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Sharī'ah and Modern Legal Systems: A Comparative Study of Divine and Secular Laws in the Contemporary World

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Abstract:

This paper presents a critical comparative analysis between Islamic Shari'ah and man-made legal systems, emphasizing the divine origin, permanence, and moral superiority of Shari'ah over secular jurisprudence. It challenges the growing inclination among certain segments of the Muslim intelligentsia to regard secular legal frameworks as inherently superior, exposing this attitude as a symptom of intellectual subjugation and cultural inferiority. The authors argue that, while Islamic Shari'ah particularly in its codified juristic form may encounter procedural challenges akin to positive law, its revealed foundation provides it with a transcendent legitimacy that cannot be matched by man-made laws rooted in historical contingencies like Roman jurisprudence.

The article explores Qur'anic and Prophetic evidence to establish that legislation is a divine prerogative and that any attempt to replace or parallel it with human constructs constitutes a violation of tawḥīd. Moreover, it underscores that Shar'i laws are neither obsolete nor contextually rigid but are instead designed to serve as a universal and enduring moral-legal code until the Day of Judgment. Through exegetical references,



Shari‘ah and Modern Legal Systems: A Comparative Study of Divine and Secular Law in the Contemporary World

prophetic traditions, and insights from classical and modern scholars, the article affirms that true faith (īmān) necessitates complete submission to divine legislation, and that any deviation toward tāghūt or secular authority undermines the very foundation of Islamic belief and identity.

Keywords: *Islamic Shari‘ah, divine legislation, secular legal systems, Qur‘ān, Prophetic traditions, tawhīd, legal philosophy in Islam.*

1. Introduction

A Comparative View of Divine and Man-Made Law

In this article, the term “Shar‘i Law” has been employed, though a more precise and cautious expression would be “Islamic Shari‘ah”. This is because, once the Divine Shari‘ah is translated into codified legal frameworks by Muslim jurists, it may at times encounter similar issues found in purely man-made legal systems. The distinction, however, lies in the fact that Islamic Shari‘ah, in its original revealed form, holds a unique status: being divinely ordained, it offers a perpetual guarantee of justice and fairness for all of God's creation. Therefore, within the context of this discussion, any reference to Shar‘i Law should be understood as referring specifically to the Islamic Shari‘ah in its essential, revealed form.

One of the clearest signs of intellectual defeat is when an individual, overcome by a sense of inferiority regarding their own religious or cultural heritage, begins to admire and emulate foreign civilizations with longing eyes considering every aspect of the other’s lifestyle as a mark of enlightenment and open-mindedness. History bears witness that whenever such a mindset grips a nation, that nation fails to sustain its unique identity and eventually fades into oblivion, becoming a mere footnote of the past.

Regrettably, a similar condition afflicts a segment of today’s educated Muslim community. Influenced by modern ideologies, they view the enforcement of Islamic penal and criminal codes (Hudud and Ta‘zir) as outdated and incompatible with contemporary standards. Instead, they equate the adoption of secular or man-made legal systems with progress and success failing to recognize the enduring relevance and divine justice embedded in the Shari‘ah.

إِلَّا مَا رَحِمَ رَبِّي¹

(Except those upon whom my Lord has mercy.)

What is astonishing, however, is that those very individuals who dismiss the Islāmī nizām-e-ḥudūd (Islamic system of penal laws) as incompatible with modern-day realities, themselves acknowledge that the golden, radiant era of Islamic history owed much of its glory to these very laws and their faithful implementation.

Now, if the argument were simply that the uṣūl wa qawānīn (principles and laws) crafted in the modern age are superior merely because they take contemporary circumstances

into account whereas earlier laws were formulated centuries ago then we too might gladly join the ranks of the so-called “modernists.” But the reality here is far more profound: when the very author of these ancient laws is Rabb al-Nās (the Lord of mankind), and He Himself declares their eternal validity with the words:

أَلْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا²

"This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as your religion.

