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Challenges and Opportunities in Implementing a Unified Quranic Legal System

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Abstract:

The concept of a unified Quranic legal system offers a framework grounded in divine principles, aiming to achieve justice and social harmony. This research explores the challenges and opportunities associated with implementing such a system in contemporary societies. Key challenges include cultural diversity, differing interpretations of Quranic injunctions, resistance from secular frameworks, and political constraints. On the other hand, the opportunities lie in promoting universal ethical values, fostering unity among Muslim communities, and addressing modern issues through timeless Quranic principles. This study aims to examine the feasibility, social impact, and potential strategies for integrating a Quranic legal framework into contemporary society.

Keywords: Quranic Legal System, Justice, Harmony, Cultural diversity, Society

Introduction:

"The lamps are different, but the Light is the same. It comes from beyond the veil of illusion." ¹

چراغ‌ها مختلفند ولی نور یکی است
 "می‌آید از ما و رای پرده‌ی پندار"

Since the spell of dawn spread its wings from nothingness, humanity is destined to be recognized by the one and only supreme sovereign, their real Creator—Allah, who created all men and women from one father and mother i.e. Adam and Eve. Divine guidance defined and cleared all ways of righteousness communicated through numerous chosen men as his messengers across ages and civilizations. Allah illumined His paths and beautified them for men to walk on them smoothly and precisely. He put the final seal of prophet hood, on Prophet Muhammad (peace be upon him). Although nations have different languages, cultures, and histories, the soul of divine law has endured endlessly by safeguarding monotheism, righteousness, and moral values.

As the Quran narrates:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honored of you in the sight of Allah is the most righteous of you. Indeed, Allah is All-Knowing, All-Aware." ²

This is the stance of the Qur'an being final and the most comprehensive manifestation and demonstration of Allah's wisdom, that it is a worldwide guiding light, not only for one tribe or nation, but also for the entire humanity. The visionary wisdom, deep insight and Quranic legal philosophy covers all contemporary, ethical societal and dogmatic dilemmas. However, it is not that simple or easy to implement it presently in these modern, diverse cultures. While inherently simple, implementing a Quranic legal system is challenging in today's world. In the modern era, societal values and individual choices are constantly evolving, leading to shifting standards of governance and law.

The Qur'an regards human diversity and coordinates with contradictory views. The Qur'an while paying regards to all religions unites all beliefs.

¹ - Jalāl al-Dīn Rūmī, The Mathnawī of Jalāl al-Dīn Rūmī, trans. Reynold A. Nicholson (London: E.J.W. Gibb Memorial Trust, 1925), 1:1136.

² -Quran 49:13, Yusuf Ali

Like Rumi's stunning words I mentioned in the beginning, we might feel the echo of the vision of Ibn Tamiya,

"The more a law is aligned with divine guidance, the closer it is to true justice, for Allah's wisdom encompasses all that is seen and unseen."³

Let's explore the complications and convolutions along with prospects in launching a Quranic legal system. We observe theological basics, traditional dynamics, and dogmatic realisms. Let's sort out if a divine legal system offers an impartial and real-world charter or a structure for contemporary societies while paying respect and appreciating coexistence, and proper clarity!

The Speculative Foundation of a Quranic Legal System

A unified legal system originated from the Quran covers regional and cultural divisions, offering a comprehensive and impartial model entrenched in divine wisdom, justice, and moral obligation. The Qur'anic legal system is not merely a collection of verdicts but a unified framework that entwines divine justice with social prosperity, safeguarding harmony between spiritual and chronological governance "The Quranic legal system is derived from divine revelations and the Sunnah—the practices of Prophet Muhammad (PBUH). Its fundamental values include adl (justice), shura (consultation), and maslahah (the well-being of society). Traditional scholars appreciate these principles and their significance in governance."

