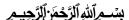


The Grand Muftee

Obligation of applying the Law of Allaah and discarding anything contradictory to it

Article taken and slightly adapted from: alifta.gov.sa [Part No. 1; Page Nos. 72 - 81]



In the name of Allaah, the Most Merciful, the Bestower of Mercy

All praise be to Allaah. I bear witness that there is no god in truth but Allaah Alone, Who has no partner or associate, the Lord of the past and future generations and the Lord of all people. He is the Owner of Sovereignty, the One God, the Self-Sufficient Master, Who begets not, nor was begotten, and there is none co-equal or comparable to Him. I bear witness that Muhammad is His Servant and Messenger, may Allaah's Peace, Mercy, and Blessings be upon him. He (peace be upon him) conveyed the Message to people, fulfilled the trust confided to him, strove in the Cause of Allaah in the truest sense and left his nation on the clear path, its night is like its day. None will veer from it except that they will destroy themselves.

This is a short thesis and necessary advice discussing the obligation of seeking judgment from the Sharee'ah (Divine law) and to beware of replacing it by other laws. I have written these words after noticing that some people nowadays seek judgment from sources other than the Sharee'ah and apply rulings other than those prescribed in the Qur'aan and Sunnah (whatever is reported from the Prophet). People may resort to diviners, soothsayers, chieftains and supporters of man-made laws and the like. Some people do not know the ruling on committing this act, while others defy and oppose Allaah and His Messenger (peace be upon him). I hope my advice benefits those who are unaware of the ruling, reminds those who are heedless, and helps Allaah's servants follow the Right Path. Allaah (Exalted be He) says: [And remind (by preaching the Qur'aan, O Muhammad), for verily, the reminding profits the believers.] He (Glorified be He) also says: [(And remember) when Allaah took a covenant from those who were given the Scripture (Jews and Christians) to make it (the news of the coming of Prophet Muhammad and the religious knowledge) known and clear to mankind, and not to hide it.]²

May Allaah benefit Muslims with my words and help them abide by His Sharee'ah, rule by His Book and follow the Sunnah of Muhammad (peace be upon him).

Dear Muslims



Soorah al-Dhariyaat [51:55]

² Soorah al-Imraan [3:187]

Allaah has created Jinn and humans to worship Him, as He (Glorified be He) says: [And I (Allaah) created not the jinn and mankind except that they should worship Me (Alone).]³ He (Exalted be He) also says: [And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents.]⁴ And: [Worship Allaah and join none with Him (in worship); and do good to parents.]⁵

Furthermore, it is related on the authority of Mu`adh ibn Jabal (may Allaah be pleased with him) that he said: I was riding behind the Prophet (peace be upon him) on a donkey called `Ufair when he (peace be upon him) said, 'O Mu`adh! Do you know what is the Right of Allaah over His servants and what is the right of the servants over Allaah?' I said, 'Allaah and His Messenger know best.' He (peace be upon him) said, 'Verily, the Right of Allaah over His servants is that they should worship Him, associating nothing with Him. And the right of the servants over Allaah is not to punish those who associate nothing with Him.' I said, 'O Messenger of Allaah! Should I announce these glad tidings to the people?' He (peace be upon him) said, 'Do not, lest they should rely upon it (alone without good deeds).'⁶