Then to consider the modern superior to the ancient, or even to place the two side by side in comparison, is like attempting to measure the heavens against the earth a futile and absurd endeavor . However, even this entire discussion presupposes that shar‘ī qawānīn (divine legal codes) are in fact older than waḍ‘ī qawānīn (man-made laws). Yet, the truth is quite the opposite: compared to many legal codes in Europe, the sharī‘ah is actually more modern. The reason being, European legal systems are largely based on Roman Law, which predates the nuzūl-e-Qur’ān wa Sunnah (revelation of the Qur’ān and Prophetic tradition) by centuries. Roman legal principles and procedural frameworks serve as the foundation upon which European jurisprudence was constructed except where necessity dictated deviation. Thus, when viewed from this angle, the laws of Islām are not antiquated but in fact newer than much of Europe’s legal heritage.

Moreover, those individuals who today, under the guise of refined discourse, claim that a 1400-year-old system is obsolete and irrelevant to the demands of the present era, may be classified into two categories:

1. The first group comprises individuals who lack expertise in both sharī‘ah and secular legal systems.
2. The second group includes the educated elite who may be well-versed in waḍ‘ī qawānīn (positive law), but are wholly unfamiliar even with the basics the abjad of the sharī‘ah.

Given that both groups are ignorant of the divine legal framework, their assertion that sharī‘ah is incompatible with the modern world becomes entirely baseless and devoid of any scholarly weight.

Shar‘ī Laws and the Qur’ān

Any law that stands in contradiction to the sharī‘ah Islāmiyyah, its principles (uṣūl wa maḥādī’), or its essential spirit (rūḥ) is, in absolute terms, invalid and null. Islam goes even further it obliges us not to construct laws in our own words but to recognize and uphold the commands of Allāh and His Rasūl in their original form as binding legal authority. This is why the Qur’ān, time and again, commands adherence to mā anzala Allāh that which Allah has revealed as the sole source of legitimate law, and those who turn away from it are labelled as ḡālim, fāsiq, or kāfir.

It is evident, then, that mā anzala Allāh refers specifically to the Qur’ān al-Karīm and the aḥādīth al-nabawiyyah, not to secondary legal formulations expressed in human language, even when those are the efforts of qualified Muslim scholars. While such derivative laws may serve practical needs, they do not carry the intrinsic sanctity and authority of the revealed sources.

Below are some selected āyāt (verses) from the Qur’ān that articulate this very principle meant for those who still hold some reverence for the Qur’ān and consider themselves Muslim, even if only as a matter of inherited faith. For such individuals, the reality

remains: by professing the kalimah ṭayyibah, they have already placed the yoke of obedience to the Rasūl (peace be upon him) upon their shoulders.

No matter how alluring the distant drums of foreign ideologies may sound to them, they cannot ignore the voice of the dhol (drum) that hangs around their own necks. Whether its deep, weighty, and commanding tone grates on their aesthetic sensibilities, or their fragile egos resist its message, they are nonetheless bound to hear it and to endure it.

Divine System for the Creation: Only the Creator Has Authority

The Qur'an emphasizes that one of the fundamental purposes for which the anbiyā' (prophets) were sent was to establish the Sharī'ah (Divine Law) of Allah on earth and to ensure justice among mankind based on the guidance revealed by Him. Islam is not a faith meant to be subdued rather, it is destined to prevail and govern.

As stated by Rabb al- 'Ālamīn (Lord of the worlds):

هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ ³

“He it is who has sent His Messenger with guidance and the religion of truth so that He may cause it to prevail over all other ways of life, even though the polytheists may detest it.”

And likewise:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ ⁴

“Indeed, We sent Our messengers with clear proofs and revealed with them the Book and the Balance so that people may uphold justice.”

From the Islamic worldview, the sole legitimate source of law and legislation (ḥaqq at-tashrī') is Allah alone because He is the Khāliq (Creator) of the entire universe. Only He fully comprehends all the intricacies of good and evil that may arise within His creation. Thus, it is only appropriate that His command be accepted as supreme in the affairs of His creation.

In the Qur'an, after mentioning His absolute control over the creation of the heavens and the earth, and the subjugation of the sun, moon, and stars, Allah declares:

أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ ⁵

“Behold! His is the creation, and His is the command.”

