorance and accusation toward the Shariah of Allah.¹¹

However, the current situation of many Muslims, whether individuals or governments represents otherwise. Hence you discover that:¹²

- The governments of many Muslim states have restricted the application of Islamic law to the personal Status: Family Law.
- Many contemporary individual Muslims restrict Islam to the act of *ibadat* (worship) and do not perceive Islam as the whole system of life, thus Muslim countries are full of liberal and secular Muslims.
- Several Muslims do not perceive the Islamic system to be capable of solving human problems, hence they subscribe to Western ideologies at the cost of losing the value of their religion.
- Many people restrict Islamic law to certain capital punishments made for specific crimes, and therefore, consider Islamic law as

⁸ See: Al-Qur'an, al-Baqarah: 208.

⁹ Qur'an, al-Ahzab: 36.

¹⁰ Qur'an, al-Nisai: 65.

¹¹ Qur'an, al-Maidah: 50.

¹² Mawdudi, *The Islamic Law and Constitution*, Trans and Edit: Kurshid Ahmad, (Pakistan: Islamic Publication Limited, 1960), 40-44.

a Relic of Barbarism and antiquated law that cannot serve the human interest in the contemporary world.

Actually, Islam has come to regulate human affairs and provide solutions to all their problems. Allah says: "We have sent you [Muhammad] as a benevolence to the entire creatures of the world."¹³ The Messenger of Allah (pbuh) said, "I was sent to perfect good character."¹⁴ Unfortunately, the massive failure of many Muslim counties is biasedly associated with the incompetence of the Islamic political system. Whereas there is a wide vacuum between being a Muslim nation and being a nation that is strictly enforcing Islamic law accordingly. Thus, the Islamic system is being judged by the failure of the Muslims who do not accordingly represent Islam. Considering the above arguments, a thorough orientation and strict awareness are needed to be provided to revise these ideas. So, the major objective of this assessment is to demonstrate the value of Islamic law and its capability to solve human problems and illustrate the essence of Shariah enforcement and its actual significance in the discourse of Abu 'Alā Mawdūdī.

Concept of Shariah Enforcement

It is emphatically affirmed and emphasized by Allah, whose words are absolutely true, that the Prophet (pbuh) was mainly sent to the entire world as mercy and a source of prosperity and harmony.¹⁵ Shariah of Allah is the only system that is wholly characterized by pure justice in considering human interests since Allah does not give preference to anyone over another except by the level of righteousness.¹⁶ Likewise, Shariah is the only system that appreciates the value and morality which are the essential aspects of humans.¹⁷ Islamic law is considered to be the best system for man, while any other forms of social and political systems are considered to be an act of ignorance since it is only Allah that creates and knows what is the best for His creatures.¹⁸ He says regarding those who seek the judgement from other sources

¹³ Qur'an, al-Anbiyah: 107.

¹⁴ Mālik bin Anas, Muwaṭṭa Iman Malik, (Mu'assash al-Risalah, 1412 A.H), 2/75.

¹⁵ Qur'an, al-Anbiyah: 107.

¹⁶ See: Qur'an, al-Hujrat: 13

¹⁷ Issah Abeebllahi Obalowu and Adibah Binti AbdulRahim, "The Concept of Al-Ḥākimiyyah and its Divergence from the Concept of Sovereignty: An Analysis of Mawdūdī's and Sayyid Quṭb's Ideas", Journal of Islamic Thought and Civilization (JITC), 11, no. 2 (2021): 91.

¹⁸ See: Qur'an: al-Mulk:14.