Muslim scholars (may Allaah be merciful to them) have given close definitions to the word `lbaadah (worship). The most comprehensive definition is that stated by the Shaykh of Islaam, Ibn Taymeeyyah (may Allaah be merciful to him) who said: "It is a comprehensive word comprising all deeds and words that Allaah loves and is pleased with whether manifested or hidden." This means that 'Ibaadah entails two things; first is total submission to Allaah (Exalted be He) in all His Orders and Prohibitions, whether in beliefs, words or actions. Second is living according to the Law laid down by Allaah. A Muslim should treat as lawful that which Allaah has declared to be lawful and to treat as forbidden that which Allaah has declared to be forbidden. They should submit in all their manners, actions and behaviours to Sharee'ah, while resisting personal whims or desires to the contrary. This is applies to both individuals and societies, men and women. Anyone who submits to Allaah in some aspects of their life and to creatures in other aspects is not a true worshipper of Allaah. This meaning is stressed by the Ayah (Qur'aanic verse) where Allaah says: [But no, by your Lord, they can have no Faith, until they make you (O Muhammad 🏶) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission.]' He (Glorified and Exalted be He) also says: [Do they then seek the judgement of (the days of) Ignorance? And who is better in judgement than Allaah for a people who have firm Faith.]8



³ Soorah al-Dhariyaat [51:56]

⁴ Soorah al-Isra [17:23]

⁵ Soorah al-Nisaa [4:36]

⁶ Related by Al-Bukhaaree and Muslim

⁷ Soorah al-Nisaa [4:65]

⁸ Soorah al-Maa'idah [5:50]

Moreover, it is related that the Messenger of Allaah (peace be upon him) said: None of you (truly) believes until their desires are in accordance with what I have come with.

Based on that, a Muslim's 'Eemaan (faith) is not complete unless they believe in Allaah, accept His Decree in minor as well as major issues and seek judgment from Sharee'ah alone in all affairs whether related to one's life, property or honour. Otherwise, a believer would be worshipping someone other than Allaah, Who says: [And verily, We have sent among every Ummah (community, nation) a Messenger (proclaiming): "Worship Allaah (Alone), and avoid (or keep away from) Taghoot (all false deities i.e. do not worship Taghoot besides Allaah)."]⁹ Anyone who submits to Allaah (Exalted be He), obeys Him and seeks judgment from His Revelations is a true worshipper of Allaah, while anyone who submits to other than Him and applies laws other than those appointed by Allaah has indeed worshipped and followed Taghoot (false gods). Allaah (Exalted be He) says: [Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement (in their disputes) to the Taghoot (false judges) while they have been ordered to reject them. But Shaytaan (Satan) wishes to lead them far astray.]¹⁰

Submission to Allaah and renunciation of Taghoot and their rulings are among the prerequisites of Sha'ha'dah (Testimony of Faith) that there is no worthy of worship but Allaah Alone, without any partners, and that Muhammad is His servant and Messenger. Allaah (Glorified be He) says: [Surely, His is the Creation and Commandment.]¹¹

Since Allaah is the Only Creator, He is the Only Commander (Glorified be He), and it is obligatory to obey His Commands.

Allaah informs us about the Jews and Christians who have taken their rabbis and monks as lords besides Allaah by obeying them in deeming lawful what is unlawful or deeming unlawful what is lawful. Allaah (Exalted be He) says: [They (Jews and Christians) took their rabbis and their monks to be their lords besides Allaah (by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allaah), and (they also took as their Lord) Messiah, son of Maryam (Mary), while they (Jews and Christians) were commanded [in the Tauraat (Torah) and the Injeel (Gospel)] to worship none but One Ilaah (God - Allaah) Laa ilaaha illa Huwa (none has the right to be worshipped but He). Praise and glory be to Him (far above is He) from having the partners they associate (with Him)."]¹²

It is related on the authority of `Adiy ibn Hatim (may Allaah be pleased with him) how he thought that worshipping rabbis and monks could only be through slaughtering sacrifices and vowing



⁹ Soorah al-Nahl [16:36]

¹⁰ Soorah al-Nisaa [4:60]

¹¹ Soorah al-A'raaf [7:54]

