

## METHODOLOGY OF IMPLEMENTING ISLAMIC SHARIA (SYSTEM OF JUSTICE<sup>1</sup>) IN PAKISTAN

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### Abstract:

Pakistan is the only one country that came into being after the State of Madinah for the sake of Islam. The world of changing political systems also agrees that the system established by Prophet Muhammad (SAW) and the Caliphate was ideal. Under Islamic Principles of Jurisprudence, Sources of Sharia (principles of Islamic legislation) which are agreed upon by the Islamic Scholars are four i.e. Quran, Sunnah, consensus of Ummah (*Ijmaa*) and *Qiyaas*. Whereas, Public good and interest (*Maslehat*), Prohibition of evasive legal devices (*Sadd adh-dhara'i'*), and Common practice and Law (*Urf*) involve the debates on the purpose of Sharia. Which depends on the implementation of this system of justice. One debate is about Sharia and law and the other comprises the procedure of its implementation for a just system. The method of Nabi's (SAW) revolution comprises two words "Dawah and Jihad". Dawah is prominent in his Meccan life whereas Jihad is prominent in Medina, s life. To end the oppression in Pakistan and establishment of the system of Justice, struggle is being carried out in three ways. First one is Democracy and elective Politics, second is Rebellion and Qitaal, the third methodology involves the implementation of Justice in Pakistan through movement and protests. There are many scholars who agree that the root of all the problems in Pakistan is that Sharia is not

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<sup>1</sup> Some scholars consider the term "system of justice" more comprehensive than Sharia which has been elaborated in Ayah 25 of Surah Hadid. Allah says *لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ* Implementation of some Hudood is generally considered as Implementation of Sharia. However, implementing some Hudood does not mean implementing Sharia in Islam. Sharia applies to the whole spectrum of society including economy, education, justice system, politics, state, journalism, law, and constitutional system (Politico socio Economics). So far as every aspect of life is according to the principles of Islam. Dr. Israr Ahmad has used the same term "System of Justice" in his book (منهج انقلاب نبوي) "Methodology of Prophetic Revolution". According to him, he has devised this term from Surah Hadid Ayah 25 in Quran. It means the end of oppression in the Islamic system of justice, and therefore Jihad is required as evident in Surah Hajj 39:22.

implemented. Therefore, it is a big need of time that organized and unarmed movements for the implementation of Sharia should be started in true spirit.

**Key Words:** Islamic Sharia, System of Justice, Democracy, Rebellion and Qitaal and

Movement and Protest.

By the mid of 19th century and the early decades of 20th century, majority of the Muslim world was under colonial rule. This era saw a rise in independence movements in the Muslim regions that started bearing fruit one after the other by the mid-20th century. These independence movements were not religious in their foundations but were inspired by ethnic or political differences and were largely related to the third world phenomenon that is not directly related to any religion. Neither the slogan of Islam was raised anywhere nor was the religious enthusiasm invoked. In fact, in most freedom movements around the world, the spirit of freedom was invoked on linguistic foundations or racial prejudice was exploited. However, the freedom movement of Pakistan was unique among all. The slogan of all the Muslims of the subcontinent from Khyber Pass to Raas Kumari and from Makran to Chittagong, all Muslims gathered under the slogan "What is meant by Pakistan? La Ilaha Illallah".

Sadly, after the establishment of Pakistan the implications of two hundred years of colonization resulted in breaking this promise. The Islamic republic of Pakistan forgot its collective prayers, ignored all the oaths and started competing in gathering material possessions after its independence. Consequently, the nation ended up becoming a victim of prejudices and fights due to linguistic and regional differences. The fight on linguistic and regional differences got so severe that East Pakistan announced its separation from West Pakistan and changed its identity entirely. While Pakistan is challenged by rise in disputes and divisions on cultural and linguistic basis, there is a threat of financial turmoil due to corruption and dishonesty which is further exacerbated by economic debts. In such a situation, unity of purpose among the Muslims of Pakistan cannot be established on nationalism. The only thing that can make them stronger is the religious enthusiasm for Islam in its true essence that shall exhibit itself through their character and practices. ( Ahmad, Dr I:2004,pp97-98) Their motive towards unity ( بنیان مرصوص Al Quran, Al Saf:4) should stem from Islam. After the establishment of Pakistan, promulgation of Shariah was demanded by Islamic Scholars while formulating the constitution. This led to a discourse that what Islamic shariah shall be implemented, Sunni or Shia? Deoband or Barelvi?, Wahabi or Sunni? This debate was concluded by presenting a 22-point document on constitutional law making in 1951 formulated by consensus among 31 scholars from different Islamic schools of thoughts.( Engineer N. A, 2021,p22) which still stands as a precedent.