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besides Shariah of Allah: “Then is it the judgement of jāhiliyah (ignorance) they desire? But who is better than Allah in judgement for a people who are certain [in faith]?”¹⁹ The Prophet (pbuh) was even sent purposely to complete the moral and ethical aspects of human life.²⁰ Contrarily, all other social and political systems have failed in incorporating values and moralities into their systems.²¹

Mawdūdī argues that Islam recognizes not any other authoritative lawgiver and determinant of man’s affairs besides Allah. So, no other sovereignty other than that of Allah’s. The real interpretation of Islam is the total submission of a Muslim to the divinity and lordship of Allah, which contains not only the subjection to His being the sole deity to whom all the worships should be offered but also includes the full submission to His complete supremacy over the social, political and ethical affairs of mankind. Both aspects of the submission are inseparable and twin facets of the real Muslim faith. So, any deficiency on one side inevitably affects the other. Based on this argument, Mawdūdī strongly opposes the view says that the Arabic word “*hukm*”, in the context of Islamic teachings merely connotes the law of nature that made every being naturally submissive to the will of Allah and nothing more. According to him, the concept of tawḥīd advocated in Islam is not restricted to being Allah the only object of worship, but also entails the total belief in the fact that Allah is invested with complete legal sovereignty in the sense in which the term is understood in Jurisprudence and Political Sciences.²² So, in a society that is considered to be submissive to the sovereignty of Allah, Allah should be the original Lawgiver, while man functions as the vicegerent of Allah that implements that law.²³ Thus, fundamental change is required in the structure of all human governments to suit an ideal Islamic community.²⁴ In a nutshell, the concept of Shariah enforcement in the discourse of

¹⁹ Qur’an, al-Maidah: 50.

²⁰ Abu Hurayrah reported in an authentic narration: Prophet of Allah (pbuh) said: “I was sent to perfect and complete the morality.” (See: Aḥmad bin Ḥambal, *Musnad Aḥmad*, vol. 14, (Mu’assasah al-Risālah, 2001), 513, Ḥadīth no. 8952.

²¹ See: Issah Abeebllahi Obalowu, “The Concept of Al- Ḥakimiyyah in the Discourse of Selected Contemporary Islamic Scholars: An Analytical Study”, (PhD Thesis: International Islamic University Malaysia, 2021), 144.

²² Ibid.

²³ See: Sayyid Abu Al-‘Alā Mawdudi, *Islam and Ignorance*, (n.p, n.d), 17.

²⁴ Mawdudi, *Let Us be Muslims*, Editor: Khurram Murad, (United Kingdom: The Islamic Foundation, 1985), 290.

Mawdūdī simply means the adoption of a political and social system whereby the whole system is based on the principles of Islam. Any enactment in such a system must coincide with the fundamentals of Islam.²⁵ According to him:

The citizen, in an ideal Islamic community, pays taxes as donations in the service of God; the tax collectors and the men responsible for spending the tax money consider it the wealth of God and themselves only as its trustees. From an ordinary policeman to the Judge and the Governor, every State official performs his functions in the same frame of mind in which he performs service to God, for both are equally acts of devotion to the Almighty, and in both cases, the same spirit of piety and dread of Divine Authority is required.²⁶

Essential Principles of Shariah Enforcement

Mawdūdī argues that the essential fundamental of the Islamic political system is based on the three principles: *Tawḥīd* (monotheism) *Nubuwwah* (prophethood) *Khilāfat* (vicegerency).²⁷

1. **Tawḥīd:** The belief in the oneness of Allah, who is the Maker and Sustainer of all beings. In His hand, the full dominion and sovereignty of the whole universe are only vested.²⁸ So, according to Mawdūdī the principle of *tawḥīd* totally negates the concept of the legal and political independence of human beings.²⁹
2. **Prophethood:** The second essential fundamental of the Islamic political system is believing in Prophet Muhammad as the last Messenger and Prophet of Allah, through whom the message of Allah and total understanding of the concept of Islam as a complete way of life transformed from the abstract theory into the feasible and empirical system of life. Upon this foundation, the whole matter of Islam is built. According to him, the teachings of the Prophet “constitute the only source of divine guidance and law, since there will be no further revelation which may become necessary for mankind to turn to. It is this dispensation by Muhammad (pbuh) that constitutes the supreme law

²⁵ Obalowu et al., *The Concept of al-Hakimiyyah*, 93.

²⁶ Mawdudi, *Islam and Ignorance*, 17.