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ

"And judge, [O Muhammad], between them by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has revealed to you." ⁴

Challenges in implementing a Unified Quranic Legal System

1. Cultural Diversity:

There are enormous and miscellaneous variations in different societies and cultures today. Ethnic diversity is the basic challenge in forming a unified Qur'anic system. Different sects and societies interpret Qur'anic injunctions inversely as per their historical and cultural backgrounds and circumstances. According to Colin Imber in Ebu's-su'ud: The Islamic Legal Tradition, "The Ottoman legal system balanced Sharia with practical governance needs. The

³ - Al-Mawardi, Abu al-Hasan. Al-Ahkam al-Sultaniyya. Dar al-Kutub al-Ilmiyya, 1985.

⁴ - Quran 5:49, Abdullah Yusuf Ali

empire maintained Islamic legal integrity but allowed millet (religious communities) autonomy in personal and family matters, ensuring social harmony and administrative efficiency.”⁵

Allama Iqbal whose philosophy on the said subject transcends time, space, and culture, advocated obliging the diversity within Islamic societies without their disunion,

“مشرق و مغرب کی ہوا میں، رنگوں میں، لہروں میں
تُو ہے، میں ہوں، اور تک کہ ہر فرد میں اللہ کی نشانی ہے”

Translation: In the winds of the East and West, in the colors and the waves, You exist, I exist, and within each individual lies the sign of Allah.”⁶

We need to see the collective link between all people, irrespective of cultural ethnicity. The Qur'an says, “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”⁷

At an other place, Allah says, “O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames.”⁸

Belief in Allah is the criterion for rescue, irrespective of cultural or religious background. Allah says, “Indeed, those who have believed [in the Quran], and those who are Jews or Christians or Sabians—whoever believes in Allah and the Last Day and does righteous work—will have their reward with their Lord, and no fear will there be concerning them, nor will they grieve.”⁹ “And those who have responded to [the call of] their Lord and established prayer, and whose affairs are [determined by] consultation among themselves, and who spend out of what We have provided them.”¹⁰ This verse underlines the position of mutual session in decision-making, how? “Observe the importance of varied voices in culture”.

2. Differences of Interpretations:

Islamic jurisprudence (fiqh) has been established through several schools of thought (madhahib), such as Hanafi, Maliki, Shafi'i, and Hanbali. These variances in elucidation and interpretations confuse the legal standards. According to Mohammad Hashim Kamali in

⁵ - Colin Imber, Ebu's-su'ud: The Islamic Legal Tradition (Edinburgh: Edinburgh University Press, 2002), 154.

⁶ - Muhammad Iqbal, Payam-e-Mashriq (The Message of the East), 2nd ed. (Lahore: Sh. Muhammad Ashraf, 1977),

⁷ - Surah Al-Hujurat (49:13)

⁸ - Surah Al-Hujurat (49:11-12)

⁹ - Surah Al-Baqarah (2:62)

¹⁰ - Surah Ash-Shura (42:38):

Principles of Islamic Jurisprudence, “The rules of inheritance are derived primarily from Quranic injunctions, yet the interpretation and application of these rules vary among Islamic legal schools due to differences in *ijtihad* (independent reasoning) and jurisprudential methodology.”¹¹ The Prophet Muhammad (PBUH) approved that differences in interpretation as a natural and intellectual effort,

“When a judge (Qadi) gives a ruling and he strives hard and he is correct, he will have two rewards. If he gives a ruling and he strives hard but is mistaken, he will have one reward.”¹²

Secular Conflict Structures

Several modern countries function under the legal system designed by secularism with a motive to prove the integration of Quranic law politically and socially belligerent and contentious. Abdullahi Ahmed An-Na‘im, in *Islam and the Secular State*, argues, “That for democracy to function effectively in Muslim societies, religious law should not be enforced by the state. Instead, he advocates for a model where religious beliefs influence individual choices but remain separate from state-enforced legal frameworks.”¹³

"Give to Caesar what is Caesar's, and to God what is God's" ¹⁴ is a quote from Jesus (Isa, PBUH) as recounted in the New Testament (Matthew 22:21). This statement is often quoted about the separation between state and religious power. Prophet Peace be upon him said once, "The most beloved of people to Allah on the Day of Judgment and the closest to Him will be the just ruler."—¹⁵

3. International Political and Economic Dynamic forces

Western Legal Systems and Globalization are normally in confusion or contradiction to each other regarding the implementation of the Qur’anic principles. International relations and economic dependencies may restrict states from adopting Quranic laws.

