

12390 - Judging by that which Allaah has revealed

the question

Can one who judges by something other than that which Allaah has revealed be regarded as just, if he does not wrong people?

Detailed answer

The Muslim ummah is one nation, with one 'aqeedah (belief) and one sharee'ah (law). Because every flock needs a shepherd and every nation needs a leader to guide them to goodness and ward off evil from them, Islam enjoins the appointment of a ruler over the ummah, who is to be elected by the Muslims, to rule them according to the Book of Allaah and the Sunnah of the Messenger of Allaah (peace and blessings of Allaah be upon him).

Allaah sent His Messenger of establish the laws of Allaah and to judge with truth and justice, as Allaah says (interpretation of the meaning):

"O Dawood (David)! Verily, We have placed you as a successor on the earth; so judge you between men in truth (and justice) and follow not your desire for it will mislead you from the path of Allaah. Verily, those who wander astray from the path of Allaah (shall) have a severe torment, because they forgot the Day of Reckoning[Saad 38:26]

The mission of the ruler is to rule the Muslims according to the Qur'aan and Sunnah, to spread justice among the entire ummah, to carry out the hudood punishments, to spread Islam, to protect

the ummah and to engage in jihaad for the sake of Allaah. Allaah says (interpretation of the meaning):

“Verily, Allaah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allaah) gives you!”[al-Nisaa’ 4:58]

Justice is one of the most important principles of Islam, which applies both to Muslims and others:

“and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety”

[al-Maa’idah 5:8 – interpretation of the meaning]

The ruler of the Muslims is responsible for his flock. He has to rule them in accordance with the laws of Allaah, check on their situation, and lead them to that which will bring them happiness in this world and in the Hereafter. The Prophet (peace and blessings of Allaah be upon him) said:

“Each of you is a shepherd and is responsible for his flock. The ruler who is (appointed) over the people is a shepherd and is responsible for his flock...” (Narrated by Muslim, no. 1829)

Allaah created mankind, sent down revelation to them, and sent the Messengers to them to judge them by that which Allaah has revealed. Whoever does not judge by that which Allaah has revealed is a kaafir, as Allaah says (interpretation of the meaning):

“And whosoever does not judge by what Allaah has revealed, such are the Kaafiroon (i.e. disbelievers — of a lesser degree as they do not act on Allaah’s Law)”[al-Maa’idah 5:44]

If the ruler judges according to the Book of Allaah and the Sunnah of His Messenger (peace and blessings of Allaah be upon him), it becomes obligatory to obey him and haraam to go against him or to rebel against him. Allaah says (interpretation of the meaning):

“O you who believe! Obey Allaah and obey the Messenger (Muhammad), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allaah and His Messenger, if you believe in Allaah and in the Last Day. That is better and more suitable for final determination”[al-Nisaa’ 4:59]

If the ruler judges by something other than that which Allaah has revealed, or he enjoins disobedience to Allaah, then we should not hear and obey. The Prophet (peace and blessings of Allaah be upon him) said:

“The Muslim is obliged to hear and obey whether he likes it or dislikes it, unless he is commanded to disobey (Allaah), in which case he should not hear and obey.”(Narrated by Muslim, 1839)

The ruler is entrusted with the affairs of the ummah; he must rule them according to the laws of Allaah, and be kind and sincere towards them. If he does not do that, then he must be advised. If he does not respond (to that advice), the Muslims should choose another ruler from among those who are both pious and strong.

The just Muslim ruler will have great virtue and an honourable status on the Day of Resurrection. The Prophet (peace and blessings of Allaah be upon him) said:

“The just will be with Allaah on thrones of light on the right hand of the Most Merciful, and both His hands are

right hands – those who are just in their rulings and are fair with their families and those of whom they are in charge.” (Narrated by Muslim, 1827)

If the ruler oppresses or cheats his flock and is not sincere towards them, Allaah will deprive him of Paradise. The Prophet (peace and blessings of Allaah be upon him) said:

“There is no person whom Allaah has placed in charge of others, who dies whilst he is insincere towards his people, but Allaah will forbid him Paradise.” (Narrated by Muslim, 142)

And he (peace and blessings of Allaah be upon him) said:

“There is no Muslim ruler who is put in charge of the Muslims’ affairs then he does not strive on their behalf or act sincerely towards them, but he will not enter Paradise with them.” (Narrated by Muslim, Kitaab al-Imaarah, 22).

Islam is the way for all of the ummah, so all of the individual members are equal in that they should – indeed must – follow its guidance, act in accordance with its teachings, calling call others to Islam and strive in jihaad for the sake of Islam.

Allaah warns everyone who fights against the religion of Allaah or fights those who speak the word of truth in the houses of Allaah, that He will put them to shame in this world and punish them in the Hereafter. Allaah says (interpretation of the meaning):

“And who are more unjust than those who forbid that Allaah’s Name be glorified and mentioned much (i.e. prayers and invocations)

in Allaah's mosques and strive for their ruin? It was not fitting that such should themselves enter them (Allaah's mosques) except in fear. For them there is disgrace in this world, and they will have a great torment in the Hereafter[al-Baqarah 2:114]

Everyone who entices the Muslims away from their religion, persecutes them or humiliates them will be in Hell if he dies without having repented. Allaah says (interpretation of the meaning):

“Verily, those who put into trial the believing men and believing women (by torturing them and burning them), and then do not turn in repentance (to Allaah), then they will have the torment of Hell, and they will have the punishment of the burning Fire”

[al-Burooj 85:10]

Openly proclaiming the word of truth is an obligation upon every Muslim at every time and in every place. Allaah commanded His Messenger to proclaim the truth, and He guaranteed to protect him from his enemies. Allaah said (interpretation of the meaning):

“Therefore proclaim openly (Allaah's Message Islamic Monotheism) that which you are commanded, and turn away from Al-Mushrikoon (polytheists, idolaters, and disbelievers).

Truly, We will suffice you against the scoffers”[al-Hijr 15:94-95]

The greatest jihaad is to speak the truth before an unjust ruler.

In both the general and the specific sense, the judge will be rewarded, if he is knowledgeable and is able to make

ijtihaad. If he passes a judgement and makes the right decision, he will have two rewards, one for his ijtihaad and one for being right. If he passes a judgement and makes a mistake, he will have one reward, that for his ijtihaad. The Prophet (peace and blessings of Allaah be upon him) said:

“If the judge passes a judgement and makes ijtihaad and is right, he will have two rewards. If he passes a judgement and makes ijtihaad, and makes a mistake, he will have one reward.” (Narrated by Muslim, 1716)