¹² Soorah at-Tawbah [9:31]

for them, or prostrating and bowing before them, and the like. This was clarified to him: When he ('Adiy) went to the Prophet (peace be upon him) to enter Islaam and heard him reciting this Ayah, he said, 'O Messenger of Allaah, we do not worship them.' He was referring to the Christian monks, as he was a Christian before entering Islaam. The Prophet (peace be upon him) said, 'Do they not forbid what Allaah has permitted, and you forbid it to yourselves? And do they not permit what Allaah has forbidden, and you permit it to yourselves?' He said, 'Yes, we do.' The Prophet (peace be upon him) said, 'This is worshipping them.' 13

Al-Haafidh Ibn Katheer said in his interpretation of the above-quoted Ayah: "That is why Allaah (Exalted be He) says: [...while they (Jews and Christians) were commanded [in the Tauraat (Torah) and the Injeel (Gospel)] to worship none but One Ilaah (God - Allaah)]¹⁴ It means that only that which Allaah forbids is Haraam (forbidden and unlawful), and only that which Allaah permits is Halaal (permissible and lawful). Whatever laws He laid down must be followed and His Judgments must be executed. The words: [Laa ilaaha illa Huwa (none has the right to be worshipped but He). Praise and glory be to Him (far above is He) from having the partners they associate (with Him)."]¹⁵ mean that Allaah is Highly Exalted above having partners, equals, helpers, rivals, or children. There is no God in truth except Him, and He is the only Lord."¹⁶

Based on the fact that seeking judgment from the Sharee'ah is a prerequisite for the testimony that there is no God in truth but Allaah and that Muhammad is His servant and Messenger, applying the judgments of false gods, leaders, soothsayers, and the like negates the true 'Eemaan in Allaah. Doing so is considered to be Kufr (disbelief), Zhulm (injustice) and Fisq (flagrant violation of Islaamic law). Allaah (Exalted be He) says: [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 Laws).]¹⁷ Allaah (Exalted be He) also says: [And We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allaah has revealed, such are the Zalimoon (polytheists and wrong-doers - of a lesser degree).]¹⁸ And [Let the people of the Injeel (Gospel) judge by what Allaah has revealed therein. And whosoever does not judge by what Allaah has revealed (then) such (people) are the Faasiqoon [the rebellious i.e. disobedient (of a lesser degree)] to Allaah.]¹⁹



¹³ Related by Ahmad and Al-Tirmidhee who ranked it as Hadeeth Hassan [good Hadeeth]

¹⁴ Soorah at-Tawbah [9:31]

¹⁵ Soorah at-Tawbah [9:31]

¹⁶ Vol. 2, p. 349

¹⁷ Soorah al-Maa'idah [5:44]

¹⁸ Soorah al-Maa'idah [5:45]

¹⁹ Soorah al-Maa'idah [5:47]

Allaah (Exalted be He) shows that judging by anything other than what He has revealed is an act of pagan people and that abandoning His Law incurs His Punishment and Wrath, which can never be turned back from the wrong-doers. Allaah (Glorified be He) says: [And so judge (you o Muhammad) among them by what Allaah has revealed and follow not their vain desires, but beware of them lest they turn you (o Muhammad) far away from some of that which Allaah has sent down to you. And if they turn away, then know that Allaah's Will is to punish them for some sins of theirs. And truly, most of men are Faasiqoon (rebellious and disobedient to Allaah). Do they then seek the judgement of (the days of) Ignorance? And who is better in judgement than Allaah for a people who have firm Faith.]²⁰ Anyone who reads the previous Ayahs and contemplates their meanings will understand that the commandment to apply the Judgments of Allaah is stressed in eight ways.