In another verse, Allah categorically states:

إِن الْحُكْمُ لِلَّهِ... (٤٠) ⁶

“Judgment belongs to none but Allah.

As for those who abandon Allah's revealed laws in favor of man-made laws, the Qur'an uses strong language to condemn them:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ - فَأُولَٰئِكَ هُمُ الظَّالِمُونَ. فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ ⁷

“Those who do not judge by what Allah has revealed it is they who are the kāfirūn (disbelievers)... it is they who are the ṣālimūn (wrongdoers)... it is they who are the fāsiqūn (rebellious ones).

Those who abandon the divine legislation and make judgments based on man-made laws instead of what Allah has revealed are condemned in strong terms. Allah declares them as *kāfirūn* (disbelievers), *zālimūn* (wrongdoers), and *fāsiqūn* (rebellious):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ فَأُولَئِكَ هُمُ الظَّالِمُونَ فَأُولَئِكَ هُمُ الْفَاسِقُونَ⁸

Allah has forbidden *tahākum ilā ghayr Allāh* (taking disputes to a source of judgment other than Allah), and no true believer has the right to feel satisfied with the judgment of anyone other than Allah. If a person does so, it is considered a sign of severe misguidance and following *tāghūt* and *shayṭān*. Hence, it has been stated:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ ءَامَنُوا بِمَا نُزِّلَ إِلَيْكَ وَمَا نُزِّلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ ۚ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا⁹

"(O Prophet ﷺ) Have you not seen those who claim to believe in what has been revealed to you and what was revealed before you, yet they wish to take their disputes to the *tāghūt* for judgment, even though they were commanded to reject it? And *Shayṭān* only wishes to lead them far astray

Furthermore, the Lord of the Worlds has clearly declared that it is not lawful for any believing man or woman to act independently in any matter once Allah and His Messenger ﷺ have issued a ruling. Moreover, it is not sufficient for faith to merely accept the Prophet's ﷺ judgment outwardly; it must be accepted wholeheartedly and with full contentment of the soul. As Allah says:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

10

"But no, by your Lord, they do not (truly) believe until they make you (O Prophet ﷺ) the judge in all their disputes, and then find no discomfort in their hearts regarding what you have decided, and submit fully and willingly.

In another verse, it is stated:

وَمَا كَانَ لِلْمُؤْمِنِينَ وَلَا الْمُؤْمِنَاتِ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۚ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ

فَقَدْ ضَلَّ ضَلَالًا مُبِينًا¹¹

"It is not for a believing man or woman, when Allah and His Messenger have decided a matter, to have any choice in their decision. And whoever disobeys Allah and His Messenger has clearly gone astray."

Sayyid Abul A'la Mawdūdī explains this verse as follows:

"Although this verse was revealed in a specific context, the ruling it lays down represents a fundamental principle of the Islamic constitution. Its application extends across the entire system of Islamic life. According to this principle, no individual Muslim, nor any group, institution, court, parliament, or state has the right to exercise independent judgment in any matter for which a command from Allah and His Messenger already exists. To be a Muslim means to voluntarily renounce one's own authority before Allah and His Messenger. The very definition of being a Muslim is incompatible with retaining such a right for oneself. No rational person can claim to reconcile these two positions. If one wishes to remain a Muslim, one must submit to the will of Allah and His Messenger.

Sharī'ah and Modern Legal Systems: A Comparative Study of Divine and Secular Law in the Contemporary World

If one refuses to do so, then one must honestly acknowledge that one is not a Muslim. No matter how loudly one proclaims one's faith, in the eyes of Allah and the people, one will be deemed a hypocrite."¹²

He must plainly accept that he is not a Muslim. No matter how loudly he beats the drum of his so-called Islam, if he refuses to submit to Allah and His Rasūl (ﷺ), then in the sight of Allah and the people alike, he is to be considered nothing but a munāfiq (hypocrite). Furthermore, Allāh Rabb al-‘Ālamīn has explicitly declared that if anyone abandons His judgment and gives someone else the authority to determine what is ḥalāl (permissible) and ḥarām (forbidden), then such a person commits shirk (polytheism) in the tawḥīd (Oneness) of Allah. By granting another entity the right to legislate in place of Allah, he effectively sets that entity up as a rabb (lord) and ilāh (deity).

