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## **Siyāsaḥ Shar‘iyyah and Adaptive Governance: Balancing Divine Authority and Social Change**

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## Abstract

In Islamic law, Sharī‘ah-compliant governance is a fundamental concept that combines divine direction with the values of justice, equality, and accountability. The fundamental characteristics of Sharī‘ah, a comprehensive legal and ethical framework based on the Qur’ān, Sunnah, and traditional legal theory, are examined in this research. It explains the differences between Fiqh (jurisprudential interpretation), Sharī‘ah (divine law), and Uṣūl al-Fiqh (principles of derivation), demonstrating how each adds to the larger framework of Islamic governance. The research emphasizes that Islamic governance is based on Allah sovereignty, that leaders are answerable to both Allah and society, and that leadership is a trust. This article discusses how these aspects guarantee moral behavior, social justice, and legal coherence in public affairs by classifying Sharī‘ah into three categories: belief, ethics and practical rulings. The study outlines the fundamental principles of leadership based on Sharī‘ah, such as knowledge, piety, fairness, consultation and public welfare. By contrasting Islamic and secular governance models, it draws attention to the variations in their ethical foundations, legal interpretations, and sources of authority. The study concludes that Sharī‘ah provides a flexible and ageless framework for governance that respects social and spiritual commitments.

**Keywords:** *Sharī‘ah* Governance, Islamic Jurisprudence, Governance principles,

## 1. Introduction

Many people associate *Sharī‘ah* law with severe penalties, including execution punishment. However, this limited perspective fails to address the complexity of *Sharī‘ah*. *Sharī‘ah* is a comprehensive framework that promotes justice, compassion, and ethical purity, rather than only providing legal guidelines. *Sharī‘ah* provides salvation in this life and the afterlife, like to water in a desert. In addition to common misconceptions about *Sharī‘ah*, we will examine its fundamental principles and their moral and spiritual implications.

### 1.1 Meaning and Definition of *Sharī‘ah*

The term *Sharī‘ah* (Arabic: , “water way”), also known as *Sharī‘ah*, *Sharī‘a*, or Syria,<sup>1</sup> comes from an Arabic root meaning “*source of life*,” similar to a river or watering hole. This concept conveys a vital, indestructible, and clear road to existence. Traditional Arabic lexicographers have expanded this term, according to Lasan al-Arab: “Sharī‘ah and mashra’ah mean a watering place; a resort of drinkers [both men and beasts]; a place to which men come to drink therefrom and to draw water, and into which they

sometimes make their beasts to enter, to drink: but the term mashra'ah, or Sharī'ah, is not applied by the Arabs to any but [a watering place] such as is permanent, and apparent to the eye, like the water of rivers, not water from which one draws with the well rope; or a way to water because it is a way to the means of eternal life [Sharī'ah is] the religious law of God; consisting of such ordinances as those of fasting, prayer, and pilgrimage, and other acts of piety, or of obedience to God, or of duty to Him and to men.”<sup>2</sup> This language metaphorically explains the Sharī'ah as a continuous route towards virtue and spiritual fulfillment. M. Kamal defines Sharī'ah as: “. . . they revealed, or canonical law of Islam.”<sup>3</sup>

The Holy Qur'an expressly lists *Sharī'ah* as a divinely ordained lifestyle in *Surah Al-Jaasiyah*:

ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيحَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ<sup>4</sup>

“Then We put thee On the (right) Way? Of Religion: so follow Thou tha (Way), And follow not the desires Of those who know not.”<sup>5</sup>

This verse highlights *Sharī'ah* serves as a comprehensive guidance for individuals, covering legal, social, moral, and religious aspects of life. To promote equality, peace, and spiritual growth, it sets clear rules.

### 1.1.1 Terminological Use of *Sharī'ah* in Islamic Jurisprudence

The use of *Sharī'ah* terminology has been debated by scholars due to its complexity. Early Islamic scholars view *Sharī'ah* as a comprehensive foundation for ethics, beliefs, and action, as per Qur'anic interpretation.<sup>6</sup> This method created *Sharī'ah* as a comprehensive guide for social, spiritual, and personal regulation.

- According to the *al-Raghib al-Isfahani*, Sharī'ah means “the path to the place of water.” He derived this term from *Sharī'ah*, meaning: “A clear open way for people to travel on. The Arabs adopted the term Sharī'ah to refer to the Divine Way (al-Tariqah al-Ilahiyyah), because, according to some of them, the metaphor of the way to the watering-place implies that if one were to enter into it in accordance with its true and validated nature, one would quench one's thirst [for the Truth] and become purified.”<sup>7</sup> This metaphor shows *Sharī'ah* as an universal framework for humanity practical and spiritual needs for truth.
- According to *Ibn Qayyim al-Jawziyyah*, *Sharī'ah* is described as: “Divine authority (al-hukm) and the good welfare of the servants (of God) (masalih-al-'ibad) in earthly existence and in the life to come. It is justice ('adl), all of it; mercy (rahmah), all of it; wisdom (hikmah), all of it; and (individual

and public) welfare (maslahah), all of it. Therefore, any matter that draws away from justice to injustice (al-jawr) ..... then it is not of the Sharī‘ah.”<sup>8</sup> This shows that *Sharī‘ah* aligns with universal principles of justice, compassion, wisdom, and human flourishing.

- According to scholars like *Yusuf Al-Qaradawi*, in modern times *Sharī‘ah* is a comprehensive framework of regulations that includes both primary and secondary laws. Any interpretation that deviates from these principles is considered incompatible with its original intention.

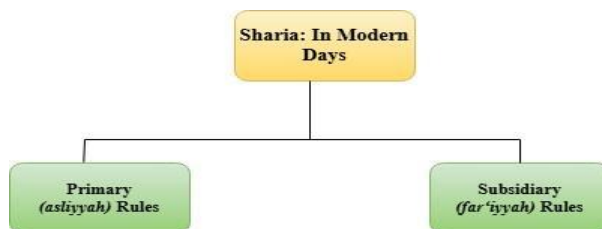


Figure 1

He explains: “*The Sharī‘ah is what Allah has ordained in the form of ahkam (commandments, injunctions, rules, regulations, laws), irrespective of whether they are primary or subsidiary.*”<sup>9</sup>

- Additionally, Al-Qaradawi emphasized *Sharī‘ah* essential purpose, aligning with the Qur’an objective: “*To take human beings out of darkness to light; the darkness of polytheism to absolute monotheism; the darkness of being astray to divine guidance; the darkness of falsehood to the Truth; the darkness of ignorance to knowledge; and the darkness of chaos to order....*”<sup>10</sup>

This objective highlights how *Sharī‘ah* promotes individual and societal well-being through promoting a disciplined and balanced lifestyle. The cornerstone of law is justice, truth, and immortality. The term “*way of water*” describes its vital significance in fostering real human values and spirituality. *Sharī‘ah* is a divine framework that guides individuals towards wisdom, justice, and charity through ethics, principles, and beliefs. By following *Sharī‘ah*, people and communities achieve wealth and harmony in this life and the afterlife. *Sharī‘ah* practical adaptability and comprehensive vision make it a crucial foundation for Islamic rule and modern society.

### 1.1.2 Distinctions Between *Sharī‘ah*, Fiqh, & Usul Al-Fiqh

A complex framework of Islamic legal philosophy includes *Fiqh*, *Usul al-Fiqah*, and *Sharī‘ah*. These concepts are related, but each serves a different purpose and adds complexity to Islamic law. Understanding these differences is crucial to understanding Islamic law flexibility in social, religious, and personal matters.

**1. *Sharī'ah* the Immutable Divine Law:** *Al-Sharī'ah* is the divine framework and guidance provided by Allah in the Qur'an and Sunnah. For Muslims to live responsibly, it is the most authoritative source of ethical, moral, and legal principles.

- *Ibn al-Qayyim* explained the fundamentals of *Sharī'ah*: “*Verily, the Sharī'ah is founded upon wisdom and welfare for the servants in this life and the afterlife. In its entirety, it is justice, mercy, benefit, and wisdom. Every matter which abandons justice for tyranny, mercy for cruelty, benefit for corruption, and wisdom for foolishness is not part of the Sharī'ah even if it was introduced therein by an interpretation.*”<sup>11</sup>
- *Al-Ghazali* claims *Sharī'ah* protects five fundamental goals (الشريعة مقاصد): “*By welfare we mean preservation of the objectives of the Sharī'ah. The objectives of the Sharī'ah are five in creation: the protection of religion, life, intellect, family relations, and property. Everything that advances the protection of these five fundamentals is considered benefit, and everything that fails to protect these five fundamentals is considered corruption*”<sup>12</sup>

So, the unchanging nature of *Sharī'ah* maintains stability and allows for practical application of jurisprudence.

## 2. Fiqh Human Interpretation and Application:

The word jurisprudence signifies “*understanding*”. It outlines the process for determining *Sharī'ah*-compliant judicial verdicts using the Qur'an, Sunnah, and other authorized writings. Fiqh is the “*Knowledge of the practical rulings of Sharī'ah derived from detailed evidence.*”<sup>13</sup>

- According to *Ibn Jibrin*, Fiqh is: “*Fiqh is understanding of the texts, Qur'ānic verses, and hadiths, and knowing how to derive rulings from them.*”<sup>14</sup>

Fiqh applies *Sharī'ah* concepts to specific situations. Law adaptability permits it to address varied issues throughout cultures and times, resulting in schools of thought including *Hanafī*, *Shafī'i*, *Maliki*, and *Hanbali*.<sup>15</sup>

- *Muhammad Hashim Kamali* explains the relationship between *Sharī'ah* and Fiqh: “*Sharī'ah is closely identified with divine revelation... Fiqh, on the other hand, is largely developed by jurists and consists of rules mainly founded on human reasoning . Sharī'ah is thus the wider circle, and it embraces in its orbit all human actions, whereas Fiqh is narrower in scope and addresses mainly practical legal rules.*”<sup>16</sup>

Though *Sharī‘ah* is eternal and divine, jurisprudence is adaptive and human-made, allowing for a diverse interpretation of Islamic law.