Firstly: The Order to rule by Allaah's revealed law in the part that says: [And so judge (you O Muhammad @) among them by what Allaah has revealed.]²¹

Secondly: People's desires and inclinations should not prevent them from judging by what Allaah has revealed under any circumstances. Allaah (Exalted be He) says: [...and follow not their vain desires]²²

Thirdly: The warning against abandoning the Sharee'ah when judging in minor and major matters. Allaah (Exalted be He) says: [...but beware of them lest they turn you (O Muhammad) far away from some of that which Allaah has sent down to you.]²³

Fourth: Turning away from the Judgments of Allaah or rejecting any part of them is a major sin that entails severe punishment. Allaah (Exalted be He) says: [And if they turn away, then know that Allaah's Will is to punish them for some sins of theirs.]²⁴

Fifth: The warning against being deceived by the numerousness of opponents of the Judgments of Allaah. Few are the servants of Allaah who are grateful. Allaah (Exalted be He) says: [And truly, most of men are Faasiqoon (rebellious and disobedient to Allaah).]²⁵

Sixth: Judgment by anything other than the Law that Allaah has revealed is described as the judgment of Jahileeyyah (pre-Islaamic time of ignorance). Allaah (Exalted be He) says: [Do they then seek the judgement of (the Days of) Ignorance?]²⁶

Seventh: Stressing the great fact that the Judgment of Allaah is the best and most just of all. Allaah (Exalted be He) says: [And who is better in judgement than Allaah]²⁷



²⁰ Soorah al-Maa'idah [5:49-50]

²¹ Soorah al-Maa'idah [5:49]

²² Soorah al-Maa'idah [5:48]

²³ Soorah al-Maa'idah [5:49]

²⁴ Soorah al-Maa'idah [5:49]

²⁵ Soorah al-Maa'idah [5:49]

²⁶ Soorah al-Maa'idah [5:50]

Eighth: Yaqeen (certainty and conviction) necessitates sincerely believing that the Judgments of Allaah are the best, the most perfect, the most complete and the most just of all. It is a Muslim's duty to accept them and surrender to them. Allaah (Exalted be He) says: [And who is better in judgement than Allaah for a people who have firm Faith.]²⁸

These meanings are stressed in various Ayahs and are supported by the Prophet's words and works. For example, Allaah (Glorified be He) says: [And let those who oppose the Messenger's (Muhammad) commandment (i.e. his Sunnah - legal ways, orders, acts of worship, statements) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them.]²⁹ Allaah (Glorified be He) also says: [But no, by your Lord, they can have no Faith, until they make you (O Muhammad) judge in all disputes between them.]³⁰ And: [Follow what has been sent down unto you from your Lord (the Qur'aan and Prophet Muhammad's Sunnah)]³¹ And: [It is not for a believer, man or woman, when Allaah and His Messenger have decreed a matter that they should have any option in their decision.]³²

In addition, it is confirmed that the Messenger of Allaah (peace be upon him) said: [None of you believes until their desires are in accordance with what I have come with.]³³ It is also related that the Prophet (peace be upon him) said to `Adiy ibn Hatim (may Allaah be pleased with him): ['Do they not forbid what Allaah has permitted, and you forbid it to yourselves? And do they not permit what Allaah has forbidden, and you permit it to yourselves?' He said, 'Yes, we do.' The Prophet (peace be upon him) said, 'This is worshipping them.']³⁴ Ibn `Abbaas (may Allaah be pleased with him) told those who argued with him regarding some issues: "I fear that stones are about to be rained down upon you from the sky. I tell you that the Messenger of Allaah (peace be upon him) said such and such and you tell me that Aboo Bakr and `Umar said such and such!"

Based on that, a servant must fully submit to what Allaah and His Messenger say and give it precedence over whatever anyone else says. This is Ma`lum minad-din biddarurah (wellestablished and known Islaamic principles).