Regarding this same deviation, Allāh mentions the corrupt practice of the Jews and Christians in the Qur'an:

اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَنَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَحْدًا¹³

"They took their rabbis and monks as lords besides Allah, as well as the Messiah, son of Mary, though they were commanded to worship none but One God..."

To understand the meaning of this verse, reflect upon the following ḥadīth:

When ‘Adiyy ibn Ḥātim (رضي الله عنه) embraced Islam after leaving Christianity, he asked

the Prophet (ﷺ):

"We never worshipped our scholars or monks, so how can we be accused of making them lords?" The Prophet (ﷺ) replied:

"Did they not declare some things ḥalāl that Allah had not, and you accepted them as ḥalāl? And did they not declare some things ḥarām that Allah had not, and you accepted them as ḥarām?" ‘Adiyy (رضي الله عنه) answered, "Indeed, we did." The Prophet (ﷺ) then said:

"That is how you took them as lords."¹⁴

In addition to the above texts, there are numerous other verses in the Qur'an that clearly affirm the same concept: the exclusive right to legislate belongs to the Khāliq Ḥaqqīqī (True Creator). His law and His Sharī'ah are fully aligned with the innate nature (fiṭrah) of human beings. To deviate from His Sharī'ah is not only to invite destruction and ruin in this world, but also to lose one's īmān (faith) and fall into a deep abyss of ḍalālāh (misguidance).

The Sharī'ah of Islam is Eternal and Universal

The Sharī'ah of Islam is eternal and all-encompassing. It is not confined by time or space, nor was it revealed for a particular era or region. From the very beginning, Rabb al-‘Ālamīn made this clear in His Book:

تَبَارَكَ الَّذِي نَزَّلَ الْفُرْقَانَ عَلَى عَبْدِهِ لِيَكُونَ لِلْعَالَمِينَ نَذِيرًا¹⁵

"Blessed is the One who sent down the Criterion (al-Furqān) upon His servant so that he may be a warner to all the worlds."

Despite this, some non-Muslim historians and Orientalists, in their animosity towards Islam, claim that the Sharī'ah was originally meant for specific local or emergency conditions, and only later evolved into a global system due to military conquests. However, this verse provides a clear rebuttal to such claims. It is unanimously agreed upon by scholars that this verse is Makkan, revealed during a time when the Islamic movement was in its earliest and most vulnerable phase. The fact that such a declaration of universality came at the very beginning proves that Islam was founded on the principle of being a global constitution for all humanity, offering peace and justice through its pure and all-inclusive values.

What's more, even before the advent of the Prophet Muhammad (ﷺ), all the previous prophets were made to pledge that if the Prophet of the Last Age appeared during their lifetimes, they must abandon their own sharī'ah, believe in him, and support him. Rabb al-‘Ālamīn declares:

وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ لَمَا آتَيْنُكُمْ مِنْ كِتَابٍ وَحِكْمَةٍ ثُمَّ جَاءَكُمْ رَسُولٌ مُصَدِّقٌ لِمَا مَعَكُمْ لَتُؤْمِنُنَّ بِهِ وَلَتَنْصُرُنَّهُ قَالَ أَأَقْرَرْتُمْ وَأَخَذْتُمْ عَلَىٰ ذَٰلِكُمْ إِصْرِي ۖ قَالُوا أَقْرَرْنَا ۖ قَالَ فَاشْهَدُوا ۚ وَأَنَا مَعَكُمْ مِنَ الشَّاهِدِينَ ۚ¹⁶

"And [remember] when Allah took the covenant from the Prophets, [saying], 'If I give you a Book and wisdom and then there comes to you a Messenger confirming what you have, you must believe in him and support him.' He asked, 'Do you affirm and accept My covenant on that condition?' They said, 'We affirm it.' He said, 'Then bear witness, and I am with you among the witnesses.'"