²⁷ Mawdudi, *The Islamic Way of Life*, editors: kurshid Ahmad and Khurram Murad, <http://www.al-islamforall.org/Prpmohd/PRPMOHD.ASP>, 13.

²⁸ Ibid.

²⁹ Ibid.; Qur’an, al-Ahzab: 36

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which represents the will of God, the real Sovereign.”³⁰ These had been transmitted to us by the Prophet through two means: (1) Qur’an that embodies the verbatim text of Allah’s word that contains His injunctions. (2) Prophetic traditions that serve as the explanation and illustration of Allah’s book. The means through which the Prophet (pbuh) was able to transform the ignorant Arab society into an ideal Islamic one within that short period of his prophethood. Thus, he demonstrated the potential of establishing an ideal Islamic state founded on the full civilization and principles of Islam in any society at any period. The whole Prophethood-span in twenty-three years in conjunction with the Qur’an formulate the Supreme Law of the real sovereign, and this Law constitutes what is known as “Shariah” in Islamic terminology.³¹

3. **Khilāfah:** According to Mawdūdī, it is highly demanded from Muslims who have truly believed in Allah and His Messenger, and are ready to interpret that belief into action, to strive and rise to establish an Islamic system of government, by destroying the authority of those who rebel against the rule and wish of Allah and make themselves superior over Allah’s subjects. This sacred effort should be made by Muslims wherever they found themselves, and under any wrong leadership that made himself Allah’s rival in His sovereignty. He argues that doing so would pave a way for the establishment of Shariah on the earth and make us be the true vicegerent of Allah on the earth as He wishes. More so, the believers would be freed from the burden of servitude to human beings like themselves. The strives and efforts made towards the accomplishment of this mission are known as *Jihad* in Islam.³² Since man is Khalifah, by the power conferred on him by Allah, he is required to exercise that authority in this world within the limits prescribed by Allah.³³

Essential Need of Shariah Enforcement for Human Interest

Mawdūdī argues that the establishment of a pure Islamic-based system of government in the whole Islamic states, and even all over the universe is paramount for the sake of human interest. The Islamic system

³⁰ Mawdudi, *The Islamic Law and Constitution*, 76.

³¹ Ibid., 77.

³² Sayyid Abu A’la Mawdudi, *Let Us be Muslims*, Editor: Khurram Murad, (London: The Islamic Foundation), 290.

³³ Sayyid Abu A’la Mawdudi, *The Islamic Way of Life*, Edited by Khurram Murad and Kurshid Ahmad, via <www.usislam.org> pdf > The-Islamic-Way-of-Life>, 13.

is characterized by the following unique features which can never be found in any other man-made political and social system.

1. **Actualization of Allah's Right:** According to Mawdūdī Shariah enforcement is Allah's absolute right over everybody. Everyone must be aware of Allah's right over him, and ought to acknowledge that he owes Allah full obedience due to His countless bounties and graces upon him/her. Allah gave man his life and made every system of his whole body operates correctly and accordingly without taking anything in return, except that He requests man to recognize and appreciate Him by surrendering and submitting to Him as the Lord. He created many other creatures and made them subservient to man basically for their pleasure. Obviously, all creatures are living in a systematic universe that is subjected to the divine order; the skies and what they comprise are knit together in a gorgeous model. All creatures naturally comply with an irrevocable decree of Allah without any fewest deviation from their assigned courses. Man is naturally subjected to the law of the biological life cycle from his embryonic stage till death and after.³⁴ So, it is compulsory for man to willingly submit to Allah's injunctions such as he unconsciously submitted to His will of nature. Then, a believer can only become a perfect Muslim and Allah's viceregent on the earth.³⁵ However, the misuse of the freedom of choice and intuition given to man by denying Allah's sovereignty is an ungratefulness to Him. It is indeed an utmost ignorance and ungratefulness to deny the One who made this superb universe out of lifeless materials and made them work ceaselessly. The consequence of such denial and revolt against the will of Allah is an inevitable failure in this life and hereafter.³⁶
2. **Universality and Eternity of the System:** The universality and eternity of the Islamic social and political system lie in the fact that its contents have been made to be fit and suitable for every time and all phenomena. Shariah of Allah is distinguished by zero tolerance of hierarchy, racism and all other forms of discrimination that are based on social status. The privilege can only be given to anyone based on his good deeds, piety, public services and decency. On the other hand, other political and social systems discriminate between people based on their races, colours and countries. Therefore, such systems can never be described as universal

³⁴ Mawdudi, *Towards Understanding of Islam*, 7.