In fact, Allaah, out of His Mercy and Wisdom, stipulates that seeking judgment in resolving disputes among His servants should be according to His Sharee'ah and Revelation. Allaah (Glorified be He) is Highly Exalted above and free from all human weaknesses, desires,

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<sup>27</sup> Soorah al-Maa'idah [5:50]
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³⁴ Related by Ahmad and Al-Tirmidhee who ranked it as Hadeeth Hassan [good Hadeeth]



²⁸ Soorah al-Maa'idah [5:50]

²⁹ Soorah al-Noor [24:63]

³⁰ Soorah al-Nisaa [4:65]

³¹ Soorah al-A'raaf [7:3]

³² Soorah al-Ahzaab [33:36]

³³ Al-Nawawee said: "This is a Hadeeth Saheeh (authentic Hadeeth) which we have reported in 'Kitaab Al-Hujjah' through an authentic Sanad (chain of narrators)."

incapability, or ignorance. He is the All-Wise, the All-Knower, the Most Kind, and the All-Aware of everything. He knows His servants and what sets their affairs right whether in the present or future. That is why Allaah, out of His Mercy, took charge of judging between His servants concerning their disputes, conflicts, and life matters so that justice, goodness and happiness prevail and also content, tranquillity and relief. When a servant is certain that the Judge in any of their disputes is Allaah, the Creator, the All-Knower and the All-Aware, they will accept and yield, even if the judgment opposes their personal inclinations and desires. On the other hand, when a servant knows that the judgment is passed by humans like themselves who have their own prejudices and desires, they will not accept it and will go on with the litigation, and disputes will never end. Since Allaah (Glorified and Exalted be He) obliges us to rule by His Law, out of Mercy and Kindness to His servants, He teaches and shows us the way to fulfil this obligation. Allaah (Glorified be He) says:

[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! Truly, Allaah is Ever All-Hearer, All-Seer. 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.]³⁵

The previous Ayah is not only addressed to the ruler and subjects or to guardians and their charge, but it also exhorts judges to be just in their judgments. Allaah commands judges to be just and commands the believers to accept the judgments that are consistent with the Sharee'ah He revealed to His Messenger (peace be upon him). He orders them when they differ or dispute to refer the matter to Allaah and His Messenger (peace be upon him).

Based on the previous discussion, the Muslim learns that applying Sharee'ah and seeking judgment from it is enjoined by Allaah and His Messenger (peace be upon him). It is a prerequisite for submitting to Allaah and attesting that Muhammad (peace be upon him) was His Messenger. Opposing these facts or any part of them brings forth Allaah's Torment and Punishment. Moreover, the command applies to the way a Muslim country deals with its subjects, and to Muslims as individuals at any place and time.

In case of disputes, whether on the level of countries, groups, or individuals, the ruling is the same. To Allaah belongs all the Creation and Commandment, and He is the Most Just of the judges. Anyone who believes that people's judgments and opinions are better than, similar to, or equal to the Judgments of Allaah and His Messenger (peace be upon him) is not a believer. The same applies to anyone who allows positive laws and man-made regulations to



³⁵ Soorah al-Nisaa [4:58-59]

substitute for Allaah's Judgments, even if they believe that Allaah's Judgments are better, more comprehensive, and more just.

Therefore, it is the duty of Muslim populace, their rulers and kings, and those in charge of Muslim affairs to observe Tagwaa (fear of offending Allaah) and apply Sharee'ah in their countries and in all their affairs. They should protect themselves and those under their power from Allaah's Punishment in this world and in the Hereafter. Furthermore, those in authority should take warning from what happened in countries that opposed the Judgments of Allaah and blindly imitated the West, following its way of life, which led them to disagreement, disunity, spread of evil, decrease in goodness, and increase in killing. Things are going from bad to worse in these countries. Their enemies gain more political and intellectual power over them. Their circumstances will not improve unless they return to Allaah (Glorified be He) and follow His Straight Path, which He has chosen for His servants and commanded them to follow in order to enter Paradise. True are the Words of Allaah (Exalted be He) Who says:

["But whosoever turns away from My Reminder (i.e. neither believes in this Qur'aan nor acts on its teachings.) verily, for him is a life of hardship, and We shall raise him up blind on the Day of Resurrection." He will say: "O my Lord! Why have you raised me up blind, while I had sight (before)." (Allaah) will say: "Like this: Our Ayaat (proofs, evidence, verses, lessons, signs, revelations, etc.) came unto you, but you disregarded them (i.e. you left them, did not think deeply in them, and you turned away from them), and so this Day, you will be neglected (in the Hell-fire, away from Allaah's Mercy)."]36

There is no worse misery than the Punishment that Allaah has inflicted on those who have disobeyed Him and neglected His Orders, substituting the Judgments of Allaah, the Lord of the Worlds, with those of helpless creatures.