Although this covenant was taken from the anbiyā' (prophets), it logically extends to their umam (nations/followers) as well. Hence, it is evident that no previous law or sharī'ah can override the Sharī'ah of Islam. How, then, can one dare to suggest its cancellation under the pretext that it no longer suits contemporary conditions? It is even more audacious when people use this assumption as a justification to implement man-made laws (qawānīn waḍ'īyyah) in place of divine revelation, portraying it as a success or progress.

For such people, the Qur'an gives a definitive warning:

وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ ۚ وَهُوَ فِي آلِ آخِرَةٍ مِنَ الْخَاسِرِينَ¹⁷

"And whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter, he will be among the losers."

The Everlasting Authority of Islamic Law

Beyond the Qur'ān, the aḥādīth of the Prophet (ﷺ) also make it abundantly clear that Islāmī qānūn (Islamic Law) was not formulated by Rabb al-‘Ālamīn merely for a specific time or generation, as though future communities could create their own constitutions and legal systems based on evolving circumstances. Rather, it was established as a definitive and eternal zābitah ḥayāt (code of life) until the Day of Judgement.

One of the strongest proofs of this comes from the aḥādīth concerning the return (nuzūl) of 'Īsā ibn Maryam (‘alayhi al-salām). The Prophet Muḥammad (ﷺ) clearly stated that 'Īsā (AS) will not bring a new sharī'ah, but will rule and fight in accordance with the existing Sharī'ah Islāmiyyah. Until eventually, all other religions and systems will come to an end.

Sharī'ah and Modern Legal Systems: A Comparative Study of Divine and Secular Law in the Contemporary World

The Prophet (ﷺ) said:

فيقاتل الناس على الإسلام¹⁸

"He will fight the people on the basis of Islam."

In the same ḥadīth, he further said:

ويهلك الله في زمانه الملل كلها إلا الإسلام¹⁹

"And Allah will destroy all other religions during his time, except Islam."

On another occasion, the Prophet (ﷺ) said:

والذي نفسي بيده ليوشكن أن ينزل فيكم ابن مريم حكماً عدلاً فيكسر الصليب ويقتل الخنزير²⁰

"By the One in whose hand is my soul, surely the son of Mary (ʿĪsā) will soon descend among you as a just ruler. He will break the cross and kill the swine."

Commenting on the words:

لَيُوشَكَنَّ أَنْ يَنْزَلَ فِيكُمْ ابْنُ مَرْيَمَ حَكَمًا²¹

Imām al-Nawawī writes:

أي ينزل حاكماً بهذه الشريعة لا ينزل برسالة مستقلة وشريعة ناسخة²²

"He will descend as a ruler judging by this sharī'ah; he will not bring a new message or a new sharī'ah that abrogates the Islamic one."

(Sharḥ al-Nawawī 'alā Muslim)

Similarly, Sayyid Abū al-A'ālā Mawdūdī, commenting on the same ḥadīth, states:

"The breaking of the cross and the killing of the swine symbolizes the end of Christianity as a separate religion."

Thus, these texts confirm not only that ʿĪsā (ʿalayhi al-salām) will not introduce a new legal system but will rule as a just leader in full accordance with the Sharī'ah Islāmiyyah. It also proves that Rabb al-ʿĀlamīn has designated Islāmī qānūn as the final and decisive code of life for all times and places, until the end of the world²³.

In His perfect wisdom and boundless knowledge, Allah instilled in this divine law the flexibility and adaptability required for its application across every age and society. This intrinsic murūnah (elasticity) is precisely what makes the Sharī'ah viable and relevant eternally.

The Superiority of Sharī'ah Laws over Man-Made Laws

There exists absolutely no comparison let alone equality between waq'ī qawānīn (man-made laws) and Sharī'ah laws. For a sincere and sound-minded Muslim, who considers the Qur'ān and Sunnah as the ultimate source of guidance and salvation, the clear textual evidences from these sources are sufficient. He requires no further proof.

However, since some so-called "progressive" Muslims continue to express skepticism—wondering whether a system formulated centuries ago can still be applicable in the modern age—it becomes necessary to highlight a few essential features that distinguish

Sharī‘ah from man-made laws. Perhaps these reflections might strike a chord within their hearts.