³⁵ *Ibid.*, 8.

³⁶ *Ibid.*, 9.

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or eternal systems of life but must remain confined to a particular race or community.³⁷

More so, according to the Islamic principle, anybody who declares Islam as his religion has entered into Islam and is being protected under the auspices of Islam. The Messenger of Allah (pbuh) said: "Muslims are equal in respect of blood. The lowest of them is entitled to give protection on behalf of them, and the one residing far away may give protection on behalf of them."³⁸ He also said to the Muslims that your Lord is one, and your father (Adam) is one, so, no preference for the Arabs over non-Arabs, and no preference for non-Arab over the Arabs.³⁹ Therefore, every believer irrespective of his race and colour is entitled to the same rights as the others. In addition, the eternity of Islamic law reveals the fact that Islamic principles are in harmony with nature. So, the system will remain forever in all circumstances. The system is not formed based on the traditions and customs of certain people and is not made for a specific period of human history.⁴⁰ Therefore, an ideal Islamic state can be established at any time in any part of the world, since there is no restriction of human rights in Islam to a specific race or geographical area. Islam has rather set up the universal fundamental rights for the entire humanity. Those rights are to be respected at all costs and irrespective of any circumstances.⁴¹

The rights of non-Muslims living in Islamic states are specially treated in Islam. Their lives and properties should be protected. Their honour and dignity should be respected exactly as Muslims. Civil and criminal laws should be applied to Muslims and non-Muslims in the same way. No interference in their personal and religious affairs; freedom of belief and conscience is given. Likewise, the freedom of their religious rites and ceremonies is guaranteed. The right of criticism is even given to them within its limit.⁴²

3. Comprehensiveness and Encompassment of all Aspects of Life: Islamic law is made and designed to shape both human components i.e.,

³⁷ Mawdudi, *Towards Understanding Islam*, 65.

³⁸ Abū Dāwūd, *Sunan Abū Dāwūd*, (Bayrūt: al-Maktabat al-'Aşriyyah, n.d), (3) 80. Hadith no: 2751. (Sound hadith: says al-Albānī).

³⁹ See: Ahmad bin Ḥambalī, *Musnad Ahmad*, (Muassasah al-Risalah, 2001), (38) 474, Hadith no: 23489.

⁴⁰ Mawdudi, *Towards Understanding Islam*, 65.

⁴¹ Mawdudi, *The Islamic Way of Life*, 15.

⁴² *Ibid.*, 16.

spiritual and physical aspects/religious and secular aspects that made up mankind. One of the main characteristics that distinguish Islamic law from all other social and political systems lies in the fact that Islam makes no difference between spiritual and secular matters. Both aspects were thoroughly addressed in all sources of Islamic law. However, the objective of Shariah is to influence both individual and public lives in such a way that will actualize the well-being of every creature of Allah on the earth. Thus, Islamic law encompasses all aspects of human needs whether spiritual, moral, political, social, international or economic aspects to live harmoniously and prosperously in this life.⁴³

Another main objective of Islamic law is to promote all that is known as *Ma'rūf* (righteousness and morality) and forbid all that is known as *Munkar* (evil and immorality). Islamic law is made to shape society to be conducive to the promotion of morality and transparency in all spheres of human activities, whether public or private. Likewise, it is prepared to eliminate all forms of corruption and get rid of all impediments preventing the actualization of social justice.⁴⁴