### 3. *Usul Al-Fiqh* Principles of Derivation:

*Usul al-fiqh* is the process for determining *fiqh* decisions. It provides jurists with the framework and resources to interpret *Sharī‘ah* texts consistently and methodically. *Usul*, meaning “roots” or “foundations,” emphasizes its importance in law.<sup>17</sup> *Ibn ‘Uthaymeen* defines *usul al-fiqh* as follows: “Knowledge of *Shar‘i* evidence and the way in which that evidence is interpreted to reach a ruling, in general terms or in detail.”<sup>18</sup> The core components of *Usul Al-Fiqh* include:

- i. The Qur’an
- ii. *Sunnah*
- iii. Consensus (اجماع)
- iv. Analogical Reasoning (قياس)

The structure of systematic jurisprudential reasoning was introduced by *Imam Shaf‘i* important work, *al-Risala*, which established *usul al-fiqh* as an independent subject.<sup>19</sup>

### 4. Harmony and Distinctions among *Sharī‘ah*, *Fiqh*, & *Usul al-Fiqh*:

Islamic law maintains a balance between rigidity and adherence through the harmonic interaction of *Sharī‘ah*, *Fiqh*, and *Usul al-Fiqh*. While *Sharī‘ah* provides a moral and legal framework, *fiqh* allows for numerous interpretations to fit different situations. *Usul al-fiqh* ensures the integrity of these interpretations, relating them with the divine purposes of *Sharī‘ah*. To underline the importance of knowledge (*fiqh*), the Prophet Muhammad prayed:

اللَّهُمَّ فَقِّهْهُ فِي الدِّينِ

“O Allah! Make him (*Ibn ‘Abbas*) a learned scholar in religion (Islam)”<sup>20</sup>

As *Imam Malik* (رحمة الله): said “It is not for the jurist to compel the people to adopt his school of thought.”<sup>21</sup> This shows that the Islamic legal system respects tolerance and diversity, promoting *Sharī‘ah* unity while accepting *fiqh* differences. Understanding the differences between *Sharī‘ah*, *Fiqh*, and *Usul al-Fiqh* demonstrates the complexity of Islamic jurisprudence. *Usul al-Fiqh* outlines decision-making methods, while *Sharī‘ah* is the divine law and *fiqh* is its practical application. When combined, they provide a framework that supports theological goals and ensures Islamic principles are adaptable and implemented across time and space.

## 1.2 Classification of *Sharī'ah* in the Context of Governance

The *Sharī'ah* categories and principles form the basis for government that aligns with it. In order to understand how governance conforms with Islamic principles, *Sharī'ah* is a legal and ethical framework that encompasses belief, morality, and speech and conduct regulations.

**1. Belief (العقيدة / الإيمان):** It provides a list of the six beliefs of Islam that are essential to its global perspective: This area covers Islamic theology and monotheistic concepts. It lists Islam six belief, which shape its global perspective:

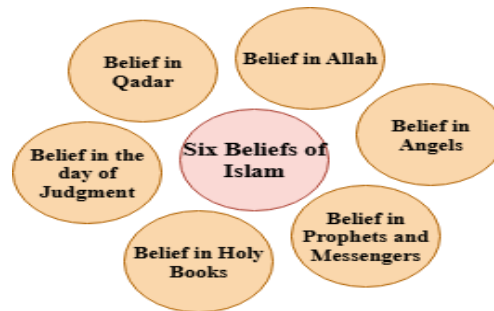


Figure 2

These religious principles underpin the governing structure and the Islamic community spirituality. Governance aligned with *Sharī'ah* requires policy, leadership ethics, and social responsibility, which are influenced by these principles.<sup>21</sup>

**2. Ethics and Morality (الأخلاق):** The moral and ethical foundations of Islam are justice, integrity, politeness, honesty, and righteousness. Organizations and leaders must promote public welfare and prevent corruption under this governance principle.<sup>22</sup> The Qur'ān encourages ethical governance:

...وَيَأْمُرُونَ بِالْعُرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ...<sup>23</sup>

“.....Enjoining what is right and forbidding what is wrong....”<sup>24</sup>

A *Sharī'ah*-compliant framework combines ethical obligations into laws, regulations, and government processes to promote justice and equality.

**3. Rules Governing Utterances & Actions (الأحكام القولية والعملية):** The jurisprudence of *Sharī'ah* is the most accurate and practical component. It organizes specific aspects of human behavior, such as

- i. Individual behavior.
- ii. Interpersonal interactions.

- iii. Conducting financial transactions.
- iv. Judicial systems and penal statutes.

These branches cover family law, business, and criminal justice and provide a framework for *Sharī‘ah*-compliant governance, providing clear guidelines for leaders and organizations to handle social issues. The concepts of justice, consultation, and accountability, established in jurisprudence, are essential for a government structure aligned with Islamic values.<sup>25</sup>

*Sharī‘ah* covers both spiritual and practical aspects of human existence through its principles, ethics, and legal systems. These characteristics enable governance, ensuring ethical and effective leadership. This classification is essential for evaluating *Sharī‘ah*-compliant governance systems and balancing traditional Islamic principles with modern difficulties.

### 1.3 Components of *Sharī‘ah* & Their Relevance to Governance

The Islamic legal framework, *Sharī‘ah*, covers various elements of personal and community life. Classical Islamic scholars divided *Sharī‘ah* into two branches: spiritual acts and transactions. These two main aspects include humanity relationship with the Creator and social interactions. However, these classifications change with need. Modern Islamic scholars expand these classifications.

**1. Worship Laws:** In *Al-‘Ibādāt*, fundamental principles for worshipping Allah (ﷻ) guide individuals’ relationship with their Creator. This section covers the primary foundations of Islamic faith, which every Muslim must perform:

- i. *Salāt* (الصلوة): Five daily prayers are the most significant act of devotion.
- ii. *Sawm* (الصوم): observing a fast throughout Ramadan in order to cleanse
- iii. one’s body and soul.
- iv. *Zakāt* (الزكاة): Alms or charity are required in order to redistribute wealth and assist people in need.
- v. *Hajj* (الحج): Every Muslim, if they are financially and physically capable, must make the Hajj to Makkah at least once in their lives.

These rituals aim to strengthen the relationship with Allah (ﷻ) and promote a fair and just community.<sup>26</sup>

**2. Personal & Family Laws (الأحوال الشخصية أو فقه الأسرة):** This branch of *Sharī‘ah* controls family and personal matters, which include topics such as:

- i. Marriage: The legal system and couples’ rights.
- ii. Divorce: The processes for ending a marriage and the rights of each party.
- iii. Parental Rights and Custody: A legal perspective on child care and parental rights.



iv. Legacy and Wills: The process of allocating a deceased person's inheritance so that their heirs get their share.

While maintaining the integrity of family institutions, these laws strive to protect individual rights.<sup>27</sup>

**3. Inheritance Laws (فقه المواريث):** Islamic inheritance law divides a deceased asset. *Sharī'ah* requires allotted and equitable distribution of required shares among legitimate heirs. This division ensures social justice, especially in family and inheritance problems.<sup>28</sup>

**4. Financial Transactions (المعاملات المالية):** This legislative group controls a wide range of financial transactions and agreements, including:

- i. Commercial Transactions: Trade, commercial interactions, and agreements between businesses.
- ii. Corporate Law: Regulations pertaining to corporate and partnership activities.
- iii. Public Treasury: The distribution of public assets and the managing of governmental funds.

The purpose of this branch is to ensure equity, transparency, and the protection of rights in financial matters.<sup>29</sup>

**5. Civil Laws (الأحوال المدنية):** *Sharī'ah* defines civil law as including individual rights and responsibilities in society. It regulates legal processes, property rights, and personal obligations. Through this area, justice and order rule daily life.<sup>30</sup>

**6. Islamic Judicial System (القضاء وأحكام الدعوة والمرافعة):** This division manages the administration of justice, emphasizing judicial and administrative foundations for the resolution of disputes. Its summary is:

- i. The Judges' Qualifications: Standards for selecting judges to guarantee impartiality and proficiency.
- ii. Court Processes: The composition and operation of Islamic courts, including the guidelines for submitting testimony and rendering decisions.

Therefore, the legal system plays a significant role in upholding justice in both criminal and civil matters.<sup>31</sup>

**7. Islamic Military Laws (احكام الحرب / المغازى):**

The ethics of war operate under Islamic military law (احكام الحرب), which addresses such matters:

- i. Moral Behavior in Battle: The principles of engagement, the care of inmates, and the defense of civilians.
- ii. Military Planning: Rules for military actions and defensive practices.

The purpose of these guidelines is to uphold the moral principles of warfare and to ensure that conflicts are addressed with respect for human life and dignity.<sup>32</sup>

**8. Islamic Criminal Laws (الجنايات):** The Islamic criminal law pertains to the identification of criminal activities and the appropriate punishments for them. It includes:

- i. Crimes: Including adultery, apostasy, homicide, and theft.
- ii. Punishment: prescribed sanctions such fines, incarceration, or physical punishment.
- iii. Defense: Self-defense is one of the legal defenses that accused people can utilize.

The objectives of this branch are to maintain law and order, discourage criminal activities, and ensure that justice is administered equally.<sup>33</sup>

**9. Islamic Political Systems (السياسة الشرعية / الأحكام السلطانية):** Islamic political law emphasizes the importance of social order and discipline.