According to the Ameer of Tanzeem-e-Islami, "In our opinion, there is only one way to establish Pakistan as a strong united Islamic country and that is to return to our true ideology on the basis of which this country was born. By making this ideology a foundation in all walks of life, the struggle towards strengthening Pakistan as a true Islamic State should begin because Islam is the only binding force for Pakistan".( Sheikh, Shuja ud Din:2021 pp.22 to 28)

The world of changing political systems also agrees that the system established by Prophet Muhammad (SAW) and the Caliphate was ideal. People like Hindu leader Mahatma Gandhi also called for adopting the principles of Caliphate. ( [Nagler M. \*Gandhi on Islam\*](#). pp, 31–38). While delivering a lecture in Oxford University, Prince Charles said that current systems in the world have failed and in order to develop an alternative system you need to study Islam and forget what our ancestors had been saying about Islam and what the current Muslims are like. He said, "The guiding principle and spirit of Islamic law, taken straight from the Qur'an, More than this, Islam can teach us today a way of understanding and living in the world which Christianity itself is the poorer for having lost. (Charles.P:1993)

Through different methodologies, the struggle for establishing a just system in Pakistan continues. It is appropriate that before discussing these methodologies, sources from Sharia and their accepted Intakes are briefly introduced.

Under Islamic Principles of Jurisprudence, Sources of Sharia or principles of Islamic legislation which are agreed upon by the Muslim Scholars are four in total: Quran, Sunnah, consensus of Ummah (Ijmaa) and Qiyaas; whereas the debates on Public good and interest (*Maslehat*), Prohibition of evasive legal devices (*Sadd adh-dhara'i'*), Common practice and Law (*Urf*), are actually the debates on the purpose and implementation of this system of justice,. Thus, one debate is about Sharia and law and the second is on the procedure of its implementation for a just system, like the example of Procedural law. (Al-Zuhaili:1986,3:27) Therefore, in order to the implementation of the commandments of the Book and Sunnah, keeping the elements of *Maslehat*, *Sadd adh dharai* and *Urf* considerable is as significant as keeping the method of the Prophet (SAW) is considerable. The Book and Sunnah are Mohammadan Shariah, and the procedure of its application comprises two types:

**1: Ijmali Method (Brief Method):** This is Jihad and Dawah

**2: Explanatory Method:** These are the debates about public good and interest, prohibition of evasive legal devices, common practice, law and purposes of sharia.

The main sources of Muhammadan Shariah are Quran and Sunnah, secondary sources include Ijma, Qayas and conflicting sources include Shariah of previous nations and sayings of Prophet's companions. ( Al-Zuhaili.1986 3:28) When we study Seerah Nabwi and observe the revolution of Muhammad(SAW), in the methodology of Prophet's revolution, dawah is prominent in his Meccan life whereas J'ihad is prominent in Medina's life. Thus, the method of Prophet's revolution is based on "Dawah and Jihad". This way revolution has two levels "one is individual and the second is collective". Individual corrections or self-purification, to establish an individual's relationship with Allah and bring revolution in one's own life, no other way of Dawah is more effective than this. Whoever studies the life of the Prophet, he understands that the top personalities like Ashra Mubashra ( عشرة مبشرة ),Sabiqoon-al-Awalun( سابقون الاولون) and great companions were brought up in an environment of struggle and patience. Although the followers generated by the Tablighi Jamaat may be less than the collective population of all such religious groups, but it is obvious that neither the groups of

Sufism could produce this large number of followers, nor the Constituencies formed by allegiance (for details see Zubier, H:244). In contrast, change for a revolution on a community level, there is no better methodology than Jihad. That is why in the life of Prophet Muhammad and under the Righteous Caliphates, this methodology was adopted to establish this system of justice.