4. Perfect Solution to the Life Problems

Naturally, man encounters several challenges which cannot be appropriately dealt with, unless the real nature and condition of those challenges as well as their relationship with humans are known. The determinant of appropriate and inappropriate reactions of a man towards those challenges lies in the extent of the accuracy of the perception formed about those challenges. Such as the fire that is being perceived by an infant as a play toy which he can stretch his hand to hold. The same fire is perceived by a man as a divine substance that can be worshipped, thus, he takes fire as a god. While another person sees the fire as something that can be used for burning or cooking. These opinions on the same substance -fire- is resulted from different perceptions formed about the fire.⁴⁵ Consequently, man has adopted several approaches to providing solutions to the endless life challenges, most of which were characterized by sheer ignorance since the formation of these opinions and solutions about the fundamental life problems were based on mere sensorial perception and observation. Therefore, man

⁴³ Ibid., 2

⁴⁴ Ibid., 7; Mawdudi, *Jihad in Islam*, Trans: Kurshid Ahmad, Editor: Huda Khattab, (United Kingdom: U.K.I.M Dawah Centre), 7; Mawdudi, *The Islamic Way of Life*, 8.

⁴⁵ See: Mawdudi, *Islam and Ignorance*, 1-2.

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failed to get perfect solutions to his problems.⁴⁶ Qur'an describes these categories of people in the following verses.

Have you seen he who has taken as his god his [own] desire, and Allah has sent him astray due to knowledge and has set a seal upon his hearing and his heart and put over his vision a veil? So, who will guide him after Allah? Then will you not be reminded? And they say, (such people) 'There is not but our worldly life; we die and live, and nothing destroys us except time.' And they have of that no knowledge; they are only assuming.⁴⁷

However, another solution that has been adopted so far for solving life problems is the formation of the opinion and solution about the fundamental life problems based on the application of the divine solution offered by the Prophets of Allah. Mawdūdī argues that the correctness and idealism of this system in providing the solution to man's problems have been realistically and scientifically proven. The illustration of this method is like a man that found himself in a strange land which he is not acquainted with. This world is a strange place to man; he has no idea of the suitable system for dealing with the perpetual phenomena of life. Scientifically, the correct solution can only be provided by the One Who created the whole universe.⁴⁸ He argues that upon scrutinizing Islamic viewpoints about the man and the universe the following facts that make the system perfect and suitable for man's prosperity are derived:

- The whole ideas are knitted together and coherent
- The idea is the most explanatory and comprehensive interpretation of the whole universe.
- The idea is distinguished by the principles that can be considered as the bases for the interpretation and management of the entire global issues
- The idea is a scientific interpretation of the universe and not a mere myth like other theories. Moreover, no other genuine and reliable observation or experience has negated the validity of the idea and interpretation.
- The idea is very logical, as the fabulous organization and structure of the universe subjected us to believe in the existence of a Mighty

⁴⁶ See: Ibid.

⁴⁷ *Qur'an*, al-Jāthiyah: 23-28.

⁴⁸ See: Mawdudi, *Islam and Ignorance*.

administrator in control, and not a work of mere nature. Thus, it is so logical to conclude that the control of this world is centralized in the hand of a single authority, which we believe to be the God Almighty.

- The feasibility of the system and its full encompassment of the whole scheme of man's life.⁴⁹

Any other political and social systems that contradict the fundamentals of Islam are considered to be ignorance. Allah says: "Is it the judgment of ignorance they seek? Who could be a better judge than Allah for people of sure faith?"⁵⁰ According to ibn Kathīr, Allah has condemned in this verse all forms of law that are not based on the principles of Islam, as He described them as ignorance. Shariah of Allah is mainly made for the interest and betterment of mankind; thus, it forbids all forms of immorality and enjoins all forms of righteousness. So, any deviation from the Shariah of Allah to the man-made law that is based on man's conjectures and views without any evidence from Allah is a misguidance.⁵¹ Islamic viewpoint establishes the spirit of self-discipline and accountability. Man will not see himself as the sole master of himself, let alone all other beings under his control. However, he sees himself and all other beings as Allah's belongings entrusted to him, all of which he will surely give account. Under normal circumstances, such a belief leads man to discharge his duties accordingly irrespective of any circumstance. Since he fears only divine retribution he doesn't wait for any official monitoring before carrying out his duties. This view about life produces individuals of such excellence that it is difficult to imagine that any other viewpoint can produce.⁵² Since every community, nation, and the entire world is made up of its citizens, the fundamentals of human society will surely change for the best if Islamic law is properly managed. Thus, the noble Prophet (pbuh) was able, within that short period, to uproot the immoral attitudes and transform his companions into other entities entirely. Mawdūdī summarizes in the following phrase, the potential impact of Islamic law on society, provided that it is properly enforced:

