

Press Release**26th Constitutional Amendment Bill:****Under the Khilafah, Powers and Authority Are Determined by the Noble Quran and the Sunnah, Whilst There Are Continuous Power Struggles Under Democracy**

Finally, after a long power struggle, the government managed to pass the 26th Constitutional Amendment Bill on Monday, 21 October 2024. The constitution now gives the government the authority to appoint a Chief Justice of its choice. It also abolishes suo motu notices by the Supreme Court. In addition, it gives the government the authority to make a constitutional bench for 'constitutional matters.' So for now, in this power struggle between the political and military leadership and the judiciary, the judiciary has been weakened. However, it is clear that this struggle will continue. When it finds an opportunity, the judiciary will reject this amendment in the name of interfering with the 'independence of the judiciary.' As for the parliament, it will continue to try to strike a new balance in the power occasion, with a two-thirds majority. As for the people, they will continue to groan under the burden of the ruling system of Democracy, as spectators of this power struggle. Within this power struggle, there is no relation to "irrelevant" issues like the welfare of the people, improvement of governance, provision of justice!

Under the ruling system of Democracy, the real root of corruption is the power of the elected majority to change every law, every constitutional provision, every rule and every regulation. The power of legislation gives the ruling factions the ability to change the laws according to their own interests, not just through the back door, but through the front door. It is the power of legislation that allows Parliament to legalize the theft by looters and plunderers through the National Reconciliation Ordinance, accept the coercive seizure of power of dictators, pass several amnesty schemes for the ruling factions and grant constitutional immunity from prosecution to those responsible for the most important affairs of the country. It is the constitution and the law under the ruling system of Democracy that criminalizes criticism of key military and judicial officials. The power of legislation closes the door to their accountability. It authorizes ever-increasing privileges for the powerful, including the members of parliament.

This power of legislation also ensures the submission of the country to the interests of the colonialists. It allows submission to the International Monetary Fund, which plunged the country into a trap of usurious debt. It allowed submission to the demands of the Financial Action Task Force, which criminalized jihad as support for terrorism,

legitimized America's War on Terror and entrenched corrupt and corrupting Western liberal values. As long as human beings possess the power of legislation, laws will remain the servant of the ruling factions, and laws will be molded for the benefit of the ruling factions, within the arena of power struggles. Allah (swt) said, ﴿فَأَحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ﴾ **“So judge between them by what Allah has revealed, and follow not their vain desires, diverging away from the truth that has come to you.”** [TMQ Surah Al-Maaidah 5:48].

Under the ruling system of the Khilafah (Caliphate) the powers and authority of the ruler, the subjects, and other officials are determined by the Noble Quran and the Prophetic Sunnah. Even the most powerful ruler has to submit to the legislation of Allah (swt), because these are the commands and prohibitions of Allah (swt). The Fourth Khaleefah Rashid (Caliph) of the Muslims, Imam Ali (ra) lost his case regarding his stolen armour, against a non-Muslim in the court of the Khilafah, due to a lack of valid witnesses. He was not authorized to change the Shariah rulings related to testimonial evidence. It was the requirement in Islamic law, and the Khaleefah (Caliph) was also bound by this law. Ibn Kathir narrated in Al-Bidayah wan-Nihayah that the judge Shuraih asked the Khaleefah, يَا أَمِيرَ الْمُؤْمِنِينَ هَلْ مِنْ بَيِّنَةٍ؟ **“O Amir ul-Mu'mineen is there a testimonial evidence?”** Imam Ali (ra) replied, أَصَابَ شُرَيْحٌ مَا لِي بَيِّنَةٌ **“Shuraih is correct. I do not have testimonial evidence.”** So the judge Shuraih ruled in favor of the non-Muslim, against the Khaleefah. Before embracing Islam and admitting his guilt, the non-Muslim declared, أَمَا أَنَا فَأَشْهَدُ أَنَّ هَذِهِ أَحْكَامُ الْأَنْبِيَاءِ أَمِيرُ الْمُؤْمِنِينَ قَدَّمَنِي إِلَى قَاضِيهِ وَقَاضِيهِ يَقْضِي عَلَيَّ، **“As for me, I testify that this is the judgment of the Prophets. The leader of the believers himself takes me to his judge and the judge rules against him!”**

The Khilafah (Caliphate) on the Method of Prophethood is balanced and stable because legislation is for Allah (swt) Alone. It is free from internal disturbances and political chaos, with no power struggles that change the law. After the forced implementation of democracy in the Muslim World, the Ummah constantly suffers from instability and colonialist agents. The time has come to get rid of this system of “elite capture, by implementing the system revealed by Allah (swt). Allah (swt) said, ﴿الَّذِي لَا يَعْلَمُ مَنْ﴾ **“Would He not know, He Who has created, when He is All-Subtle, All-Aware?”** [TMQ Surah Al-Mulk, 67:14].

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