### **Methodology of Dawah for Implementation of System of Justice (shariah) on an Individual Level:**

The first phase of Dawah (to deliver the message) is preaching, and this is the initial level that is obligatory on every Muslim. Whatever knowledge he has of the Quran and Sunnah, he should deliver it to others. Allah commands the prophet (SAW):

(Al Quran:5/67) يَا أَيُّهَا الرُّسُلُ بَلِّغْ مَا أُنزِلَ إِلَيْكَ مِنْ رَبِّكَ وَإِنْ لَمْ تَفْعَلْ فَمَا بَلَّغْتَ رِسَالَتَهُ

“O messengers deliver the message that has been revealed to you from your Lord and if you did not do this then you haven’t fulfilled the right of your prophethood.”

In this holy ayah, بَلِّغْ مَا أُنزِلَ إِلَيْكَ elucidates that dawah will be done through Quran and Sunnah. The prophetic mission that was the responsibility of Muhammad (SAW) was entrusted upon the Ummah. At the end of his “last Pilgrimage sermon, prophet (SAW) asked almost 1 lac 24 thousand companions:

أَلَا هَلْ بَلَّغْتُ؟»، قَالُوا: نَعَمْ، قَالَ: «اللَّهُمَّ اشْهَدْ، فَلْيُبَيِّنِ الشَّاهِدُ الْغَائِبَ، فَرُبَّ مُبَلِّغٍ أَوْعَىٰ مِنْ سَامِعٍ

(Al Bukhari :2,620)

Have I delivered the message of Allah? They all answered: Yes! The Prophet (SAW) then said Oh Allah! You are a witness (that they are agreed) and then he said, “Whoever is present here, deliver my message to those who are absent. There are many who will be delivering this message and they will preserve the message more carefully than the people listening here.

This proves that dawah is an obligation on every Muslim and this duty will only be fulfilled when this dawah is done through Quran and Sunnah. The message that the Prophet of Allah (SAW) commanded us to deliver was the message of the Quran and also in the current time the instrument of our dawah and revolution should be the Quran. Therefore, the dawah to connect people to the Quran should be on a wide scale. After spreading the message, the next step is Da'wah, and the Holy Qur'an has clarified the method of Da'wah with the term Da'wah itself. Allah says in the Quran:

وَمَنْ أَحْسَنُ قَوْلًا مِمَّنْ دَعَا إِلَى اللَّهِ وَعَمِلَ صَالِحًا وَقَالَ إِنَّنِي مِنَ الْمُسْلِمِينَ

41:33)

“And who is better in speech than he who calls to God and does righteousness and says I am of the Muslims.”

It has been elaborated by this ayah that the purpose of Dawah is slavery of Allah and for this the caller should also be principled and a devout follower. The personality of the caller should come out as a Muslim not as a representative of a specific group or a

school of thought. Although, the reasoning for groups and movements is present (Al Quran, Al-Hujarat 49:13)

Many a time some prejudice and biases are found among people belonging to specific jurisprudential school, religious groups and Islamic movements and increasing the number belonging to their own school becomes a purpose behind their dawah. Thus, the beginning of a religious group is although for Dawah towards Islam, but after some time Islam is left behind and propagation of own Jurisprudential school becomes a priority In Dawah, Shariah commands to adopt wisdom, expediency, resources and respect the cultural norms. (Zubier,H:246)

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ

(Al-Quran, Al-Nahal 16:125)

“Invite to the way of your Lord with wisdom and good instruction and argue with them in a way that is best.”

The above stated ayah commands us to be wise and expedient in the process of Dawah. Best manners are to be adopted during argumentation. The methodology of Dawah has been elaborated in the following ayahs of the Quran,

وَإِذَا خَاطَبْتَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا ( Al-Quran, Al-Furqan 25: 63)

“And when the foolish address them ‘improperly’, they only respond with peace.”

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ (Al-Quran, Al-Inaam 6:108)

“O believers! Do not insult what they invoke besides Allah or they will insult Allah spitefully out of ignorance.”