Man-made laws are the product of human intellect and fabrication. Even if they were free from all other flaws, the mere fact that they are devised by creation (makhlūq) and not by the Creator (Khāliq) is itself a fundamental shortcoming. From the perspective of reason and justice, it is simply unjust to place laws crafted by fallible human beings on par with the laws revealed by their all-knowing Creator—especially when that very Creator has stated:

وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلًا²⁴

“And you have not been given of knowledge except a little.”

And also:

وَخُلِقَ الْإِنْسَنُ ضَعِيفًا²⁵

“Man was created weak.”

In contrast, the very fact that Islāmī qānūn (Islamic law) is min ‘ind Allāh (from Allah) is, in itself, a unique and unmatched quality. It elevates Sharī‘ah to a level of nobility and perfection that lies far beyond the reach of frail and finite human capacity.

Another defining feature of Sharī‘ah is the spiritual reverence and sanctity attached to it. When Islam prohibits something and assigns a punishment for it, it first instills in the believer a deep awareness that these commandments originate from a Being who knows all that is hidden and apparent. If a person violates His decree, he may conceal his wrongdoing and evade worldly punishment but ultimately, he must return to that very Master and be held accountable for every moment of his life.

This belief in divine accountability and the fear of Allah (taqwā) function as ever-present guards upon a Muslim’s conscience. They compel him to uphold the sanctity of Sharī‘ah, even when no human eyes are watching. The confessions of Mā‘iz al-Aslamī (see: Ṣaḥīḥ al-Bukhārī: 6824, Ṣaḥīḥ Muslim: 1694) and the Ghāmidīyyah woman (Ṣaḥīḥ Muslim: 1695) before the Prophet Muhammad (ﷺ) were clear examples of this internal moral force.

In contrast, waḍ‘ī qawānīn laws created by humans are devoid of any such external or spiritual force that would compel people to respect them in solitude, restrain them from wrongdoing, or prompt them to voluntarily surrender themselves when guilty. No system of man-made law has the capacity to instill such profound self-accountability.

“He is the One who has made you truly aware.”

One of the most glaring limitations of waḍ‘ī qawānīn (man-made laws) is their restriction in terms of time and place. Even their own creators admit that the laws designed for one specific nation or community cannot easily be applied to other societies or different eras. These laws are typically crafted with a particular group, context, or region in mind.

On the other hand, Sharī‘ah, as already discussed in some detail earlier, is the law of the One who is ‘Alīm (All-Knowing) and Khabīr (All-Aware) whose knowledge encompasses the past, present, and future in their entirety. Therefore, He has embedded within His law a unique flexibility and adaptability that allows it to remain relevant and applicable across all periods of time and throughout the entire world.

Sharī'ah and Modern Legal Systems: A Comparative Study of Divine and Secular Law in the Contemporary World

The virtues and distinctions of Sharī' laws, when compared to man-made systems, are far beyond enumeration. Only the Creator who is also the Lawgiver (muqannin) and the Originator (wādi') of these laws truly comprehends their depth and significance.

In truth, placing any worldly legal system on par with Sharī'ah is nothing short of a profane audacity one that attempts to elevate creation to the rank and authority of the Creator Himself. Even a few of the aforementioned attributes are enough for any fair-minded individual to recognize that it is only divine law that possesses the power to purify society of all evils, instill it with high moral values, and chart for it a clear and constructive path toward development and progress.

In highlighting the excellence of Islamic law, I borrow the words of a favored interpreter among modernist thinkers, Maulānā Amīn Aḥsan Iṣlāḥī, who aptly observes:

"Islāmī qānūn (Islamic law) has, from its very inception, been based on human fiṭrah (natural disposition) and divine guidance. It has no roots in tribal biases or family-based prejudices. If customs or traditions play any role, it is only in a limited scope and even then, only so long as they do not contradict the guidance of Allah and His Messenger (peace be upon him).

It maintains a profound connection between its past and present, and its trajectory of growth into the future is clearly defined.