Wael B. Hallaq in “The Origins and Evolution of Islamic Law” says, “The imposition of Western legal frameworks during colonial rule undermined Sharia courts and traditional legal institutions, replacing them with European-style courts that prioritized secular laws. This led

¹¹ - Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 145.

¹² - Sahih Bukhari, Hadith 7352, □ Sahih Muslim, Book 18, Hadith 4261 sunnah.com

¹³ - Abdullahi Ahmed An-Na‘im, *Islam and the Secular State: Negotiating the Future of Shari‘a* (Cambridge, MA: Harvard University Press, 2008), 78.

¹⁴ - New Testament (Matthew 22:21).

¹⁵ - Sunan Abu Dawood, Hadith 2858

to a profound legal and institutional transformation, making it difficult for many Muslim-majority states to restore purely Islamic legal governance after independence.”¹⁶

Ibn-e-Taymiyyah emphasized that Islamic law should be the basis of both national and international relations. He said. “The law of the land must be the law of Allah and His Messenger, and a ruler should be judged by his adherence to that law.”¹⁷ Al-Qurtubi ‘s interpretations emphasize fairness, equity, and ethical governance that would apply to any era even if he did not address directly the iterative law it speaks on fair international political and economic dynamics, “Allah commands justice, the doing of good, and liberality to kith and kin.”¹⁸

Opportunities in Executing a Unified Quranic Legal System

1. Encouragement of Moral Values:

The Qur’anic legal system delivers widespread virtuous and moral strategies that rise above cultural and chronological limitations. Islam teaches rules like equality, answerability, and kind-heartedness that gives birth to social harmony.

The Prophet Muhammad (peace be upon him) said:

"The most beloved people to Allah are those who are most beneficial to people."¹⁹

2. Development of Unity Among Muslim Communities

A united legal system can connect Muslim societies by realizing joint rules and regulations over doctrinal variances. This unity can reinforce social balance, strength, cohesion and distinctiveness. Allah says,

“وَاَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا”

"And hold firmly to the rope of Allah all together and do not become divided."

(Abdullah Yusuf Ali’s Translation)²⁰

3. Islamic Economic System:

The Islamic financial model, balanced with Zakat, alms and charity. Islamic economic system meets with the universal economic disparities. It provides economic securities to the both Muslims and non-Muslims encouraging synchronicity and coordination.

¹⁶ - Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 76.

¹⁷ - Ibn Taymiyyah, *Majmu' al-Fatawa*, vol. 35 (Riyadh: Dar al-Watan, 1997), 16

¹⁸ - *Tafsir al-Jami' li-Ahkam al-Qur'an* (Al-Qurtubi) [Quran 16:90]

¹⁹ - Ibn Hanbal 1998, 234

²⁰ - Surah Al-Imran (3:103)

The example of Umar ibn Al-Khattab (RA) and the Prophet Muhammad's ﷺ teachings establish that Islam is not just a religion for Muslims but a system of justice for the entire humanity. If people today incorporate the financial ethics of Islam, the world would have a superior economic. Allah has provided a comprehensive financial system where Zakat (obligatory charity) and Sadaqah (voluntary charity) ensure that wealth is disseminated fairly and does not keep on concentrated with the rich only.

Allah commands that wealth should be distributed with justice and not out of mere kindness but as a right of the needy. The Quran states:

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

"And in their wealth, there was the right of the needy and the deprived." (Abdullah Yusuf Ali's Translation)²¹.

So charity is not generosity but a prime responsibility. Similarly, Prophet Muhammad ﷺ said,

«إِنَّ اللَّهَ قَدْ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ فِي فُقَرَائِهِمْ»

"Allah has made Zakat obligatory upon their wealth, which shall be taken from their rich and distributed among their poor."²²

Even Allah does not compromise on dignity and respect of the receiver. He advises about humiliating or mistreating those who ask for help:

وَأَمَّا السَّائِلُ فَلَا تَنْهَرْ

"And do not scold the one who asks (for help)." (Abdullah Yusuf Ali's Translation)²³

Allah warns about severe results if His Financial guidance is not obeyed, it would result in divine torment.