قُلْ هَذِهِ سَبِيلِي أَدْعُو إِلَى اللَّهِ عَلَى بَصِيرَةٍ أَنَا وَمَنِ اتَّبَعَنِي (Al-Quran, Yusuf 12:108)

“Say, O Prophet ‘This is my way. I invite to Allah with insight—I and those who follow me.’”

فَاصْدَعْ بِمَا تُؤْمَرُ وَأَعْرِضْ عَنِ الْمُشْرِكِينَ ( Al-Quran, Al Hijr 15:94)

“So, proclaim what you have been commanded, and turn away from the polytheists.”

وَأَنْذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ (Al-Quran, Al-Shu'ara 26:214)

“And warn all, starting with your closest relatives.”

فَأَنبَأَ يَسْرَنَاهُ بِلِسَانِكَ لِنُبَشِّرَ بِهِ الْمُتَّقِينَ وَنُنذِرَ بِهِ قَوْمًا لُدًّا (Al Quran, Maryam 19:97)

“Indeed, we have made this Quran easy in your own language O Prophet so with it you may give good news to the righteous and warn those who are contentious.”

رَبِّ إِنِّي دَعَوْتُ قَوْمِي لَيْلًا وَنَهَارًا (Al-Quran, Nuh 71:5)

“My Lord! I have surely called my people day and night”

ثُمَّ إِنِّي أَعْلَنْتُ لَهُمْ وَأَسْرَرْتُ لَهُمْ إِسْرَارًا ( Al-Quran, Nuh 71:9)

“...then I surely preached to them publicly and privately.”

In the above-mentioned ayahs, a detailed methodology of Dawah has been explained. Furthermore, people who ponder have a myriad of jewels of knowledge. Therefore, for the implementation of Shariah in one's own personal life, dawah of Quran and Sunnah is done based on purity and practice. An individual for the family and the family for a society is the unit. A collective revolution only arises from these units. Considering this, the work done by Tableeghi Jamaats for the establishment of a system of justice is worth praising. However, there is a dire need of improving their ways of education through the introduction of Quran and Sunnah as curriculum. Therefore, it is essential to draw the attention of the scholars from these Jamaats towards re-education and upgradation of their methodology.

### **The methodology of struggle for implementing a system of justice (Sharia) on collective level**

In the light of the Qur'an and Hadith, Jihad is a broad term that encompasses all kinds of efforts to implement the system of Islam. Nevertheless, Jihad with one's life is the best action, and this action is entitled to Jihad (fighting in the way of Allah) in the Quran and the Hadith. However, Jihad does not only mean fighting. Hafiz Ibn Hajar Asqalani writes the terminological definition of Jihad:

بذل الجهد في قتال الكفار و يطلق ايضاً على مجاهدة النفس و الشيطان و الفساق. فاما مجاهدة النفس: فعلى تعلم امور الدين ثم على تعليمها : و اما مجاهدة الشيطان. فعلى دفع ماياتي به من الشبهات و ما يزينه من الشهوات و اما مجاهدة الكفار: فتقع باليد و المال و اللسان و القلب و اما مجاهدة الفساق فباليد ثم اللسان ثم القلب

(Ibn Hajar,v.6:38)

“The use of power and struggle against non-believers is Qital. Similarly, word Jihad is used for the struggle done against one’s own self and the struggle against Shaytaan and the transgressors. Self-Jihad is also the acquiring of basic knowledge of the deen and its implementation while making other people aware of that knowledge. Jihad against Shaytaan entails rejection of satanic doubts. Jihad against non-believers entails the use of hands, property, tongue and heart. Jihad should also be done against transgressors (hypocrites) with hands and hearts.”

It can be understood by the above-mentioned passage that according to Allama Ibn Hajar Asqalani Qitaal Against Non-believers is Jihad. Moreover, all struggles done to implement Islam can also be terminologically referred as Jihad. Allama ibn Hajar further writes:

والتحقيق ايضا ان لا جنس جهاد الكفار متعين على كل مسلم اما بيده و اما بلسانه و اما بماله و اما بقلبه والله اعلم

(Ibn Hajar,v.6:39)

“It is proven by research, that Jihad against non-believers is mandatory on every Muslim regardless of how it is whether it is done with tongue or wealth or by heart”

This should be made clear that the struggle done by heart, tongue and wealth can not be referred to as Qital but this struggle is however included in the folds of Jihad. Similarly, not every Muslim can do Qital against non-believers and neither is this practically possible. Whereas Jihad is possible in different form and this is also known that according to Allama ibn Hajar Qitaal and Jihad are two separate terminologies. For the implementation of the system of Justice on a collective level, the following Prophet’s Hadith holds a significance.

