



*A model of an*  
***Islamic Constitution***

# **A model of an Islamic Constitution**

10 December 1983

6 Rabi al Awwal 1404

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ  
بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِثِينَ خَصِيمًا

(سورة النساء : الآية ١٠٥)

*We have revealed to you the Book with the truth so that  
you may judge between people by that which Allah has  
shown you; so do not plead for the treacherous.*

(Qur'an, An-Nisa 4:105)

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ

(سورة المائدة : الآية ٥٠)

*Is it the judgement of (the time of) ignorance that they desire?  
Who is a better judge than Allah, for men whose faith is firm?*

(Qur'an, Al-Maidah 5:50)



## **CONTENTS**

	<i>Page</i>
Introduction	i
Preamble	1
Chapter I: Articles 1-3 Foundation of Authority and Basis of Society	3
Chapter II: Articles 4-19 Obligations and Rights	5
Chapter III: Articles 20-22 Majlis al Shura	10
Chapter IV: Articles 23-34 The Imam	12
Chapter V: Articles 35-41 Judiciary	16
Chapter VI: Articles 42-46 Hisbah	18
Chapter VII: Articles 47-56 Economic Order	20
Chapter VIII: Articles 57-60 Defence	23
Chapter IX: Articles 61-63 Supreme Constitutional Council	24
Chapter X: Articles 64-66 Council of Ulema	25
Chapter XI: Articles 67-71 Election Commission	26
Chapter XII: Articles 72-79 Unity of the Ummah and International Relations	28
Chapter XIII: Articles 80-82 The Mass Media and Publications	30
Chapter XIV: Articles 83-87 General and Transitional Provisions	32

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ

حَتَّى يُحْكِمُوا فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا

فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

(سورة النساء : الآية ٦٥)

*But no, I swear by your Lord, they will not be true believers until they make you a judge in all disputes between them and then find in their hearts no dislike of what you have decided and submit entirely.*

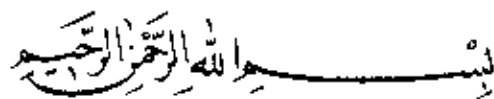
(Qur'an, An-Nisa 4:65)

وَمَنْ لَمْ يُحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

(سورة المائدة : الآية ٤٤)

*Those who do not judge in accordance with what Allah has revealed are the unbelievers.*

(Qur'an, Al-Maidah 5:44)



## ***Introduction***

The contemporary Islamic world is passing through a period of creative tension; 'tension' because the real state of affairs, at individual, collective and state levels, is generally at variance with the ideals and norms of Islam; 'creative' because this tension has released forces positive and powerful enough to bring about an upsurge in the Muslim world directed towards making Islam the guiding light in the reconstruction of individual and social life.

The hallmark of contemporary Islamic resurgence is the Muslim peoples' conviction of the relevance of Islam to every age, of faith in and commitment to Islam as the most decisive force in reordering their individual and collective lives, their disillusionment with secular ideologies and their firm resolve to build their society on the foundations of Islam.

The forms and patterns of collective organisation inherited from the colonial era, based as they were on values integral to an alien civilisation, and tailored to serve the interests of the foreign powers, are disintegrating. There is a serious search for new forms of socio-political organisation which conform with Islamic values and principles, and are capable of meeting the challenges of our times.

The Qur'an has enunciated not only moral norms for the individual, and rules and regulations for family and social life, but also a number of civil, commercial, criminal, constitutional and international laws and principles of judicial conduct. Unless there is an Islamic state, parts of the Shari'ah will remain in suspension.

As long as the Muslim peoples were forced to live under alien rule, suspension of Islamic laws and prevalence of forms and patterns of rule in conflict with the norms of the Qur'an and the Sunnah would have been understandable. But continuance of the same state of affairs even after political independence can have no justification. Islam established an Islamic state — a social order wherein all its injunctions are to be realised at once — and girded it by a comprehensive set of Divine imperatives for all time. These make up the constitution of the state and project the goals of all human activity, which cannot be achieved without an Islamic state, which can be defined simply as a state which is based on the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him), and which makes the Shari'ah its system of governance in all walks of life.

Considering it its duty in response to the Islamic resurgence, the Islamic Council has proclaimed previously two important declarations:

- 1) Universal Islamic Declaration<sup>(i)</sup>
- 2) Universal Islamic Declaration of Human Rights<sup>(ii)</sup>

It now presents a third document in this series: A Model of an Islamic Constitution<sup>(iii)</sup>.

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(i) London 1980

(ii) Paris 1981

(iii) The basic Model will be translated into other languages, but the Arabic text is the original.

This model contains the essential elements and principles of an Islamic constitution. Particulars and details relating to specific formal, technical and procedural considerations have been omitted deliberately, for them to be worked out by individual states, taking into account their special needs and preferences.

It is though perhaps appropriate to outline the most important concepts and principles upon which this model has been based:

- 1) submission to Allah alone, which can be realised practically only by the supremacy of the Shari'ah, which means making the Shari'ah the constitution and the law of the state;
- 2) the dignity of man as Allah's *khalifa* (vicegerent) on Earth;
- 3) the equality of man, there being no place for tribalism, racialism, or chauvinism;
- 4) strict observance of the Islamic code of human rights, which is inalienable due to its Divine source and cannot be violated in any way by any ruler, government or authority, and which no person has the right to surrender;
- 5) justice — which protects man's rights and obligations — tempered by mercy — which promotes kindness — as the basis of relations between men and of the security and stability of society;
- 6) *shura* as the method of governance and as the process for policy formulation, decision-making and exercise of authority;
- 7) the unity of the Muslim Ummah, based on common faith and creed, as a step towards achievement of the universal brotherhood of Man.



The compilation of this document is the result of prolonged effort by many eminent Muslim scholars, jurists, statesmen and representatives of Islamic movements. The Islamic Council expresses its heartfelt appreciation of their sincere and dedicated hard work. Their reward lies with Allah. We implore Him in all humility to bless this effort and to guide the Muslim Ummah along the straight path. Ameen.

Islamabad  
6 Rabi al Awwal 1404  
10 December 1983

Salem Azzam  
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Islamic Council

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

### ***Preamble***

WHEREAS Islam is a complete code of life suitable for all people and all times, and Allah's mandate is universal and eternal and applies to every sphere of human conduct and life;

WHEREAS every individual has his own personal dignity;

WHEREAS all capabilities, individual and collective, and all power are a trust to be discharged within the terms laid down by the Shari'ah, to qualify for fulfilment of the Divine promise of a life free from want and oppression, and blessed with harmony, plenitude, security, health and fulfilment;

ACKNOWLEDGING that the setting up of a social order based on Islam and its principles requires the complete application of the Shari'ah in the constitution and in the law, and that every individual under this order is able to undertake and fulfil his duty to himself, to his country and to all humanity;

We, the people of ..... , commit ourselves to make the following the prime values of our socio-political order:

- i) submission to Allah alone
- ii) freedom governed by responsibility and discipline
- iii) justice tempered with mercy
- iv) equality strengthened by brotherhood
- v) unity in diversity
- vi) *shura* as the method of governance

We, the people of ..... , therefore, hereby, by means of a referendum\* held for this purpose on ..... , assent to adopt this constitution, committing ourselves to the above principles and to a covenant to do our utmost to faithfully discharge our duties in accordance with them. And Allah is our witness.

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\* or by a resolution of a parliament or other competent body.