21887 - Attitudes towards the mistakes of qaadis

the question

Ignorant qaadis (judges) are causing us to be put off the wise sharee’ah, not because of some lack in sharee’ah, far from it, but because of the shortcomings in the minds of our judges, may Allaah guide them. Allaah is more merciful to people than they are. The hadd punishment for the drinker is 80 lashes, and this is one of the seven major sins that lead a person to doom, but they will issue a harsher sentence than that in minor cases. It is as if Islamic judgement is synonymous with excessive punishment and prison. Meeting some qaadis who barely return salaams is a sign of harsh punishment. Is it permissible to call for the implementation of man-made laws because we cannot implement sharee’ah with such mentalities, rather they give us a bad impression of sharee’ah. The qaadi is the one who least adheres to his official working hours, the worst of the people in dealing with others and the one who most loves to acquire money and pieces of land. What is the solution – may Allaah preserve and increase the number of people like you who adhere to their religion and who believe in the importance of technology in serving this pure religion. Finally I would like to say, may Allaah make the righteous qaadis steadfast and guide those who have gone astray to the right path.

Detailed answer

Praise be to Allah.

I am sure that what is said here is an exaggeration, but qaadis are not infallible. Like other people, they may be right – which is what usually happens – or they may be wrong, but the mistake of the mujtahid is forgiven in sha Allaah. If any mistake is made, then the person who notices this mistake has to advise the one who made it and consult with scholars and people of virtue who can also advise the qaadi. It is not permitted under any circumstances, even if mistakes are being made, to call for the implementation of man-made law. Allaah says (interpretation of the meanings):

“But no, by your Lord, they can have no Faith, until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission”

[al-Nisaa’ 4:65]

“And whosoever does not judge by what Allaah has revealed, such are the Kaafiroon (i.e. disbelievers)… such are the Zaalimoon (polytheists and wrongdoers)… (then) such (people) are the Faasiqoon [the rebellious i.e. disobedient] to Allaah”[al-Maa'idah 5:44, 45, 47]

Ruling by anything other than that which Allaah has revealed is one of the greatest evil actions which the Muslims must deal with immediately, so how could we ask for it to be implemented? Qaadis have to fear Allaah with regard to their judgements, and ensure that they are in accordance with the sharee’ah of Allaah. Punishments are the means of treating the problems of society. Qaadis and others who do less than their official hours of work have to fear Allaah with regard to that and be keen to avoid shortcomings and be sure that their earnings are halaal, because they are hired employees, and it is not permissible to have any shortcomings in any of the things that Allaah has enjoined upon them.