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَا مِنْ نَبِيٍّ بَعَثَهُ اللَّهُ فِي أُمَّةٍ قَبْلِي إِلَّا كَانَ لَهُ مِنْ أُمَّتِهِ حَوَارِيُونَ، وَأَصْحَابٌ يَأْخُذُونَ بِسُنَّتِهِ وَيَقْتَدُونَ بِأَمْرِهِ، ثُمَّ إِنَّهَا تَخْلُفُ مِنْ بَعْدِهِمْ خُلُوفٌ يَقُولُونَ مَا لَا يَفْعَلُونَ، وَيَفْعَلُونَ مَا يُؤْمَرُونَ، فَمَنْ جَاهَدَهُمْ بِيَدِهِ فَهُوَ مُؤْمِنٌ، وَمَنْ جَاهَدَهُمْ بِلسَانِهِ فَهُوَ مُؤْمِنٌ، وَمَنْ جَاهَدَهُمْ بِقَلْبِهِ فَهُوَ مُؤْمِنٌ، وَلَيْسَ وَرَاءَ ذَلِكَ مِنَ الْإِيمَانِ حَبَّةُ خَرْدَلٍ» (Al Muslim, Kitab Al-Imaan, Baab Kon Nahi Anil Munkir, v1:69)

“Ibn Mas‘ūd (may Allah be pleased with him) reported: The Messenger of Allah (may Allah's peace and blessings be upon him) said: "No prophet had been sent before me by Allah to his people but he had, among his people, disciples and companions, who followed his ways and obeyed his command. Then, there came after them successors who claimed what they did not practice and practiced what they were not commanded to do. Whoever strives against them with his hand is a believer; whoever strives against them with his heart is a believer; and whoever strives against them with his tongue is a believer. Beyond that there is no mustard seed's weight of faith."

According to the above stated hadith Jihad against oppressive rulers is mandatory on every Muslim according to his/her capability. The lowest level of this Jihad is to hate the ruler's non-islamic acts and the highest-level of Jihad is to struggle against dethroning the tyrant ruler. Islam is the favoured religion in the eyes of Allah, and this is the system of Justice. The implementation of this religion is only possible through power and authority. It means that Islam wants the end of oppression for its establishment. The basic requirement for a person to be a Muslim is that he accepts islam as the religion of justice. Therefore, the struggle against oppression and the effort for establishing the system of justice is his moral, ethical and logical duty. For the eradication of this oppression, Allah has mandated Jihad against any Muslim Jamaat as well as mentioned in the Quran

وَأَنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلَحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ ( Al-Quran, Al-Hujrat 49:9)

“And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other then fight against the one that oppresses until it returns to the ordinance of Allah. And if returns, then make settlement between them in Justice and act justly indeed. Allah loves those who act justly.”

### Three methodologies of Implementing the system of Justice in Pakistan

To end the oppression in Pakistan and establishment of the system of Justice, struggle is being carried out in three ways.

#### 1. Democracy and elective Politics

The selection of a capable government through elections has been discouraged by a majority of the knowledgeable scholars including Allamah Muhammad Iqbal. His emotions are depicted by many of his poems.

کیاتونے دیکھا نہیں مغرب کا جمہوری نظام      چہرہ روشن اندروں جنگیز سے تاریک تر

Have you not seen the democratic system of the West?

Bright face but insides Darker than Genghis!

دیواستبداد جمہوری قیامیں پائے کوب      تو سمجھتا ہے یہ آزادی کی نیلم پری!

( Iqbal, Kuliyaat e Iqbal 1985: 610 to 611)

Giant Tyranny found in the democratic dome. You think this is the fairy of freedom

Allama writes in his book Zarb e Kaleem, “Democracy is a system of government in which people are counted not weighed.”