The human legal system is only now yearning to arrive at the ideals of justice, equality, and compassion toward humanity ideals that Sharī'ah set as its starting point. In fact, it would not be an exaggeration to say that if man-made law ever succeeds in reaching this pinnacle of aspiration, then on that very day, it will have effectively transformed into Islamic law itself.

Philosophical Foundations of Man-Made Legal Systems

Human-made legal systems often referred to as positive law are constructed by legislative authorities or state institutions and are grounded in human reasoning, social consensus, or historical evolution rather than any divine revelation. These systems rely on a secular framework of legitimacy, often influenced by theories such as legal positivism, utilitarianism, or natural law.

One of the key figures in defining this approach is Hans Kelsen, whose Pure Theory of Law separates law from morality, emphasizing that the validity of law stems from its procedural origin rather than any moral or divine truth.

Kelsen argued: "Law is a normative system; it is a set of norms regulating human behavior, established by acts of will according to a certain procedure²⁶."

Similarly, Jeremy Bentham, the founder of utilitarianism, believed that the purpose of law is to achieve the "greatest happiness of the greatest number," thus subordinating law to collective utility rather than any metaphysical or religious principles:

"The greatest happiness of the greatest number is the foundation of morals and legislation."²⁷ These concepts underline a fundamental aspect of secular legal theory: its reliance on human will, consensus, and sociopolitical constructs rather than divine ordinance.

Historical Evolution and Structural Limitations of Secular Law

The majority of contemporary legal systems, particularly in Europe and the West, trace their origins to Roman Law, which laid the groundwork for civil law traditions. In

contrast, Common Law systems evolved in England through judicial decisions and precedents. Both frameworks are products of historical, political, and cultural evolution rather than immutable ethical principles. A leading scholar in comparative legal history, Harold J. Berman, notes:

“Western legal tradition is unique in that it views law as a continuously evolving process, responsive to social and political change, yet claiming a degree of autonomy from both²⁸.” However, this flexibility comes at the cost of moral objectivity and permanence. Since secular law is rooted in shifting societal norms, it remains vulnerable to ideological manipulation, political bias, and subjective interpretation. Laws can be amended, repealed, or distorted according to the will of the ruling majority or elite power structures.

The Nazi legal system in Germany and the apartheid regime in South Africa are stark examples of how man-made law, when detached from transcendent moral foundations, can be used to justify heinous injustices under the cloak of legality.

As legal philosopher Lon L. Fuller famously observed: “The inner morality of law requires that rules must be general, public, prospective, clear, consistent, capable of being followed, and stable. The collapse of these principles leads to a degeneration of law itself.”²⁹

These criticisms show that while man-made legal systems can be flexible and adaptive, they also suffer from epistemic instability and a lack of transcendent legitimacy, making them susceptible to injustice when divorced from an objective moral compass.

Sharī‘ah in Islam: Pakistan’s Destiny

The Islamic law referred to in the foregoing discussion can only truly be established in Pakistan when leadership comes into power that is firmly convinced of the divine nature of Allah’s and His Messenger’s (ṣallallāhu ‘alayhi wa sallam) laws. Such leadership must be committed with unwavering resolve to transforming social ills into moral virtues.

Conversely, it is futile to expect such reform from a leadership that lacks any confidence in Sharī‘ah, and which—under the sway of intellectual inferiority—openly mocks the ḥudūd (ordained punishments), labeling them as barbaric. For such individuals, the very idea of enforcing Sharī‘ah appears to herald their political demise.

But by the grace of Allah al-‘Azīz, we firmly believe that every obstacle in this path will eventually turn to dust, and the mountains of opposition will scatter like grains of sand. For, in reality, it is Islām that is the universal code for all times and places. No matter how much people detest it, it is destined to prevail.