- i. Sovereignty: The legitimacy and power of political leaders.
- ii. Governance: The obligations of leaders, such as maintaining the welfare of the populace and guaranteeing justice.
- iii. Rule of Law and Human Rights: The political system safeguarding of people rights and liberties.

This branch establishes the fundamental principles of political governance and guarantees that those in power behave in a manner that upholds the Islamic values of equality and justice.<sup>34</sup>

**10. International Laws (العلاقات الدولية):** Matters related to international relations are managed through this branch, including:

- i. Diplomacy: Managing international relations and drafting treaties.
- ii. Arbitration: Using peaceful methods to settle international conflicts.

In international relations, Islamic international law places great emphasis on justice, mutual respect, and the protection of human dignity.<sup>35</sup>

**11. Environmental Laws (أحكام البيعة):** According to *Sharī‘ah*, environmental law regulates how people interact with the natural world. It covers areas such as:

- i. Preservation of Resources: Standards for the prudent use of natural resources.
- ii. Environmental Protection: Laws to protect the natural environment and prevent pollution.

This branch shows the Islamic principle of environmental stewardship, which requires us to protect the environment for future generations.<sup>36</sup> *Sharī‘ah* is a comprehensive framework that governs all aspects of

life, including social interactions and personal devotion. Islamic scholars handle modern concerns while upholding the Qur'an and Sunnah essential principles of compassion, justice, and equality, adapting them to social changes. *Sharī'ah* is adaptable so it remains relevant in many circumstances. It guides social, legal, and ethical behavior.

#### 1.4 Aims and Objectives of *Sharī'ah* in Governance

*Sharī'ah*, a comprehensive legal framework, regulates the lives of Muslims. The aim is to control human life, aligning relationships with Allah (ﷻ) and interpersonal interactions with divine commands.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا ادْخُلُوا فِي السِّلْمِ كَآفَّةً وَلَا تَتَّبِعُوا خُطُوٰتِ الشَّيْطٰنِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ<sup>37</sup>

*“O ye who believe! Enter into Islam Whole-heartedly; And follow not The footsteps Of the Satan For he is to you An avowed enemy.”*<sup>38</sup>

This verse emphasizes the comprehensive nature of Islam, stating that *Sharī'ah* is a comprehensive framework for living that addresses personal and public matters from birth to death, rather than just a set of regulations. *Sharī'ah* guides all aspects of human existence, including ethical, social, political, economic, and spiritual issues. The main objectives of *Sharī'ah* are discussed below.

**1. Regulations of Human Relationships:** *Sharī'ah* aims to regulate connections between persons and Allah and among individuals. Islamic ethics depends on morality and legislation. The Qur'an and sayings of the Prophet Muhammad have shaped the Muslim society completely, covering social, moral, and theological aspects.<sup>39</sup>

**2. Justice, Peace, and Equality:** The goal of *Sharī'ah* is to establish peace through equal justice. Islam provides a framework for peace but does not force it. According to the teachings of the Prophet Muhammad:

والذي نفسي بيده لا تدخلوا الجنة حتى تؤمنوا ولا تؤمنوا حتى تحابوا أولا أدلكم على شيء إذا فعلتموه تحاببتم:

أفشوا السلام بينكم

*“...One in Whose Hand is my soul! You will not enter Paradise until you believe, and you will not believe until you love each other. Shall I tell you about what will strengthen that for you? Spread the Salam among each other”*<sup>40</sup>

The hadith emphasized the importance of peace, which can be demonstrated by Salaam others (سلام). Islam views justice as a combination of rights and harmony.

**3. True Freedom Under Ethical Values:** *Sharī‘ah* provides true freedom based on ethical and moral principles. Islam guarantees freedom in many ways:

- Freedom of worship, which permits people to openly manifest their religious beliefs.
- Freedom of speech, which gives people the ability to voice their opinions as long as they stay within the bounds of morality and respect. □
- Freedom to acquire and hold property, which allows people to justly earn, own, and administer it. □
- Islam forbids adultery, fornication, and other illegal sexual interactions while firmly defending the freedom of legitimate sexual relations through the institution of divorce.<sup>41</sup>

**4. Dignity and Protection of Women:** Islam freed women from slavery in pre-Islamic countries. Islam gives moms, wives, and daughters equal rights. They can practice their religion, inherit assets, choose life partners, and own property. Islam guarantees dignity and respect, ensuring fair treatment, especially in marriage. In Islam, a woman name remains the same after marriage. *Fatimah bint Muhammad, Hafsa bint Umar, Aisha bint Abu Bakr, and Khadijah bint Khuwaylid* are identifiable by their paternal descent, not their marriages. This shows that women are independent creatures with rights and identities, not their husbands’ property.<sup>42</sup>

**5. Comprehensive Guidance for Life:** *Sharī‘ah* governs all aspects of life, from birth to death. It covers the proper preparation of a body for burial, graveyard place, and inheritance distribution. *Sharī‘ah* inheritance law addresses rightful heirs, share allocation, and property distribution based on divine commandments.<sup>43</sup>

**6. Division of Human Actions in *Sharī‘ah*:** Islamic law divides responsible and mature behavior into five categories. Muslims can fulfill their religious commitments and avoid grief by understanding the ethical and legal consequences of their conduct. A table lists five more categories.<sup>44</sup>

Categories	Explanation	Examples	Consequences
<b>Obligatory Actions (Fard)</b>	Acts that Allah (ﷻ) has clearly mandated and that are obligatory. These are necessary in order to perform religious duties.	Performing the five daily prayers; Ramadan fasting; zakat payment; and, if possible, the Hajj.	Reward for doing; if Allah (ﷻ) does not pardon them, it is wicked and will result in punishment both here on Earth and in the Hereafter.
<b>Recommended Actions (Mandūb / Mustahabb)</b>	Events that are suggested or encouraged but not required. When carried out, they are virtuous and rewarding.	Giving voluntary donation (Sadaqah), fasting on Mondays and Thursdays, and praying according to the Sunnah etc.	Performance is rewarded; failure to perform is not penalized. Although these activities are commendable, they are not legally binding.
<b>Forbidden Actions (Harām)</b>	Behaviors that Allah (ﷻ) has categorically forbidden and condemned. They are sinful and subject to punishment for their actions.	Drinking drink, committing theft, usury (Riba), and having extramarital affairs etc.	If not repented of, it will result in punishment both here on Earth and in the Hereafter; omission brings reward.
<b>Dislike or Reprehensible Actions (Makrūh)</b>	Behaviors that are not as serious as <i>Harām</i> but are nonetheless discouraged or hated. It is not recommended to do these things.	Garlic before going to the mosque, eating while standing, and doing pointless things during prayer	There is no legal penalty for doing so; staying away from them is advised. Reward comes from omission.
<b>Permissible Actions (Mubāh or Jā'iz)</b>	Actions that are neutral and acceptable in Islam; Sharia neither promotes nor discourages them.	Eating non-halal or non-harām cuisine, dressing in any color, and picking a job that is acceptable.	There is no reward or penalty; each person is free to choose their own neutral activities. They shouldn't transgress fundamental values or obstruct religious obligations.

Table 1

By categorizing *Sharī'ah* tasks into five categories, Muslims can better manage various aspects of life. Muslims are more likely to follow their religion, avoid immorality, and do good when they accept its legitimacy. Adhering to a harmonious and moral lifestyle ensures that Muslim actions align with Allah (ﷻ) will and the Prophet teachings. These five categories of compulsory, delegated, banned, repugnant, and acceptable help Muslims make ethical decisions.

### 1.5 Comparative Analysis: *Sharī'ah* and Secular Governance

The *Sharī'ah*-based and secular government systems differ significantly in philosophical, religious, and practical aspects. Governance, legal integration, and autonomy are especially affected by these distinctions. These conflicts originate from the difference between divine and secular authority, which affects human rights, the rule of law, and religion in governance. Significant differences exist between *Sharī'ah* and secular governance.

#### 1. Sovereignty: Divine Will vs. Secular Autonomy

According to *Sharī'ah*, Allah grants autonomy within the governing structure, making divine will the ultimate authority. The Qur'an and Hadith-based Islamic jurisprudence supports government law. It must obey divine laws. Implementing *Sharī'ah* represents divine sovereignty, not just a legal framework. The Islamic governance paradigm requires all human actions, including government, to follow the divine

moral and ethical standards. Divinely inspired Islamic laws and regulations guide society toward moral and spiritual achievement. However, secular governance is based on popular sovereignty, which holds that people can legislate and self-govern democratically. Secularists believe legislation should be based on reason, empirical evidence, and universal human rights, not divine revelation, and separate religious and government matters. As a result, a secular system prioritizes equality, justice, and individual rights without religious influence. Thereby, secular sovereignty belong to the people and may change to meet social needs, making it adaptable to pluralistic societies.<sup>45</sup>

## 2. Legal Systems: Integrated Religious Laws vs. Secularism

Within *Sharī‘ah* legislation, religious principles are integrated. Islamic law integrates morality and law to promote spiritual growth and social values. *Sharī‘ah* law governs all aspects of life, including criminal law, business transactions, and personal status matters like marriage, divorce, and inheritance, based on holy scriptures and interpretations. Religion and law are integrated to support the idea that judicial verdicts must follow Islamic ethics. Islamic jurisprudence balances strict laws like Zakat and stealing with practical methods like consensus and analogy that take cultural context and current situations into consideration. In contrast, secular legal systems base laws on rational and evidence-based information. Despite being moral, a secular system need not be religious. Secularism is promoted by a universal legal framework that provides equal treatment against all religions. Legal frameworks molded by judicial reviews and democratic processes grow with society in secular government. Secular law seeks to be inclusive, meet the needs of a varied population, and foster a fair and equitable legal culture without religious influence.<sup>46</sup>