جمہوریت اک طرز حکومت ہے جس میں      بندوں کو گنا کرتے ہیں تو لا نہیں کرتے

;(Iqbal: Zarb e Kaleem:1985,148 -149)

This reality is also clarified by Quranic verses that a majority of people are ignorant and how can ignorant people select good rulers? This is clear from the current circumstances that how much filth, bullying corruption, feudalism and exploitations is involved in the elective politics. There is another point of view about this elective politics that this system is wrong, however, is it permissible or not to enter this system to correct it? For this, some scholars suggest that a faulty and wrong system can be corrected by entering it. The reasoning behind this argument has been detailed in the Fatawas of Scholar of Deen Maulana Sanaullah Madni.

( Madni,H.S,v 1: 633-638)

This point should also be considered that there are some religious groups that take part in politics but their purpose isn't the establishment of the system of justice, but their goal is to achieve some personal, political motives. In this context Hafiz Zubiar writes " In our opinion, entering this invalid political and election system is only justified and allowed where this is a curcial Shariah purpose for instance, the establishment of Islamic system of justice is the sole motto of the political party". This is the methodology of Jamaat e Islami who are hoping for



change through elective political system. However, after the passing of a long period of 75 years circumstances are getting even more worse. Apart from that, the implementation of a complete justice system through electoral politics is nothing more than a mirage. According to some scholars, for the implementation of the system of Justice, expediency and norms should be considered. This is the reason for a struggle through the electoral system. Since electoral politics is dominant in a country like Pakistan, therefore we should follow this system and cast our vote for the personalities that favour Islamic Values. However, all the historical facts since the creation of Pakistan provide evidence against this system. In the recent past, Ikhwan ul Muslimeen came to power through electoral politics, was this government allowed to function? In this regard, Tanzeem e Islami believes that this methodology is useless for the implementation of Shariah in Pakistan. Under the dominance of Feudal lords, capitalists and landlords present in Pakistan, the freedom of public opinion cannot be found. That is why, the religious parties that adopted the way of electoral politics have not been able to step towards the implementation of Islamic Values for the past 74 years. (Sheikh.S.D.2021, 20 to 26)

## 2. Rebellion and Qitaal

The Taliban movement in Pakistan had adopted the methodology of Afghan Taliban who employed Jihad and Qital for achieving the goal of implementing Shariah (system of Justice). In this regard, Tanzim e Islami and other scholars are of the opinion that this methodology is not appropriate for Pakistan and Muslim societies because the fight here is against Muslim rulers, feudal lords, armed forces and police identifying themselves as Muslims. Killing of a Shahadah declaring Muslim, in this case is prohibited. In the light of the Quran and Hadith, the basic requirement for Qital is oppression and it doesn't matter whether the oppressive ruler is a Muslim or a non-believer. Qital is allowed to win freedom from oppression. However, Qital shall only be carried out if the power and resources are available in all forms. This should be clarified that Islam has allowed Qital for achieving some specific objectives. The first one is to finish oppression and spread justice. Therefore, Qital is not (حَسَنٌ لِّذَاتِهِ) good self, but it is for ending oppression, so it is (حَسَنٌ لِّغَيْرِهِ) good for others. The killing of people who are the precursors of cruelty has been declared justified for the end of cruelty.

( Fiqh ul Islam has divided commandments of Allah in two ways. One is Hasan ul lizatihi (حَسَنٌ لِّذَاتِهِ) and second is Hasan ul lighhairihi (حَسَنٌ لِّغَيْرِهِ). Hasan ul lizatihi means those commandments that are required in Islam such as implementation of system of Justice is required. Whereas Hasan ul lighhairihi are those commandments that are not required such as Qitaal , and Qital itself is not required, but for the establishment of system of Justice it is mandatory to eliminate the resistant forces.(Alzuhaili, Dr Wahba 1:130)

If the purpose for which Jihad and Qital are being allowed, is not being fulfilled and instead of ending the oppression, Jihad enhances it, then according to Muslim scholars such a Jihad and Qital is not allowed. Since the ratio of strength and numbers between the Pakistani forces and the public militant groups in Pakistan is almost matchless, God forbid, the mutual fight between

the two can cause more disintegration and a chance to spread psychological and intellectual deterioration and the increase in state oppression. Who will benefit the most in this situation? America, Israel and India or the Taliban Movement Pakistan? These worldly powers exactly want this that Pakistan army gets into fight with Pakistani public and both get weakened. That is why in the recent past they encouraged the government to launch an attack on Waziristan. The tragedy with our purely religious minded class is that nothing comes to their mind other than rebellion and Qital for implementing the system of justice. (The reason for the spread of this methodology is a response to never-ending increase of cruelty from our rulers.) This is merely impossible to implement due to power imbalances between the government and the public movements.