"And those who hoard gold and silver and do not spend it in the way of Allah—give them tidings of a painful punishment... On the Day when it (wealth) will be heated in the fire of Hell and their foreheads, sides, and backs will be branded with it." (Abdullah Yusuf Ali's Translation)²⁴

Prophet Muhammad ﷺ also warned about the consequences of neglecting charity:

²¹ - Surah Adh-Dhariyat (51:19)

²²- Sunan Ibn Majah (Hadith 1841)

²³ - Surah Ad-Duha (93:10)

²⁴ - Surah At-Tawbah (9:34-35)

"The wealth of a person who does not pay Zakat will be turned into a poisonous snake that will encircle his neck and bite him on the Day of Judgment." (Sahih)²⁵

4. Zakat as a System for Economic Stability and Unity

A strong financial, fiscal, and monetary system, grounded in Shariah principles, serves as a mechanism for economic equality and social cohesion. The concept of Zakat offers a practical solution to economic disparities:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمَوْلَّةِ قُلُوبُهُمْ

"Charity is for the poor, the needy, those who administer it, those whose hearts need reconciliation..." (Abdullah Yusuf Ali's Translation)²⁶

This divine economic system raises unity and social harmony by ensuring that wealth is fairly distributed, preventing class conflict, and promoting mutual dependence among people.

Allah is Rabb al-Naas (the Lord of all people), and when we follow His economic system, we strengthen our unity as an ummah. The greater our commitment to Allah's financial principles, the stronger our social and economic unity.

Islam's Economic System Does Not Only Benefit Muslims but Also Ensures the Well-Being of Non-Muslims Living in an Islamic Society

The Prophet Muhammad ﷺ and his companions provided financial assistance to non-Muslims.

Incident: Umar ibn Al-Khattab and the Christian Beggar

"During the caliphate of Umar ibn Al-Khattab (RA), he once saw an elderly Christian man begging for money. Seeing this, Umar (RA) was deeply moved and declared: "It is not fair that we took Jizyah (tax) from you when you were young and strong, and now that you are old and weak, we abandon you!"

He immediately ordered financial support for him from the Bayt al-Mal (Islamic treasury) and instructed that all elderly non-Muslims who could not earn a livelihood be given state assistance.²⁷ This incident proves that Islamic governance ensures financial protection for all people, regardless of their faith.

The Prophet Muhammad ﷺ said,

«أَلَا مَنْ ظَلَمَ مُعَاهِدًا، أَوْ انْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طِيبِ نَفْسٍ، فَأَنَا حَجِيجُهُ يَوْمَ الْقِيَامَةِ»

²⁵ - Sahih Muslim (Hadith 987)

²⁶ - Surah At-Tawbah (9:60)

²⁷ - Abu Yusuf. Kitab al-Kharaj. Translated by A.B. al-Azhar. Beirut: Dar al-Ma'arif, 1979.

"Whoever wrongs a non-Muslim under Muslim rule diminishes his rights, burdens him beyond his capacity, or takes anything from him unjustly—I will be his opponent on the Day of Judgment." (Sahih).²⁸

Non-Muslims cannot be neglected or economically deprived. Addressing Modern Challenges with Eternal Principles, the Qur'anic structure attends matters like poverty mitigation, corruption, and social justice through its golden fundamentals.

Integration of Shariah with Contemporary Governance

The combination of Shariah principles with contemporary governance is so important and a matter of discussion among Islamic and Western scholars. Some say that Shariah should be implemented as per a traditional procedure; others propose contextualizing principles of Islam, making them parallel with modern governance models like a constitutional democracy, agendas of human rights, and pluralism.

Theoretical Basis: Shariah and Governance

Shariah is a comprehensive legal and moral system in Muslim societies. However, modern countries function under systems that prioritize rule of law, parting of powers, and individual freedoms without compromising core religious values.