## 3. Rights and Freedoms: Ethical Lens vs. Universal Autonomy

*Sharī‘ah* law and secularism differ in their understanding and application of individual rights and liberties. Both systems value justice and equality, but their beliefs and power dynamics impact their rights interpretations. Islamic jurisprudence aligns rights to moral and ethical principles from the Qur’an and Hadith. Rights are defined by *Sharī‘ah* law, which prioritizes legal justice, social peace, and spirituality. Islam recognizes religious liberties and obligations like life, property, and human dignity as essential rights. Islamic moral and social standards often contextualize these rights, which may affect their use and extent. Islamic family law, based on *Sharī‘ah* principles, outlines property distribution, spousal treatment, marriage, divorce, and inheritance rights. Religious beliefs influence gender roles and obligations, which may lead to different secular rights interpretations. The global Islamic perspective emphasizes the balance between individual liberty and communal commitments within religious and

social responsibilities. Democracy and empirical evidence strengthen secularism values of equality, human rights, and individual liberty. Secular legal systems pressure global human rights such freedom of expression, religion, and equality before the law. These inherent, non-negotiable rights are based on equality and fairness, not religion. International human rights treaties, judicial precedents, and constitutional provisions impact secular rights interpretation.<sup>47</sup>

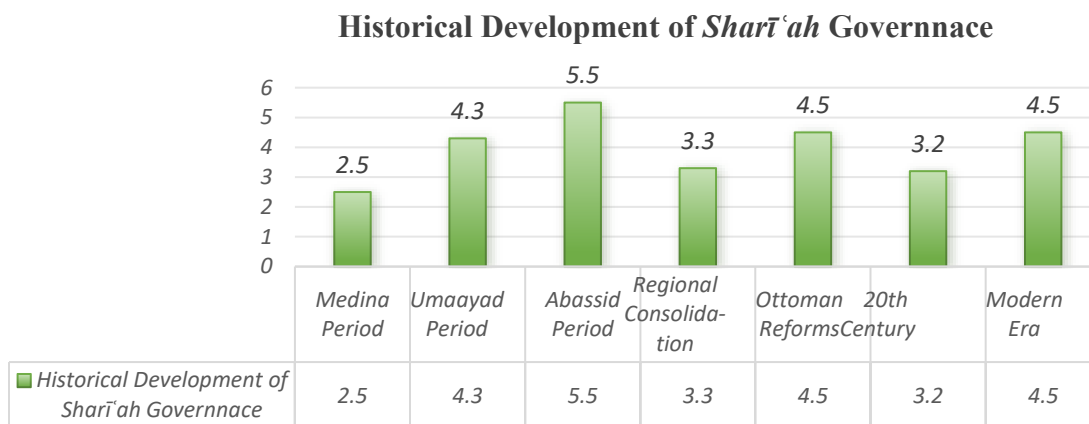
#### **4. Governance Models: Religious Authority vs. Democratic Principles**

Muslim and secular views on authority, legislation, and politics are reflected in their perspectives. The rational, democratic beliefs of secularism and religious precepts of Islamic law affect these representations. Islamic jurisprudence aims to implement and defend *Sharī'ah* law by integrating governance and religious authority. This creates a legal, moral, and spiritual government framework. Islamic governance emphasizes religious leaders and scholars' role in interpreting and implementing *Sharī'ah* to align political and legal systems with religious precepts. The governance framework is based on Divine Sovereignty, which is the ultimate manifestation of divine law. Islamic governance was modeled after the caliphate, where a caliph was both political and religious. Recent interpretations of *Sharī'ah* legislation vary, with some governments adopting ancient customs and others integrating democratic features. Governance must balance justice, equity, and communal welfare while integrating Islamic values into laws and programs. Religious and community leaders often reach consensus on decisions, demonstrating a governance approach that combines religious authority to social and legal obligations. The secular governance model emphasizes democracy and rational decision-making to separate religion from government. Secularism supports a legal system based on justice, equality, and human rights, regardless of religion. This method ensures democratic methods are used to create laws and policies based on facts, not opinions. Governance in secular democracies involves political leaders, constitutionally compliant legislatures, and courts. These models uphold the rule of law, separation of powers, and individual rights. Democratic inclusiveness, accountability, and transparency guide decision-making to reflect the diverse community needs and beliefs.<sup>48</sup>

Therefore, Governing systems that are *Sharī'ah*-compliant differ from secular ones in intellectual, religious, and practical aspects. Governance, legal integration, and sovereignty are severely affected by these inequalities. The difference between supernatural and secular power impacts concepts of human rights, the rule of law, and religion in governance.

### 1.6 Historical Development of *Sharī‘ah*

The historical history of *Sharī‘ah* shows how societal pressures, cultural circumstances, and divine principles have shaped Islamic jurisprudence over centuries. From the early Islamic period to modern changes, Islamic law has shown its flexibility and adaptability in numerous situations. This timeline highlights significant events and changes.



**Figure 3**

This bar graph shows the evolution of *Sharī‘ah* governance from Medina times to various political and legal changes. Each phase shows how Islamic legal frameworks adapt to changing social, territorial, and administrative situations.

#### 1. Early Foundations: The Medina Period (622–632 CE)

When Muhammad established the first Muslim community in Medina, *Sharī‘ah* was established. This age saw the Prophet Muhammad views and decisions put into the Qur’an, a primary source of guidance. Only 85 verses of the Qur’an include legal commandments, but Muhammad leadership and judgement made them effective in practice. The Charter of Medina is a remarkable example of legal philosophy and political integration from that time.<sup>49</sup> A more flexible legal structure was needed to combine regional norms for the Islamic state progress and ties with other populations.

#### 2. Era of Territorial Expansion & Pragmatic Adaptation (632–750 CE)

After the death of the Prophet Muhammad, the region experienced rapid geographical growth, leading to complex legal and administrative issues. Early Islamic judges blended Qur’anic principles with Roman, Byzantine, and Persian Sassanian legislation. This practical approach has helped Islamic law adapt to different societies’ changing requirements. Islamic government developed under the Umayyad Caliphate



(661-750 CE). Political fragmentation by marginalizing non-Arab Muslim groupings resulted from Umayyad Arab-centric policies. This resentment led to the Umayyad demise and Abbasid ascendancy.<sup>50</sup>

**3. Abbasid Era: Legal Pluralism & Intellectual Flourishing (750–1258 CE)**

Islamic law changed greatly throughout the *Baghdadid* era. They fostered legal and intellectual tolerance by embracing cultural diversity and including Persian and other non-Arab groups into their governance. This openness created four major Sunni schools of thought:

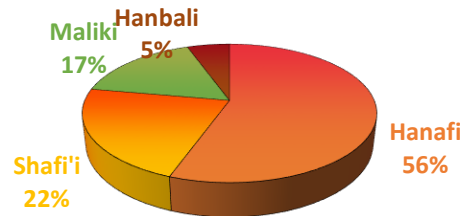
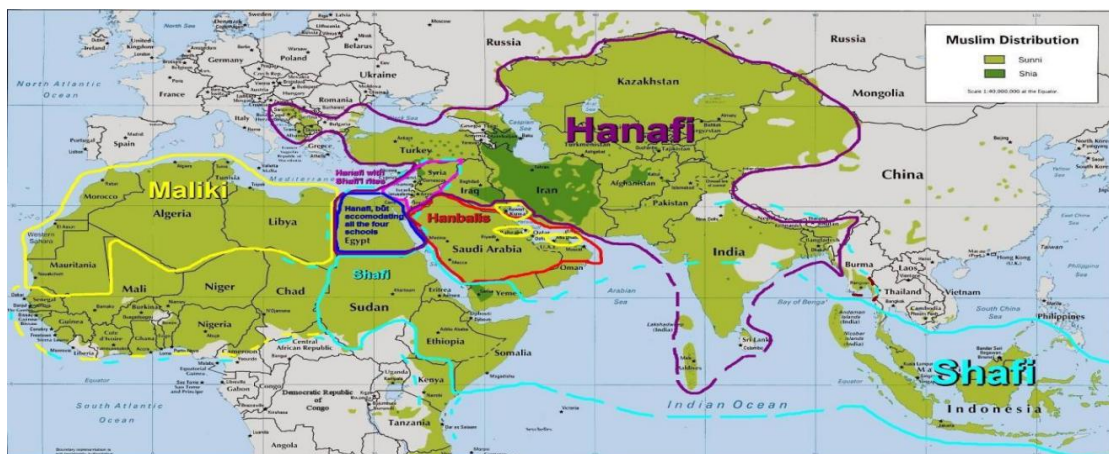


Figure 4

In this period, a method for understanding and applying jurisprudence and *Shari'ah* arose. Legal scholars formalized Islamic law methods like public welfare and comparison in fundamental writings. The Abbasid promoted legal pluralism, but Islamic law decentralization caused regional court verdicts to differ. By issuing fatwas, jurists addressed social issues while maintaining legal interpretation independence from state interference.<sup>51</sup>

**4. Map: Regional Consolidation & Procedural Rigor (13<sup>th</sup>–18<sup>th</sup> CE)**

Islamic law remained supreme after the Abbasid Caliphate fell in 1258 AD. The geographical context of various jurisprudential schools helped preserve *Shari'ah* in diverse Muslim civilizations. The map below shows the distribution of the four main Sunni madhhabs and the majority *Shi'a* community worldwide.<sup>52</sup>



The spatial patterns show centuries of legal knowledge, commerce lines, and imperial authority as each school established itself. This shows the diversity of Islamic law and how local circumstances affect the spread of *Sharī‘ah* interpretation.

## 5. Ottoman Reforms: Centralization & Codification (19<sup>th</sup> CE)

The establishment of the Ottoman Empire was a significant event in *Sharī‘ah* history. The Ottomans adopted *Sharī‘ah* law, primarily from the Hanafi jurisprudential school, in their rule. European forces and modernity prompted major legislative revisions by the 19th century.