After a long struggle for the implementation of the system of Justice, Maulana Sufi Muhammad of Swat, Malakand also realized that success is impossible through militancy and Qital. Therefore, he also disassociated himself from this methodology. In Pakistan, it is impossible for public movements to become successful through military routes because there is a high imbalance of power between state and militant groups. Therefore, the Pakistani public has experienced the consequences and evils of this battle and rebellion in the recent past.

For the implementation of Islam and establishment of Caliphate, the methodology of a movement called Hizb ut Tahrir is quite practical according to scholars. If some of the members of the Pakistani army having religious understanding and insights try to bring a revolution, then God willing the chances of success are bright. If a change happens in the army in great numbers and righteous generals attain power for ending the system of oppression and implementing the system of justice by acting wisely while preventing loss of life, then there is a practical possibility of ensuring the implementation of a justice system. (Zubair, H: 246) Moreover, expediency and norms should also be kept under consideration like Shah Abdul Aziz of Saudi Arabia adopting the rebellion against the Ottoman Empire for implementation of Shariah. However, Allama Asad writes that initially he did all this for establishing an Islamic System but later he turned away from it. (Jamila.M 1978) As far as Brigadier or Colonel Level is concerned in the Pakistan Army, the chances of success are impossible. As happened in Khilafat Operation, there is nothing to be gained from it except oppression and corruption.

Since, militant organizations in Pakistan such as TTP have come into existence, it is highly needed that their direction of struggle is steered towards Iraq, Palestine and Syria. This is the only ground where Pakistan's militant organizations shall be mobilized so the real enemies of Muslims i.e. US and Israel can be weakened. Oppression is found in the actions of US military, NATO forces, and Islam never compromises against an oppressive rule. On the contrary, there is a strong disagreement on the rejection of Muslim rulers and fight against them and a majority of the scholars do not agree with both. The struggle in Kashmir, Palestine and Iraq is a struggle towards freedom because in all these three situations, the purpose of struggle is not to establish an Islamic system but to preserve the unity of Muslims against the oppressive rule of non-believing tyrants. Thus, the best Qitaal in the way of Allah was the struggle in Afghanistan in the recent past about which Doctor Muhammad Zubair writes "No doubt the struggle in Afghanistan is Jihad and it is agreed upon by the scholars of Ummah". (Zubair.H:252 )

After the eviction of American and NATO forces, and the establishment of an Islamic system, the nature of struggle in the way of Allah has changed. After this the struggle is in Palestine, Iraq, and Kashmir. As far as struggle of Qital against Pakistani government and armed security forces is concerned, the majority of scholars is of the opinion that this is not correct, and many collected Fatwas have also been issued about this. (Zubair.H:253 )

### 3. Movement and Protest:

The third methodology for implementing the system of Justice in Pakistan is movement and protest. The presenter of this methodology was the founder of Tanzeem e Islami Doctor Israr Ahmad and he has elaborated said methodology in his book “Methodology of Prophetic Revolution” (منهج انقلاب نبوی) and “The Methodology of Revolution of the Revolutionary Prophet” (رسول انقلاب کا طریق انقلاب).

The methodology presented by him for changing the system includes Prophetic Methodology i.e. the expediency in dawah, struggle and the consideration of norms. Dr. Israr emphasized that the survival and stability of Pakistan is firmly associated with Islam. (There is a detailed research work of Dr Israr Ahmad titled “Istehkaam e Pakistan” (Stability of Pakistan) in which he has explained this fact with strong arguments that the stability of Pakistan is related to the Justice system of Islam. 1988)

Similar opinion is held by Maulana Mazhar ud Din Siddiqui. (In the last chapter of his book “Islam and the World religions”, Maulana has written in detail about this and in the context of Stability of Pakistan he writes that the binding force of this country is Islam)

According to Dr. Israr’s point of view revolutionary protests and movements should be introduced for the implementation of Islamic Justice system in Pakistan.