In the first place, the Islamic faith changes the foundations of human society. According to this doctrine, all persons are the

⁴⁹ Ibid., 15.

⁵⁰ Al-Qur'an, al-Maidah: 50.

⁵¹ Ibn Kathir, Tafsir Ibn Kathir, (Dār Ṭibah li al-Nashr wa al-Tawzī', 1999), (3) 131.

⁵² Mawdudi, Islam and Ignorance, 16.

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subjects of God. Hence all enjoy equal rights, equal status and equal opportunities. No individual, family, class, nation or race has any superior or preferential rights or rights of dominance over other people. In this way, the concept of man's dominance or superiority over other men is rooted out, and all evils arising out of Monarchy, Feudalism, Aristocracy, Brahmanism, Papal rule and Dictatorship are instantly knocked down. The doctrine of Islam also removed all prejudices of the tribe, nation, race, country or colour which have been the major cause of bloodshed in the world. According to the Islamic faith, the whole earth is the property of God. All men are the progeny of Adam and Creatures of God. Merit is attained by virtue of purity of morals and fear of God and not on account of race, genealogy, goods, wealth, or the white or pink colour of the skin. The distinction is conferred on those who fear God most and practice piety and carry out ennoblement of their souls.⁵³

Why Do People Deny Shariah?

According to Mawdūdī, most of the people that reject and oppose the enforcement of Shariah among Muslims and non-Muslims are driven by sheer ignorance about the real content of Islamic law. Their opposition to Shariah enforcement in most cases is not mainly based on their antagonism towards Islam as a religion, however, it is established on their ignorance and bad experiences resulting from the poor management and incompetence of some Muslim leaders. Below is a summary of some of the reasons that lead to such opposition.⁵⁴

- Gradual retrogression of Islamic authority and prestige over many centuries.
- Stagnation of Muslim scholars in the field of modern discovery and research and lack of promoting Islamic culture and heritage.
- Islamic political breakdown that led some Muslim countries to become the victim of Western imperialism.
- Western hegemony over Muslim countries that led to intellectual serfdom and an inferiority complex which has stripped off Muslims' confidence in their divine law.

⁵³ Ibid., 17.

⁵⁴ See: Mawdudi, *The Islamic Law*, 40-44.

- Bad leadership that lacks the initiation and construction of a solid system that can bring the solution to the public problems and give the answer to the contemporary challenges. The system that will be better than the Westerns, or at least withstands it. This disappointment, of course, led many common Muslims to lose hope in the effectiveness and suitability of the Islamic system. Consequently, many Muslims succumbed to the Western system. Thus, “many Muslim countries have, in the recent past, either completely abrogated the Islamic Law or confined its operation to the domain of purely personal matters only.”⁵⁵

Based on the above reasons there are many objections raised against the effectiveness and suitability of Islamic Law for the contemporary world. The main objections are assessed as follows in the discourse of Mawdūdī:⁵⁶