- i. The *Al-Majallah al-Ahkam al-Adaliyyah* (مجلة احكام عدليه, 1876): In an effort to unify legal procedures, the first universal Islamic civil code was modeled after Hanafi legislation. □
- ii. Replaced by Europeans laws: In reaction to industrialization and worldwide impact, old criminal and civil laws were replaced by codes modeled after those of Europe.

These changes modernized governance and stabilized authority, but they also weakened Islamic law traditions and classical jurists.<sup>53</sup>

## 6. Transformations & Contemporary Applications (20<sup>th</sup> CE)

The implementation of *Sharī‘ah* has experienced significant changes in the 20th century. Urbanization and women empowerment challenged feudal family law. Two main reform strategies were used:

- i. Total Abandonment: Similar to Turkey, where secular laws completely superseded *Sharī‘ah*.
- ii. Adaption: The majority of Muslim countries modified *Sharī‘ah* in accordance with Islamic law, introducing administrative rules through government policy.

Judicial consolidation and familial law codification were major achievements. The civil law framework and contemporary evidence standards accepted documentary and circumstantial evidence.<sup>54</sup>

## 7. *Sharī‘ah* in the Modern Era

The application of *Sharī‘ah* is now carried out in various ways:

- Family Laws: Regulates inheritance, divorce, and marriage; it is frequently augmented by contemporary legal laws.
- Hybrid systems: *Sharī‘ah* is used in conjunction with common-law or civil law systems in countries like Pakistan and Indonesia.
- Judicial Integration: Numerous countries integrate *Sharī‘ah* ideas into their national legal frameworks, permitting procedural discretion and appellate review.<sup>55</sup>

*Sharī'ah* continuing impact comes from its ability to balance divine and human rationality. Its history ensures its relevance in many social and political contexts by fostering interaction between tradition and modernity.

### **1.7 Governance**

Governance is crucial to human civilization because it builds and manages civilizations. Over thousands of years, diverse cultural, political, and social circumstances have molded its philosophy.<sup>56</sup>

#### **1.7.1 Historical Background and Philosophical Development**

Political philosophy has emphasized governance since ancient times, reflecting the public desire for social order, justice, and stability. Plato and Aristotle believed that good governance requires ethical and intelligent leadership. This discussion was expanded by Enlightenment philosophers:

- Hobbes, Locke, and Rousseau established the idea of the social compact, stressing that legitimate power is based on the agreement of the governed.
- Montesquieu promoted the division of powers, in order to preserve checks and balances and avoid the consolidation of power.
- Immanuel Kant emphasized how morality and reason play a part in governance.
- Foucault and Habermas described governance in the modern era as both a framework of institutional authority and a social discourse. While Habermas emphasized the importance of communicative rationality in democratic governance, Foucault concept of governance highlighted governance as an interaction between state institutions, social norms, and methods of control.<sup>57</sup>

#### **1.7.2 Post-Colonial Governance**

Many nations gained independence from colonial rule in the mid-20th century. These republics, influenced by their colonial powers, often viewed governance through modernism and progress. The rule of law, democracy, and institutional accountability became governance principles. Post-colonial implementation of these concepts presented many challenges. Governance systems often failed to deliver. Colonial legacies, institutional weaknesses, and incapacity to spread democracy hindered effective governance.<sup>58</sup>

**1.7.3 The move to “Good Governance”**In the late 20th century, policy concerns centered on “good governance”. Everyone agrees that good governance drives social and sustainable development. Its principles and practices provide equitable, efficient, and transparent governance that meets everyone needs.<sup>59</sup>

### 1.7.4 Good Governance Parameters

Multiple interconnected parameters that serve as criteria for assessing governance systems define good governance and these parameters are follows:



Figure 5

These parameters establish checks and balances to ensure open and fair decision-making, fostering confidence between rulers and citizens. When fully realized, they produce a responsive system where everyone has a voice, legal frameworks are maintained, and governance is effective.

1. **Participation:** Everyone who is involved should participate in decision-making. Effective governance can bring together people, communities, and organizations around policy issues. Engagement and trust in government require collaborative practices like open forums and public discussions.
2. **Rule of Law:** Rights protection, legal equality, and fair enforcement are cornerstones of the rule of law. Social fairness and order must be protected. The rule of law and a strong legal framework ensure governance stability and public confidence.
3. **Transparency:** Transparency requires open decision-making and public access to information. It prevents authority misuse and corruption. Transparent governance systems allow citizens to verify leaders' accountability and make informed decisions.
4. **Responsiveness:** Public needs must be addressed efficiently by government organizations. Addressing issues and improving public welfare requires quick and appropriate action.

5. **Equity and Inclusiveness:** Equality and diversity attempt to eliminate social inequality and guarantee equal opportunities. By representing and fulfilling marginalized groups' needs, good governance promotes social cohesion and reduces inequality.
6. **Efficiency and Effectiveness:** Governance efficiency and effectiveness are the best use of resources to achieve goals. It emphasizes responsibility in resource allocation, management, and strategic planning.
7. **Accountability:** Governing institutions and authorities must be accountable for their activities. Audit and oversight bodies demonstrate internal and external accountability procedures needed to maintain public confidence and ethics.<sup>60</sup>

### 1.7.5 Barriers to Good Governance

Even if these parameters are applied globally, there are barriers to achieving good governance. Common barriers include:

- Lack of accountability and openness.
- Causing inefficiency and corruption.
- Inadequate institutional capability.
- Leading to insufficient service delivery and delays.
- Inadequate representation and involvement of the public in decision-making procedures.
- Differences in the distribution of resources.
- Establishing economic and social disparities.<sup>61</sup>

### 1.7.6 Moving Toward Better Governance

Good governance requires ethical behavior and strong institutions. Citizen contact, education, and technology can improve government and empower citizens. These rules help organizations and governance foster sustainability, equity, and trust.<sup>62</sup> Therefore, *Shari'ah* governance promotes these principles by fostering justice, equality, and accountability. These values are protected by adopting good governance principles within a framework that holds leaders and the community to ethical and moral standards. *Shari'ah* governance includes good government by prioritizing justice and social welfare, particularly for the most vulnerable.

**1.8 Sharī‘ah Governance** *Sharī‘ah* governance integrates Islamic precepts into governmental and commercial management. It uses divine direction from the Qur’an and Sunnah to provide a moral and legal basis for Islamic governance. Islamic scholars and jurists have expanded and interpreted these ideas to address cultural difficulties.<sup>63</sup>

### 1.8.1 Evolution of *Sharī‘ah* Governance

After the death of Prophet Muhammad in 632 CE, Islamic dominance quickly spread, conquering diverse legal and cultural traditions. At first, governance followed the Prophet Muhammad Sunnah as a guide. To handle administrative issues, specialists developed Islamic law (Fiqh) and compiled Hadiths, such as the actions and sayings of the Prophet Muhammad. The Fiqh method is used to interpret and apply *Sharī‘ah* principles in various contexts. As Islamic jurisprudence evolved, many legal schools (*Hanafi*, *Maliki*, *Shafi’i*, *Hanbali*) emerged, demonstrating *Sharī‘ah* governance flexibility.<sup>64</sup>

### 1.8.2 Definition of *Sharī‘ah* Governance: For Implementing Divine Will

According to Islamic perspective, Allah (ﷻ) has given humanity the sacred duty of governance. Accountability means promoting responsibility, public welfare, and fairness. The main goal of *Sharī‘ah* is to implement divine guidance and align human civilization with Allah (ﷻ) directives.<sup>65</sup> The Qur’an emphasizes governance as a trust, declaring that *Sharī‘ah* governance has two responsibilities:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا<sup>66</sup>

*“Allah doth command you To render back to your Trusts To those to whom they are due; and When ye Judge Between people That ye judge with Justice: Verily how excellent Is the teaching which He giveth you! For Allah is He Who heareth And seeth all things”<sup>67</sup>*

This passage summarizes the two duties of *Sharī‘ah* governance: maintaining justice and restoring trust. Furthermore, the prophet Muhammad highlighted the concept of leadership as a trust by stating:

أَلَا كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ فَالْأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ عَلَيْهِمْ وَهُوَ مَسْئُولٌ عَنْهُمْ<sup>68</sup>

*“Each of you is a shepherd and each of you is responsible for his flock. The amir (ruler) who is over the people is a shepherd and is responsible for his flock...”<sup>68</sup>*

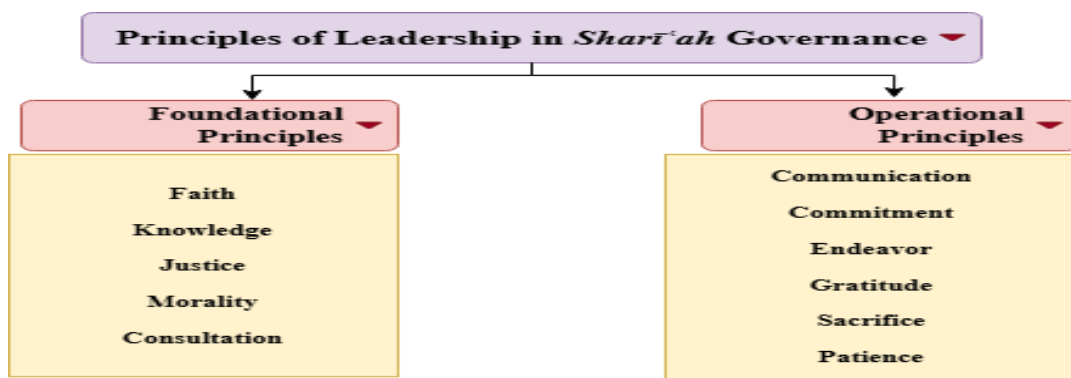
Therefore, *Sharī‘ah* governance fulfills divine goals by directing society in accordance with Allah laws and commandments. This moral governance concept benefits society and individuals. According to the Qur’an, *Sharī‘ah* governance is associated to mutual consultation, or Shura:

“Those who respond To their Lord, and establish Regular Prayers; who (conduct) Their affairs by mutual consultation....”<sup>70</sup>

This shows that *Sharī‘ah* leadership collaborates and holds power accountable, rather than acting as an absolute authority.