Especially in a country whose very borders were drawn in the name of Islam—and where the overwhelming majority of its citizens earnestly desire the implementation of Islamic law—no worldly power can prevent its enforcement. After all, the Lord of the Worlds has promised:

يُرِيدُونَ أَن يُطْفِئُوا نُورَ اللَّهِ بِأَفْوَاهِهِمْ وَيَأْبَى اللَّهُ إِلَّأ أَن يُتِمَّ نُورُهُ وَلَوْ كَرِهَ الْكَافِرُونَ³⁰

“They wish to extinguish the light of Allah with their mouths, but Allah refuses except to perfect His light—even if the disbelievers detest it.

هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ³¹

Shari‘ah and Modern Legal Systems: A Comparative Study of Divine and Secular Law in the Contemporary World

“He it is Who has sent His Messenger with guidance and the religion of truth, that He may make it prevail over all religion even though the polytheists hate it.”

Conclusion

In light of the comparative analysis, it is evident that Shari‘ah, as a divine legal system, offers a comprehensive, timeless, and morally grounded framework for justice. Unlike man-made legal systems often marked by historical contingencies, cultural relativism, and moral fluctuations Shari‘ah derives its authority from divine revelation, ensuring both ethical coherence and societal balance. This distinction affirms the superior position of divine legislation in addressing human needs with consistency and purpose.

Recommendations

Revival of Shari‘ah Education: There is a pressing need to promote comprehensive education in Islamic legal principles among scholars, lawmakers, and the public to bridge the gap between theory and practice.

Critical Review of Secular Laws: Muslim societies should critically reassess the influence of colonial and secular legal systems and gradually reform them in alignment with Maqasid al-Shari‘ah (higher objectives of Islamic law).

Policy Integration: Governments in Muslim-majority countries should consider policy reforms that integrate Shari‘ah-based jurisprudence in contemporary legal frameworks while ensuring justice, equity, and public welfare.

Interdisciplinary Discourse: Continued dialogue between Islamic jurists and modern legal theorists is essential to foster a contextual yet faithful application of divine law in the modern world.

¹ Al-Qur’ān, 12:53.

² Al-Qur’ān, 5:3.

³ Al-Qur’ān, 61:9.

⁴ Al-Qur’ān, 57:25.

⁵ Al-Qur’ān, 7:54.

⁶ Al-Qur’ān, 12:40.

⁷ Al-Qur’ān, 5:44–47.

⁸ Ibid.

⁹ Al-Qur’ān, 4:60.

¹⁰ Al-Qur’ān, 4:65.

¹¹ Al-Qur’ān, 33:36.

¹² Abul A‘lā Mawdūdī, *Tafhīm al-Qur’ān*, commentary on Sūrat al-Aḥzāb, note 66 (Lahore: Islamic Publications, 2006).

¹³ Al-Qur’ān, 9:31.

¹⁴ al-Tirmidhī, *Jāmi‘ al-Tirmidhī*, ḥadīth no. 3095.

¹⁵ Al-Qur’ān, 25:1.

¹⁶ Al-Qur'ān, 3:81.

¹⁷ Al-Qur'ān, 3:85.

¹⁸ Abū Dāwūd, Sunan Abī Dāwūd, ḥadīth no. 4324.

¹⁹ abid

²⁰ Al-Bukhārī, Abū 'Abd Allāh, Muḥammad bin Ismā'īl, *al-Jāmi al-Ṣaḥīḥ*, (Bayrūt: Dār al-Fikr li-al-Ṭibā'ah wa-al-Nashr wa-al-Tawzī', 1401 AH), ḥadīth no. 3448.

²¹ abid

²² Yaḥyā ibn Sharaf al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1392 AH / 1972 CE), 2:190.

²³ Abul A'īlā Mawdūdī, *Tafhīm al-Qur'ān*, (Lahore: Idārah Tarjumān al-Qur'ān, 1987), 4:155.

²⁴ Al-Qur'ān, 17:85.

²⁵ Al-Qur'ān, 4:28.

²⁶ Hans Kelsen, *Pure Theory of Law* (University of California Press, 1967), 110.

²⁷ Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1788), 59.

²⁸ Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Harvard University Press, 1983), p. 19.

²⁹ Lon L. Fuller, *The Morality of Law* (Yale University Press, 1964), 39.

³⁰ Al-Qur'ān, 9:32.

³¹ Al-Qur'ān, 9:33.