Islamic Perspective

1. 'Umar ibn al-Khaṭṭāb and the Christian Beggar

"The incident where Caliph 'Umar ibn al-Khaṭṭāb encountered an elderly Christian beggar is documented in classical Islamic literature. In this account, 'Umar observed the man begging and, upon learning that he was seeking funds to pay the jizya (a tax levied on non-Muslims) due to his old age and inability to work, 'Umar declared that it was unjust to have taken jizya from him when he was young and to neglect him in his old age. He then ordered that the man be provided for from the public treasury."²⁹

2. Tariq Ramadan's Radical Reform: Islamic Ethics and Liberation

"In Radical Reform: Islamic Ethics and Liberation, Tariq Ramadan discusses the need to contextualize Shariah in current societies. He highlights a self-motivated and flexible

²⁸ - Sunan Abu Dawood (Hadith 3052)

²⁹ -Abu Yusuf. Kitab al-Kharaj. Translated by A.B. al-Azhar. Beirut: Dar al-Ma'arif, 1979, p. 126.

clarification of universal values such as justice, consultation (shura), and public welfare (maslaha).”³⁰

3. Wael B. Hallaq's *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* “Wael B. Hallaq, in his book *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, critiques the modern nation-state and argues that true Shariah governance requires a moral and ethical foundation rather than just legalistic enforcement.”³¹

Western Perspective: Governance and Religious Law:

“John L. Esposito, in *Islam and Democracy: Fear of the Modern World*, argues that “Shariah can coexist with democracy, provided that it is applied in a manner that respects pluralism, human rights, and constitutional frameworks (Esposito and Voll 2010, 147). He highlights examples of Turkey, Malaysia, and Indonesia, where elements of Islamic governance operate within democratic structures.”

Noah Feldman (2008) – *The Role of Islamic Law in Modern States*

“In *The Fall and Rise of the Islamic State*, Noah Feldman argues that Shariah once provided an independent judicial system that balanced power, but colonial-era interventions weakened its institutional role. He suggests that modern Islamic constitutionalism can revive Shariah's ethical governance aspects while upholding democratic accountability (Feldman 2008, 132).”³²

Quranic Perspective on Governance

The Principle of Consultation (Shura)

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

"And those who have responded to [the call of] their lord and established prayer, and whose affairs are [determined by] consultation among themselves, and who spend out of what We have provided them." (Surah Ash-Shura 42:38, Abdullah Yusuf Ali's Translation)³³

This verse highlights the concept of Shura (consultation), which is an essential governance principle in Islam, advocating for collective decision-making and public participation in state affairs.

³⁰ - Ramadan, Tariq. *Radical Reform: Islamic Ethics and Liberation*. Oxford: Oxford University Press, 2009, p. 98.

³¹ - Hallaq, Wael B. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. New York: Columbia University Press, 2013, p. 76.

³² - Noah Feldman, *The Fall and Rise of the Islamic State* (Princeton: Princeton University Press, 2008), 132

³³ - Surah Ash-Shura (42:38)

The Prophet Muhammad ﷺ said:

إِنَّ أَحَبَّ النَّاسِ إِلَى اللَّهِ يَوْمَ الْقِيَامَةِ وَأَدْنَاهُمْ مِنْهُ مَجْلِسًا إِمَامٌ عَادِلٌ

"The most beloved of people to Allah on the Day of Judgment and the closest to Him will be the just ruler." ³⁴

Conclusion:

Toward a Balanced Model, Both Islamic and Western scholars agree that Shariah can be integrated with modern governance if adapted to align with institutions, human rights, and participatory decision-making. The Quranic principle of Shura, historical examples of Islamic governance and intellectual vision support an exemplary specimen where ethical governance with contemporary legal frameworks merge together.

Suggestions:

Standardization of Jurisprudence Efforts should be made to reunite variances or misconceptions among Islamic schools of thought and develop a standardized legal structure.

1. Public Awareness and Training Educating consciousness about the Quranic legal system's moral and social profits can substitute public support.
2. Gradual Enactment a specific approach, starting with universally acknowledged principles, can welcome the change.
3. Teamwork with Intercontinental Bodies Engaging with international organizations to highpoint where is the achievement and compatibility of the the Quranic ideology with universal human rights may sort out misconceptions.



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³⁴ - Sunan Abu Dawood (Hadith 2858)