### 1.8.3 Principles of Leadership in *Sharī‘ah* Governance

Leadership in Islam is based on the Qur’an, Sunnah and provides a comprehensive framework for good government. The figure shows Islamic leadership principles:<sup>71</sup>



Above figure shows the basic principles of leadership in *Sharī‘ah*. These principles create leaders who are spiritually rooted, intellectually competent, and ethically sound, ensuring decisions fulfill divine commandments and benefit society. *Sharī‘ah* leadership balances authority, accountability, and compassion through consultation, justice, and mercy.

1. **Faith and Belief (الإيمان والعقيدة):** The foundation of *Sharī‘ah* leadership is belief. It gives leaders direction, duty, and faith in Allah (ﷻ).<sup>72</sup> The Qur’an emphasizes faith moral clarity and teaching.

اللَّهُ وَلِيُّ الَّذِينَ ءَامَنُوا يُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ...<sup>73</sup>

“Allah is the protector Of those who have faith: From the depth of darkness, He leads them forth Into Light....”<sup>74</sup>

This belief helps a leader follow principles and act with honesty and resolve.

2. **Knowledge and wisdom (العلم والحكمة):** In *Sharī‘ah*, leadership requires knowledge and wisdom. Leaders must constantly learn to solve governance issues and make educated judgments.

The Prophet Muhammad (ﷺ) said:

" مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا سَهَّلَ اللَّهُ لَهُ طَرِيقًا إِلَى الْجَنَّةِ "

“Whoever takes a path upon which to obtain knowledge, Allah makes the path to Paradise easy for him”<sup>75</sup>

The Knowledge was important throughout Islamic civilization golden age. Leaders like *Umar ibn al-Khattab* (رضي الله عنه) took advice from academics and experts across fields to ensure policies aligned with Islamic principles and practical needs.<sup>76</sup>

**3. Courage and Determination (شجاعه وعزم):** Effective leaders have the strength to make tough decisions and the drive to implement them. Islamic leadership requires boldness based on work ethic and faith in Allah. The Qur’an says,

فَأَصْبِرْ إِنَّ وَعْدَ اللَّهِ حَقٌّ وَلَا يَسْتَخِفَّنَكَ الَّذِينَ لَا يُوقِنُونَ<sup>77</sup>

“So patiently preserve: for Verily the promise of Allah Is true: nor let those Excite thee, who have (Themselves) no certainty of faith”<sup>78</sup>

Despite severe difficulties, the example of *Tariq bin Ziyad*, who led the Muslim soldiers to victory in Spain, shows how bravery and determination can lead to greatness.<sup>79</sup>

**4. Mutual Consultation:** A key principle of *Shari‘ah* governance is mutual consultation. The Qur’an provides guidance:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ<sup>80</sup>

“Those who respond To their Lord, and establish Regular Prayers; who (conduct) Their affairs by mutual consultation....”<sup>81</sup>

The Prophet Muhammad (ﷺ) sought guidance from his companions on crucial decisions, such as war strategy. This method promoted harmony and trust and integrated community knowledge into policymaking.<sup>82</sup>

**5. Morality and Piety (الأخلاق والتقوى):** Morality and piety determine a leader effectiveness and legality. Leaders must set the highest ethical standards for their people. The importance of piety is emphasized in the Qur’an:

...إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىكُمْ...<sup>83</sup>

“Verily The most honored of you In the sight of Allah is (he who is) the most Righteous of you”<sup>84</sup>



The remarkable character of Prophet Muhammad (ﷺ) gained him the respect and trust of his people, enabling his effective leadership. After taking over the caliphate, *Hazrat Abu Bakr Siddiq* (رضي الله عنه) said, “*Help me if I am right; set me straight if I deviate.*”<sup>85</sup> It reflects Islamic leadership values of humility, fairness, partnership, and accountability.<sup>86</sup>

**6. Superior Communication (اتصالات متفوقة):** In *Shari’ah*, effective leadership requires effective communication to articulate opinions and connect individuals towards common goals. Verbal expression is only part of communication. Active listening, convincing others, and leadership are also skills. Divine communication is shown in the Qur’an exquisite wording. Leaders are encouraged to improve their communication clarity through this comparison. The Prophet Muhammad (ﷺ) effectively communicated by using straightforward language understandable to his listeners. His recitation of *Surah Ha-Mim As-Sajda* with *Utbah bin Rabi’ah* shows his ability to convince without force. This strategy showed *Utbah* the power of rhetoric. Effective communication fosters mutual respect and trust, essential for governance, and aligns individuals with leaders’ goals.<sup>87</sup>

**7. Justice and Compassion (العدلات والرحمة):** The foundation of Islamic governance is justice, which is related to mercy. A leader must make decisions with fairness and mercy. The Qur’an emphasizes this:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوِّمِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ: إِن يَكُنْ

غَنِيًّا أَوْ فَاقِرًا فَاللَّهُ أَوْلَىٰ بِهِمَا

“*O ye who believe! Stand out firmly For Justice, as witness To Allah, even as against Yourself, or your parents, or your kin, and whether it be (against) rich or poor: For Allah can best protect both...*”<sup>89</sup>

This balance was demonstrated by Prophet Muhammad (ﷺ), who showed sympathy for the weak and enforced justice without compromise. These principles were also upheld by Rightly Guided Caliphs like *Umar ibn al-Khattab* (رضي الله عنه). He fired a judge for favoring Umar during a trial. The severity of justice is often mitigated by compassion. The Prophet Muhammad showed forgiveness to the hostile residents of *Ta’if*, an example for leaders to prioritize the greater good and show mercy when necessary. A good governance promotes social harmony when a leader combines justice and compassion.<sup>90</sup>

**8. Patience and Endurance:** The difficulties of leadership require patience to overcome. According to the Qur’an, the definition of steadfastness is:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَصْبِرُوا وَصَابِرُوا وَرَابِطُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ<sup>91</sup>

“O ye who believe! Preserve in patience And constancy; vie in such preservice; Strengthen each other; And fear Allah; That ye may prosper.”<sup>92</sup>

The Prophet Muhammad (ﷺ) taught important patience teachings. He showed resilience by suffering physical torture and humiliation on his way to *Ta'if*. Although suffering, he prayed for his abandoners. This courageous and hopeful act shows how true leaders overcome hardship with grace and positivity. Long-term goals require active patience, not apathy. Resilient leaders like *Ayub* (عَلَيْهِ السَّلَام) and *Yaqub* (عَلَيْهِ السَّلَام), demonstrate that overcoming difficulties with conviction leads to success.<sup>93</sup>

**9. Commitment and Sacrifice (الالتزام والتضرع):** Islamic leaders are dedicated and willing to sacrifice. A leader dedication inspires followers to work toward the group goals. The Qur'an summarizes the covenant as follows:

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ...<sup>94</sup>

“And strive in His cause As ye ought to strive...”<sup>95</sup>

Exemplary examples can be found in the lives of the Rightly Guided Caliphs. *Abu Bakr Siddiq* (رضي الله عنه) lived modestly and required minimum treasury contribution, ensuring that nothing extra was returned. *Umar ibn al-Khattab* (رضي الله عنه) demonstrated straightforwardly that personal sacrifice enhances a leader moral authority and integrity. Sacrifice includes comfort, security, and time, not just money. This type of generosity fosters social bonds and confidence.<sup>96</sup>

**10. Lifelong Endeavor (الجهاد في سبيل الله):** Islamic leaders promote work and progress. This idea is supported by the Qur'an:

وَأَنْ تَلْبَسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى<sup>97</sup>

“That man can have nothing But what he strives for;”<sup>98</sup>

Leaders must always adjust to changing situations in governance. Overconfidence hinders progress, while continuous learning and effort keep leaders and their communities vibrant and flexible. Muhammad (ﷺ) exemplified this principle by constantly spreading Islam and upholding justice and equity throughout his life. This idea emphasizes resilience after failure. Great leaders can overcome obstacles and keep going.<sup>99</sup>

**11. Gratitude and Prayers (الشكر والدعاء):** Islam emphasizes spiritual leadership, requiring gratitude to Allah (ﷻ) and constant prayer for guidance. According to the Prophet Muhammad (ﷺ):

*"He who does not thank the people is not thankful to Allah"*<sup>100</sup>

A leader ethical foundation is reinforced by this statement, which emphasizes gratitude, thanks, and humility. Leaders can find peace, resoluteness, and divine closeness via prayer. As stated in the Qur'ān:

وَقَالَ رَبُّكُمْ ادْعُونِي أَسْتَجِبْ لَكُمْ...<sup>101</sup>

*"And you Lord says: Call on Me; I Will answer your (prayer)..."*<sup>102</sup>

Many prophets and Islamic leaders showed how thankfulness and prayer may overcome difficulties. By seeking Allah, leaders gain strength and demonstrate piety and divine guidance for their followers.<sup>103</sup>

As a result, *Sharī'ah* principles provide a foundation for implementing divine will in human governance. Public welfare and accountability to Allah (ﷻ) are key to leadership as a sacred duty. Justice, equality, social peace, and society moral and spiritual progress are key goals, and the Qur'ān, Sunnah, and righteous Caliphs provide a solid framework for governance. They balance the demands of the people with Allah (ﷻ) commands. Knowledge and wisdom help leaders make morally sound decisions, while trust and belief provide them moral clarity. By showing confidence and desire to consult, leaders may overcome problems and promote inclusiveness and unity in decision-making. Justice and mercy balance fairness and humanity, yet leaders with strong communication skills may inspire and lead their communities. These characteristics help leaders overcome challenges, and their sacrifices and dedication show their dedication to the community. Leaders should practice thankfulness and perseverance to promote success and retain their connection with Allah (ﷻ). These concepts create a morally sound and efficient governance framework that promotes spiritual growth, fairness, and social welfare. Adhering to these principles makes governance a structure that benefits society, reflecting *Sharī'ah* goal of a just, equitable, and peaceful society. This broad leadership vision provides timeless lessons for all governance circumstances. According to *Sharī'ah*, leadership is a duty, not a privilege, and essential for achieving fairness and stability in a society.