Islamic Laws are Antiquated: According to Mawdūdī, this claim is unrealistic, but it is mainly based on ignorance and inexperience, especially if the early centuries of Islamic governance are considered. He doubts whether those people who have subscribed to this opinion are conversant with the basic knowledge of the principles of Islamic law. Probably, their stance is based on mere hearsays and rumours. How possibly can someone assume that Islamic law which has been in existence and operating for over thirteen centuries -since the time of the Prophet till the downfall of the Ottoman empire- has remained rigid and failed to respond to the requirements of social and political changes over those periods? However, Islamic law has shaped the part and parcel of the Muslim communities which formed the states that have been run under the system of Islamic law. Moreover, some principles of Islamic law related to social and political affairs are flexible and characterized by many principles, such as *Ijtihād*, (independent reasoning) *Qiyās*, (Analogy deduction) *Istihsān* (Application of discretion in legal matters) etc., which gives the system potentiality of meeting the needs and requirements of any period. In addition, the Islamic system has not once stopped operating and facing different challenges since the time of the Prophet till the end of the eighteenth century, when the oppressive Western hegemony invaded Muslim countries.⁵⁷

⁵⁵ Ibid., 43.

⁵⁶ See: Mawdudi, *The Islamic Law*, 64-72

⁵⁷ Ibid., 65.

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Islamic Laws are Relic of Barbarism: Mawdūdī argues that this objection and other similar ones that were raised by the pro-modern Western civilization against the demand for the introduction and enforcement of Shariah in Pakistan after the independence were presented with much hatred and imbalance. The people of this statement restrict Islamic law to certain capital penalties made for certain crimes. Whereas the Islamic system is a whole organic in nature and inseparable system. It is a big prejudice to judge Shariah mainly based on its penal aspect, which is the fewest aspect of it, and neglect the greatest aspects that cover all other facets of life. Surprisingly, those who have this stance do kill people massively and indiscriminately with an atomic bomb and punish their political opponents with severe punishment. Rather, they do sentence the innocent mainly for their political interest. Nevertheless, all other constitutions, also do declare severe and capital punishment on certain acts considered to be the crime in their views. In addition, it is undoubtedly that every social and political system consists of penalties made for certain crimes; no standard social and political system can govern without stipulated penalties for the crimes.⁵⁸

Sectarian Differences Barrier: Another question is raised on how to compromise and agree upon a code of law since there are different schools of thought that are all recognized in Islam. This question is not only raised by those who oppose the enforcement of Shariah but also baffles those who are sincere with the implementation of Islamic law among the people who are not conversant with the principles of Islamic law. In response to this objection, Mawdūdī argues that it should be known to everyone that the major principles of Islamic law consist of lawful, unlawful, mandatory, unalterable, forbidden, commandment, restriction, and other fundamental principles of Islamic law have ever and always been unanimously agreed upon and accepted by the scholars of all schools of thought in Islam.⁵⁹ So, these differences are minor issues and the same thing happens in all other laws and constitutions. Moreover, Islam possesses an ideal method of solving such problems, and therefore cannot hinder the implementation of Shariah. In addition, those schools of thought have been in existence ever before now and Shariah was implemented then without any obstacle.

⁵⁸ Ibid., 64-66.

⁵⁹ Ibid., 69.

The problem of Non-Muslim Minorities Living in the Islamic States: Under Islamic law, the lives, properties, and dignity of non-Muslims living in Muslim land should be protected. Severe punishment of Allah is awaiting any Muslim that violates the right of non-Muslims living under the auspices of the Islamic state.⁶⁰ Civil and criminal laws should be similarly applied to Muslims and non-Muslims. There should be no interference in their laws. Freedom of belief and conscience is given to them, as well as freedom of their religious rites and ceremonies. Even, the right of criticism is guaranteed within its limit.

Assessment of the Contemporary Muslim Communities

According to Mawdūdī, the major difference between Muslims and non-Muslims lies in two things i.e., knowledge and action. The knowledge is to know your lord and what He requests from you as His servant. Then, you are required to act based on that request as an obedient servant of your Lord.⁶¹ Islamism of individuals or groups can only be judged based on the level of their submissiveness to the wills of Allah. He argues that if anyone decides to manage his affairs based on man-made laws, such a person has deliberately chosen the path of *kufir* to be his way. Allah says:

Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to *Ṭāgūt*, while they were commanded to reject it; and Satan wishes to lead them far astray. And when it is said to them, "Come to what Allah has revealed and to the Messenger," you see the hypocrites turning away from you in aversion.⁶²