(Ahmad.dr.I:2011.10) In 2010, there was a meeting of Scholars of Deobandi School of thought in Jamia Ashrafia Lahore, in the agreed declaration of which it was written that the root of all the problems in Pakistan is that Shariah is not implemented. Therefore, it is needed that organized and unarmed movements for the implementation of Shariah are started.

(Daily Newspaper Islam 2010; Monthly Nusrat ul Uloom 2010)

According to the methodology of Dr. Israr Ahmad, a large number of trained, pious, righteous and sincere people should demand an Islamic system from standing governments through peaceful public protests, demonstrations, sit-ins, conferences, seminars and long marches. Because of this demand, either the government should implement Islamic system on a constitutional and legal level or the governance should be given to Islamists. Through this methodology, Islam shall be implemented on a collective and legal level but there shall be a need for Dawah for Islam to be embraced and accepted by people’s hearts and minds. The best method for this is to preach patience in truth (Tawasuh Bil Haq) and commanding good and forbidding evil (Amar Bil Ma’roof Wa Nahi Anil Munkir). Allah says in the Quran:

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

Al-Quran, Al Imraan, 3;104)

And let there be (arising) from you a nation inviting to (all that is) good enjoining what is right and forbidding what is wrong and those will be the successful.

While addressing the Muslims in this ayah, Allah Subhanwataala commands a group of Muslims among the Muslims to invite people towards good and perform Amar Bil Maroof wa Nahi Anil Munkir. There are ten places in the Quran where along with Mutual necessity, the act of Amar Bil Maroof wa Nahi Anil Munkir has been mentioned. This is the testament of the fact despite the implementation of Islamic system of justice, dawah and preaching, calling towards the truth, calling towards patience and Amar Bil Maarooof wa nahi anil Munkir is still needed. Amar bil Maarooof wa Nahi Anil Munkir is a terminology between the system of justice and Dawah and Jihad. In this terminology, Amar bil Maroof is more related to Dawah and Nahi Anil Munkir is more related to jihad.

The success of this protest politics is based on the fact that to make the constitution of the country Islamic in 1951, with the consensus of 31 leading scholars from all schools of thought and Islamic movements a 22 point formula was presented as the Objective Resolution. Under this resolution, protest movements shall be founded whose only motive is to establish a system of Justice and to end the oppression. This movement can be successful by virtue of supporting revival of Sunnah, purity of actions, accomplishing Allah's will and focusing on ultimate salvation. However, if the purpose behind participation from different religious parties and islamic movements in protest politics, is to avail a chance of getting positions and ministries then the Islam implemented by MMA (Mutahidda Majlis-e-Amal) in Khyber Pakhtunkhwa province is an example for all. (Zubair.H:255S )

For establishing Islamic revolution through protest movements, selfless and dedicated youngsters are needed that are free from all sectarianism, political biases and religious extremism and the only purpose in their life is love for Allah. The only way that Muslim ummah can come out of this trial is by establishing a system of justice under Islam and showing the whole world its fruits and inviting people to observe the blessings of the Islamic system. To present to people that this is how peace is maintained, equity and justice is served, and freedom is enjoyed. The survival of Pakistan as a dignified and sovereign state is only possible if a system of Islam is established. This is the reason Pakistan was created in the first place. It is our prayer to Allah that he establishes Islam's dominion over Pakistan and then the whole world and make us one of those who strive in his way.

### **Conclusion:**

Using different methodologies, the struggle for establishing a Justice in Islamic system of Pakistan is still in progress. Under Islamic Principles of Jurisprudence, Sources of Sharia agreed upon that Islamic Scholars are four i.e. Quran, Sunnah, consensus of Ummah (Ijmaa) and Qiyaas. And its procedure for application comprises two types, this is Dawah and Jihad. The study of Seerah Nabwi in the methodology of Nabi's(SAW) revolution, dawah is prominent in his Meccan life whereas Jihad is prominent in Medina's life. Many scholars agree that the root of all the problems in Pakistan is ignorance of Sharia, therefore, its implementation is needed through organized and unarmed movements.

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