#### 1.8.4 Core Principles of *Sharī'ah*-Compliant Governance

The *Sharī'ah* provides a rigorous framework for regulating human behavior in accordance with Islamic principles, based on the Qur'an and Sunnah. These values promote justice, accountability, equality, and ethical integrity while upholding Allah sovereignty. This section explains the core principles of *Sharī'ah* ruling, providing a theoretical framework for understanding this system.<sup>104</sup>

1. **Sovereignty of Allah (توحيد السيادة):** *Sharī‘ah* governance is based on the absolute sovereignty of Allah (ﷻ). This principle emphasizes Allah absolute authority found in the Qur’an

105 ...إِن الْحُكْمُ إِلَّا لِلَّهِ...

...The command is none but Allah ....” 106

This framework limits human beings to divine will as in the Qur’an and taught by Prophet Muhammad. Islamic government does not allow individuals or institutions to enforce laws without divine guidance. This concept holds that rulers interpret Allah commands and make governance a religious duty.<sup>107</sup>

2. **Vicegerency of Humanity:** Peoples are Allah vicegerents (caliphs) on earth and must uphold justice and divine mandates. The Qur’an calls this Vicegerency a communal trust for the Muslim Ummah:

108 وَعَدَ اللَّهُ الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ...

“Allah has promised, to those Among who you believe And work righteous deeds that Will, of a surety grant them In the land, inheritance (Of power), as He granted it To those before them; ....”<sup>109</sup>

This principle emphasizes that no family, tribe, or class uniquely holds leadership roles. Instead, all Muslims share this commitment. This worldwide view holds that leaders’ compliance with *Sharī‘ah* and rulers’ trust establish legal legitimacy.<sup>110</sup>

3. **Consultative Decision-Making:** Islamic governance emphasizes Shura, or consultation. It guarantees fair elections that reflect community wisdom. The Qur’an emphasizes:

111 ...وَأْمُرْهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا...

“...; who (conduct) Their affairs bu mutual Consultation....”<sup>112</sup>

113 ...وَشَاوِرْهُمْ فِي الْأَمْرِ...

“... (And consult Them in affairs (of moment... ”<sup>114</sup>

The Prophet Muhammad (ﷺ) and the rightly led Caliphs highlight the importance of consultation in political leadership decision. Consultation remains important, as symbolic allegiance (oath of loyalty) was used to win community support even after hereditary authority emerged. *Syed Abul A’la Maududi* outlined important criteria for leadership according to *Sharī‘ah*.

- The basic principles of *khilafah* must be affirmed and upheld by leaders.
  - People with a reputation for being devout, honest, and obedient to Allah (ﷺ) should give leadership roles.
  - Candidates must have the skills, expertise, and ability to lead successfully.
  - Accountability and openness must be given top priority by the government.<sup>115</sup>
4. **Justice & Equality (عدل وقسط):** The governance is based on *Shari'ah* principles of justice. The Qur'an demands complete equality in every aspect of governance.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ...<sup>116</sup>

*“Allah doth command you To render back to your Trusts To those to whom they are due; and When ye Judge Between people That ye judge with Justice.....”*<sup>117</sup>

...وَأْمُرْتُ لِأَعْدِلَ بَيْنَكُمُ...<sup>118</sup>

*“...And I am commanded To judge justly between you....”*<sup>119</sup>

Universal justice holds that laws bind citizens and rulers equally. According to the Prophet Muhammad (ﷺ), even his own daughter would be punished for breaking the law. This principle protects every-one's rights, especially marginalized groups and minorities, beyond legal justice to social, political, and economic equality.<sup>120</sup>

5. **Accountability & Transparency (المساءلة والشفافية):** Islamic governance requires greater transparency and accountability. Leaders must follow divine principles to fulfill their responsibilities to Allah (ﷺ) and society. The following Hadith emphasizes the responsibility of accountability:

“مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ”

*“Whoever among you sees wrongdoing, let him change it with his hand; if he cannot, then with his tongue; and if he cannot, then with his heart—and that is the weakest level of faith.”*<sup>121</sup>

To hold the government accountable, the public should criticize and advise. This principle prevents authoritarianism and corruption by requiring leaders to serve the people and be transparent.<sup>122</sup>

6. **Promotion of Good & Prevention of Evil (الأمر بالمعروف والنهي عن المنكر):** The Islamic government is morally firm. Muslims must encourage virtue and reject vice; The Muslim community has been commanded through the Qur'an to support good and oppose evil:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ...<sup>123</sup>

*“Ye are the best Of people, evolved for mankind, enjoining what is right and Forbidding what is wrong...”*<sup>124</sup>

This principle holds persons and governments morally responsible for social fairness, preventing exploitation, and preserving the common good. In the past, organizations like *Hisbah* have promoted *Sharī‘ah* conformity and government responsibility.<sup>125</sup>

**7. Equality and Rule of Law (المساوات وسيادة القانون):** The principle that everyone, including leaders, is subject to the same laws under *Sharī‘ah* governance. Everyone is accountable to Allah Almighty under the Qur’ānic principle of equality.:

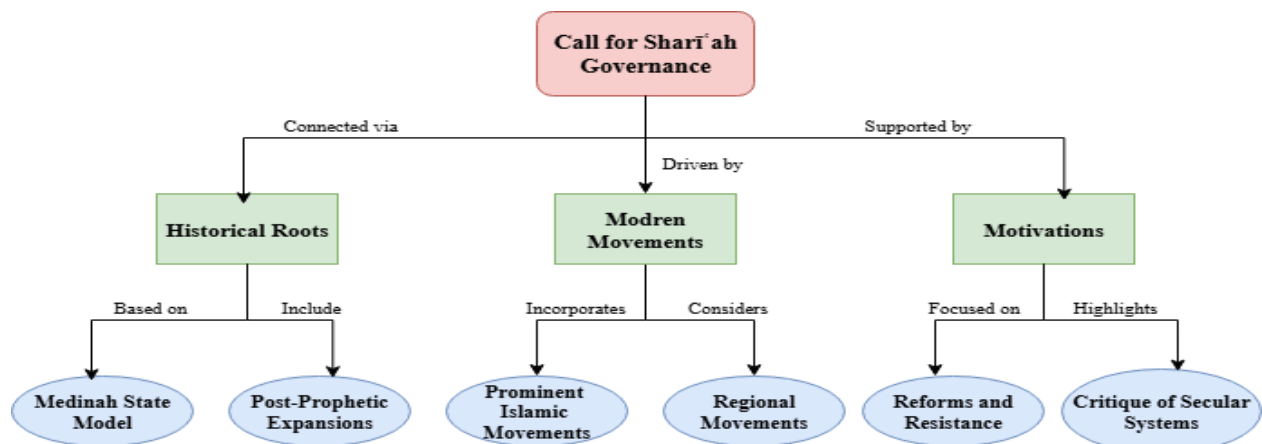
126 ...إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَمُ...

“Verily The most honoured of you In the sight of Allah is (he who is) the most Righteous of you”<sup>127</sup>

This concept protects individual rights in the legal system regardless of social, political, or economic status. Leaders are bound by the same laws as everyone else, which builds trust and deters authority abuse.<sup>128</sup> Therefore, the framework for ethical, inclusive, and equitable leadership is based on *Sharī‘ah*-compliant governance principles. This system seeks to establish morality, equity, and accountability based on divine authority, collective responsibility, and democratic rule. These principles still rule society and help reconcile societal needs with divine will.

**1.8.5 Political Movements and Call for Sharī‘ah Governance**

Political groups promoting *Sharī‘ah* governance aim to integrate Islamic precepts into modern political systems. This initiative promotes justice, morality, and divine accountability by referring the State of Medina established by the Prophet Muhammad. It also addresses contemporary challenges and consequences for political parties pursuing *Sharī‘ah*-compliant governance.<sup>129</sup> The following tree diagram outlines the roots, modern movements, and motivations for *Sharī‘ah* calls.



Above tree diagram shows historical branch examines concepts from the Prophet to modern movements, while the motivations branch examines organizations promoting Islamic law worldwide. The appeals range from reformist aspirations to opposition to perceived secular governance deficiencies.

### 1.8.5.1 Historical Roots of Islamic Political Movements

Islamic political movements stem from Medina deep legacy of integrating social order with theological principles. This history underlies modern efforts to integrate governance with Islamic beliefs.

**1. The Medina State as the Foundation Level:** The Medina State, founded by Prophet Muhammad, was the first *Sharī'ah*-compliant governance, integrating temporal and spiritual leadership for social harmony and justice.

- **Inclusive Governance:** The Medina Constitution promoted accountability and respect between Muslims and non-Muslims. This inspired modern Islamic organizations to have equitable and inclusive governance.
- **Morality and Justice:** Medina State decision-making was based on trust and justice. Community welfare and ethical governance laid the groundwork for modern movements.<sup>130</sup>

**2. Post-Prophetic Developments and Challenges:** After the death of Prophet Muhammad (ﷺ), the Islamic governance expanded substantially, particularly during the Umayyad and Abbasid caliphates.