According to him, whoever decides to subscribe to any other injunctions other than that of Allah's in the entire aspects of his/her social and spiritual affairs has completely become *kāfir* (unbeliever). However, any Muslim who obeys the directions of Allah in some of his social matters and follows self-desires, societal norms, or man-made laws in others has become guilty of *kufir* (disbelief) to the extent of his disobedience. Thus, someone may be a pure unbeliever, half unbeliever, quarter unbeliever,

⁶⁰ The Prophet (pbuh) said, "Whoever killed a person (non-Muslim) having a treaty with the Muslims, shall not smell the smell of Paradise though its smell is perceived from a distance of forty years." (Sahih al-Bukhari).

⁶¹ Mawdudi, *Fundamental of Islam*, 5.

⁶² *Qur'an*, al-Nisai: 60-61.

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or less or more. Simply, *Kufr* exists in a person according to the amount of his rebellion against the injunctions of Allah.⁶³ He argues based on the current situation of many Muslims, whether we could call ourselves ideal and obedient Muslims. In response to this question, he mentions that a true Muslim must be free from the following three ailments that make men go astray, even though they bear Muslim names. (1) Ignoring the guidance of Allah and becoming the slave of desire. (2) Giving precedence to the family, culture, society, customs and the ways of forefathers over the law of Allah. (3) Abandoning the way of Allah and His Messenger and following the ways either of so-called important people or other civilizations and cultures.⁶⁴ So, a deliberate revolt of any society against the enforcement of the *Shariah* of Allah negates Islamism and turns it into un-Islamic. He argues the following:

But we must clearly distinguish between the everyday sins of the individual and a deliberate revolt against the *Shariah*. The former may not mean a breaking up of the contract, while the latter most certainly would. The point that should be clearly understood is that if an Islamic society consciously resolves not to accept the *Shariah* and decides to enact its own constitution and laws or borrows them from any other source in disregard of the *Shariah*, such a society breaks its contract with God and forfeits its right to be called Islam.⁶⁵

Conclusion

This paper addresses the essence of Islamic governance/Shariah enforcement and its inevitability for the prosperity and wellbeing of mankind, as well as its potentiality for providing ideal solutions to life problems, based on the analysis of Sayyid Abū 'Alā Mawdūdī. The paper discusses the concept of Shariah enforcement and its essential principles, as well as the current situation of Muslims regarding this issue. So, the study reveals that the concept of Shariah enforcement/Islamic governance is beyond mere enactment and enforcement of Islamic law but also entails the total adherence to the rules of Allah in the entire political, social, and economic systems, whereby all human affairs and policies will be strictly based on the principles of Islam. Then the total submission and complete servitude of the believers to Allah can be

⁶³ Mawdudi, *Fundamental of Islam*, 28.

⁶⁴ *Ibid*, 33.

⁶⁵ Mawdudi, *The Islamic Way of Life*, 6; Mawdudi, *The Islamic Law and Constitution*, 50.

expressed. Only through the proper implementation of Shariah and full obedience to Allah, man can express his total submission to his Lord. Therefore, any enactment in such a system must coincide with the fundamentals of Islam. More so, the Shariah of Allah is characterized by several unique features which cannot be found in any other social and political system. So far, man has adopted various approaches to provide the answer to the endless challenges and perpetual life problems, among which Islam is the only system that is most explanatory and comprehensive in its interpretation of the whole universe. Likewise, it is the most perfect and suitable system for the prosperity of mankind. In addition, Islam is the only system that recognizes value and morality which are the essential aspect of humans. It is also revealed that most of the criticisms raised against Shariah enforcement have resulted, on one side, from sheer ignorance about the real content of Islamic law, and bad experiences resulting from the poor management and incompetence of some Muslim leaders on another side. According to Mawdūdī, an ideal Muslim state that is realistically enforcing Shariah is nowhere to be found in our contemporary time. So, the responsibility of creating a thorough and proper public awareness about the importance of Shariah enforcement rests on Muslim scholars' shoulders.

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