How foolish are those who have Allaah's Words that speak the truth, judge between people, show the right way, and provide guidance but they discard them all and follow instead a human being's opinion or a country's regulations. Do those people not know that they have lost this world and the Hereafter? They have neither achieved success and happiness in this world nor are safe from Allaah's Torment and Punishment on the Day of Resurrection, for they have deemed lawful what Allaah has made unlawful and have not fulfilled the duties He placed upon them. I ask Allaah to let my words be a reminder and a warning to people, so that they may examine their deeds and what they have done to themselves and their nations. I hope people would return to the truth and stick to the Qur'aan and Sunnah to be among the true followers of Muhammad (peace be upon him). If Muslims do this, they will be highly esteemed among other nations, just like the Salaf (righteous predecessors) and the best three generations of Muslims. They owned the land and ruled the world, and many



³⁶ Soorah Taha [20:124-126]

people entered Islaam under their reign. Allaah has granted them victory, as He grants victory and success to His believing servants who obey Him and His Messenger (peace be upon him). I hope that all sinners would realise how great is the treasure that they will lose and how grievous is the sin that they are committing. In fact, they are bringing forth afflictions and hardships to their nations. Allaah (Exalted be He) says: [And verily this (the Qur'aan) is indeed a Reminder for you (O Muhammad ®)) and your people (Qur'aysh people, or your followers), and you will be questioned (about it).]³⁷

It is also confirmed that the Prophet (peace be upon him) said that at the end of time the Qur'aan would be taken away from people's hearts and from Mus-hafs (copies of the Qur'aan) when people would no longer be interested in it, and when they renounce its recitation and application of its rules. I warn Muslims against this affliction that may befall them and future generations as a result of their wrong deeds. Truly! To Allaah we belong, and truly to Him we shall return.

In addition, I offer this advice to Muslims who live nowadays and know well the rulings of Islaam and the Sharee'ah, but despite this they seek judgment in their disputes from people who judge according to customs and traditions and use some rhyming words and sentences, thus acting like the people of Jahileeyyah.

I hope that anyone who has read my advice performs Tawbah (repentance to Allaah), abstains from doing these prohibited acts, seeks forgiveness from Allaah and regrets ever doing them. Muslims should advise one another to try and annul all the customs of Jahileeyyah or practices that oppose Sharee'ah.

Performing Tawbah erases all the previous sins and a penitent person is as sinless as one who has not committed a sin. Moreover, Muslim rulers who have subjects committing this sin should remind them of the truth and show it to them. Appointing righteous leaders brings much goodness and Allaah's servants would stop opposing the Judgments of Allaah and committing His Prohibitions. Nowadays, Muslims are in dire need of their Lord's Mercy, which will change their present circumstances and raise them from a life of humiliation and disgrace to a life of honour and dignity.

I ask Allaah by virtue of His Most Beautiful Names and Attributes to open Muslims' hearts to understanding His Words and to have eagerness to learn them, and to abide by the rulings of the Sharee'ah and renounce anything else, acting upon the Words of Allaah (Glorified and Exalted be He): [The command (or the judgement) is for none but Allaah. He has commanded that you worship none but Him (i.e. His Monotheism); that is the (true) straight religion, but most men know not.]³⁸ May peace and blessings be upon our Prophet Muhammad, his family and Companions, and those who follow his guidance until the Day of Resurrection.



³⁷ Soorah al-Zukhruf [43:44]

³⁸ Soorah Yoosuf [12:40]