- **Territorial Expansion:** The fast spread of Islam across civilizations and countries required the adoption of Greek, Persian, and Indian governance perspectives.
- **Preservation of Islamic Principles:** Adapting to changing sociopolitical situations while maintaining Islamic governance was difficult. Current organizations trying to restore Islamic values in a political climate represent this conflict.<sup>131</sup>

### 1.8.5.2 Modern Islamic Movements & Political Advocacy

Islamic Parties have expanded their strategies to address regional issues and promote *Sharī'ah*-compliant governance reforms. These groups share a commitment to social welfare, justice, and Islamic principles.

**1. Prominent Islamist Movements:** Numerous modern movements promote *Sharī'ah* governance to address sociopolitical challenges and uphold Islamic teachings.

- The Egyptian Muslim Brotherhood was created in 1928 to implement *Sharī'ah* law in the government due to moral decline and economic concerns. It criticizes secularism for lacking morality and equity.

- In 1941, *Sayyid Abul A'la Maududi* founded *Jama'at-e-Islami* (جماعت اسلامی) in Pakistan, which shifted from education to politics. It impacted Pakistan constitutional amendments to align governance with Islam.
- Hezbollah (حزب الله) is a political and resistance group in Lebanon. The integration of *Sharī'ah* legislation with pragmatic governance addresses Lebanon secular governmental flaws.<sup>132</sup>

**2. Local Movements and Support for History:** Islamic political support for *Sharī'ah* rule is a worldwide phenomenon rather than being limited to any one area.

- *Sokoto Jihad* (West Africa): The *Sokoto Jihad* (West Africa), led by *Sheikh Usman Danfodio* in the 19th century, promoted *Sharī'ah*-compliant governance and influenced Islamic reform in West Africa by replacing corrupt leadership.
- Afghanistan Taliban: The Taliban took power in Afghanistan in the 1990s and enforced strict *Sharī'ah* rule. Their steadfast pursuit of Islamic government despite global criticism highlights the relevance of *Sharī'ah* for particular communities. In August 2021, after the U.S. pullout, the Taliban regained Afghanistan and restored *Sharī'ah* governance.<sup>133</sup>

### 1.8.5.3 Motivations Behind Islamic Movements

Islamic groups seek justice and historical identity. These groups emphasize *Sharī'ah* ability to address modern social and political challenges when debating public matters and criticizing secular government.

**1. Reform and Resistance:** Islamic movements frequently start as a reaction to social ills including moral decline, foreign dominance, and political repression.

- Mahdi Movement (Sudan): Muhammad Ahmad led the Sudanese Mahdi Movement to reestablish Islamic rule and fight domestic corruption and colonialism.
- Palestinian *Hamas*: *Hamas*, created in response to Israeli occupation, aims to establish Islamic rule in Palestine through *Sharī'ah*-based social assistance and violent resistance.<sup>134</sup>

**2. Critique of Secular Systems:** The need for *Sharī'ah*-compliant governance comes from criticism of secular organizations for ignoring moral and ethical concerns.

- Colonial Disruptions: Many groups seek to restore *Sharī'ah* to repair cultural and moral rifts caused by Western colonization and the breakdown of traditional Islamic governance systems.
- Restoration of *Sharī'ah*: Movements seek to restore *Sharī'ah* as a basis for right and ethical governance, addressing injustice, instability, and corruption in modern nations.<sup>135</sup>

### 1.9 *Sharī'ah*-Compliant Governance Across Muslims States



It is important to understand how *Sharī'ah* is integrated into government structures to determine its effectiveness in major Muslim countries. In Muslim-majority countries, *Sharī'ah* usage varies from strict adherence to minimal use under secular or dual frameworks. Different political, historical, and cultural factors impact the application of *Sharī'ah* in modern government.<sup>136</sup>

### 1.9.1 Categories of *Sharī'ah* Implementation

According to Otto (2008) and the Council on Foreign Relations (2014), there are three basic models for how *Sharī'ah* law is incorporated into political systems: The tree diagram below shows three main branches *Sharī'ah* is implemented in state government, explaining where and how Islamic rules are interconnected:<sup>137</sup>



Figure 8

A Dual Legal System has secular and religious courts with separate jurisdictions. *Sharī'ah* is the ultimate legal basis for all government concerns, according to divine governance. The Secular System limits *Sharī'ah* to personal status, separating religious principles from government management.

1. **Dual Legal Systems:** Governments can apply *Sharī'ah* law in some situations, including as inheritance, marriage, divorce, and family law, while maintaining a secular legal framework. In Malaysia and Indonesia, *Sharī'ah* courts decide civil disputes involving Muslims alongside national courts, despite differing legal systems.<sup>138</sup>
2. **Governments Under God:** Several countries recognize Islam as the official state religion, with *Sharī'ah* as the primary source of legislation. In Saudi Arabia, *Sharī'ah* is a constitutional principle rooted in the Qur'an and Sunnah. All levels of governance in these governments integrate *Sharī'ah*, including social norms, legislation, and public policy creation.<sup>139</sup>
3. **Secular Systems:** On the other hand, religion and politics are officially separated in several countries. Countries like Turkey and Azerbaijan have secular political regimes with minimal *Sharī'ah* impact on legislation and government.<sup>140</sup>

### 1.9.2 Categorization of *Sharī'ah*-Compliant Governance

Leiden University professor *Jan Michiel Otto* groups countries with a majority of Muslims based on how well they adhere to *Sharī‘ah* law. The incorporation of *Sharī‘ah* in governance is seen in the categorization table that follows:<sup>141</sup>

Category	Charateristics	Examples
<b>Classical sharia</b>	significant Sharia impact on personal, criminal, and family laws.	Egypt, Iran, Afghanistan, Qatar, Saudi Arabia, Sudan, Yemen,
<b>Mixed Systems</b>	Family law is governed by sharia; other fields are still subject to secular authority.	Regions in Malaysia, Indonesia, and Nigeria.
<b>Secular Systems</b>	Sharia has no relevance since religion and politics are distinct.	Turkey, Tunisia, Azerbaijan, and Central Asian republics (e.g., Kazakhstan, Kyrgyzstan, Uzbekistan).

**Table 2**

These categories explain how countries handle religion in public life. The *Sharī‘ah* is the primary legal foundation in classical systems, affecting everything from criminal trials to agreements. Mixed systems compromise by preserving civil law for most areas and religious jurisdiction for family law. Islamic standards are mostly personal practice or status in secular institutions, separating religion from legislation. The map below shows *Sharī‘ah* law frameworks in Muslim-majority countries. It ranks countries by their major Islamic legal system.



The map shows the extent *Sharī‘ah* is integrated into the government systems, ranging from full integration to limited uses in personal state matters. This variation reflects each country history, constitution, and policies. These contrasts are essential for understanding Islamic law applications and governance in modern society.

### 1.9.3 Key Examples of *Sharī'ah*-Compliant Governance In Selected Countries

Here, are the key examples *Sharī'ah*-Compliant Governance of selected countries: Saudi Arabia, Pakistan, and Malaysia.

#### 1. Saudi Arabia

Saudi Arabia has a judicial system based on *Sharī'ah* law. The constitution and legal system are based on the Qur'an and Sunnah. Saudi Arabia has a classic *Sharī'ah* system, where religious law shapes social norms and governance. Since Islam is Saudi Arabia official religion, religious leaders have a major role in governance. Islamic law is applied in all parts of life, including criminal law, family problems, and minority and women rights. Religious enforcement groups like the Commission for the Promotion of Virtue and the Prevention of Vice uphold the state interpretation of *Sharī'ah*.<sup>143</sup>

#### 2. Pakistan

Pakistan exhibits *Sharī'ah* influence, however more selectively than Saudi Arabia. The legal system in Pakistan is a combination of *Sharī'ah* and Western frameworks, despite Islamic law being recognized as a source of law. The 1970s Hudood Ordinances introduced *Sharī'ah* courts to address adultery, blasphemy, and apostasy, transforming the criminal justice system. Despite the secular legal framework, *Sharī'ah* is visible in legal processes at the Supreme Court.<sup>144</sup>

#### 3. Malaysia

Malaysia has a dual legal system combining *Sharī'ah* and secular laws. The common law-based Malaysian legal system handles criminal and civil issues for all citizens, while *Sharī'ah* courts handle family and personal affairs for Muslims. As Malaysia tries to integrate secular and Islamic rule, conflicts arise. In recent decades, *Sharī'ah* law has expanded to include Islamic family law, moral policing, and the Islamic financial system.<sup>145</sup> While these cases may involve varied degrees of *Sharī'ah* law, it is important to address the issues and conflicts that arise from them. The conflict between modern legal systems and traditional *Sharī'ah* interpretations is a major concern. Some countries, like as Saudi Arabia, strictly enforce *Sharī'ah* law, which may violate international human rights standards, including womens rights, freedom of expression, and religious minority rights. Combining secular laws with *Sharī'ah* interpretations in Malaysia and Pakistan, with various legal systems, might be difficult. This leads to disagreements on *Sharī'ah* impact on public life.

## Conclusion

*Sharī‘ah*-compliant governance, based on human Vicegerency, Allah (ﷻ) sovereignty, and consultative decision-making, is difficult. Justice, accountability, and moral purity are prioritized while balancing divine guidance with modern governance. Modern modifications and historical examples like the Medina Charter show how it balances ethics and society. Despite implementation issues, social welfare, equity, and inclusion remain core to its governance system. *Sharī‘ah* governance combines divine will with governance systems, showing ethical lead.

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