

Countering The Promotion Of Prohibited Content And State Responsibilities In The Context Of Islamic Law

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Abstract

This article aimed at “Islamic perspective of state’s responsibilities in eradicating publicity of explicit contents”. Technological and digital advancements have brought multi-dimensional structural modifications and functional improvements. These developments have ensured easily accessibility to services, goods and ultimately social interaction, relations and communication with its positive impacts. Nonetheless, the negative impacts have also been identified through social, electronic and print media via its explicit contents. The publicity of explicit contents is generating complex social problems by declining doctrine, social and moral values within the state. Hence, this article explores responsibilities of a state in the light of Islamic rules and regulations in eradicating publicity of explicit contents. It viewed the selection of a just ruler as an element of a centralized importance because of the authority and power to control inappropriate entities in the state. Also, it explored the importance of nurturing youth of the state in order to utilize their potential in proper direction and decent contents in their lives because they are more open to social and electronic media. In addition, banning immoral contents in the state would help to avoid decline of the thoughts, actions and morality. In this regard, discouragement of co-environment where men and women can mix-up without hesitation may help to reduce the impact of explicit contents. Furthermore, literature that exposes individuals to explicit contents must be discouraged at authoritative and higher levels stop its publicity. It is recommended that state’s machinery can control explicit contents by proper implementation of rules and regulations of the state.

Keywords: Explicit contents, immorality, eradication, publicity, Islamic perspective

Background:

Being civilized, civilization is immortal for human beings, not limited to areas or individuals. It is associated with collective

life. Nations developed under the umbrella of civilization are known around the globe. They have their own prominent values. The emergence of civilization revolves around

economic resources, fine Arts, political system and moral standards and values. These are the elements of organization for a civilization which play an eminent role in its popularity. The degradation of these elements could lead to the destruction of a civilization and generations as well. In the above-mentioned elements morality plays a more important role than other entities. In the modern era young generation has been facing a decline in their moral standards because of lack of socialization, parental neglect and carnal desires. These are further demoralized by co-gatherings of males & females, explicit contents such as movies and dramas, live programs and other contents of such nature. One of the worrying aspects is the appreciation of immoral contents under the umbrella of freedom, modernization and development by the stake holders around the globe.

The inclination of young generation towards immorality is destroying local and religious cultures. In this regard one of the basic questions could be: why humans are more inclined towards wickedness. The answer might be viewed in the biological instinct of humans which has two dimensions of abilities/powers. The power of benevolence and the power of reason. Both these powers have prominent influence over the personality of an individual. The tendency towards desires and negligence are the products of power of benevolence. In contrast, the inclination towards learning and virtues has been attached to the power of reason. It reveals that humans by nature are the combination of good and evil. However, power of benevolence has been a dominant force to make humans as victims of rebellion and misguidance. This is most likely reflected as “desire” but the Holy Quran quotes it as “Lust” in the following words

“رُئِيَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ 1” Translation: “Beautified for people is the love of that which they desire”. These words reflect condemnation of a tendency towards

desires. However, it depends on human temperament and context which changes with the time. The above-mentioned quote from the Holy Quran explores limited aspects that ensure three-dimensional evidence.

- Jews have been rebuked due to their tendency towards worldly benefits.
- The word “Lust” has been used in the context of generalization
- The purpose of mentioning the word “lust” in its entirety indicates the arousal of hatred of worldly lusts and pleasures.

Further in the context immorality, the Holy Quran relates promoting of immorality in the society as a style of hypocrites. And such people have been declared to deserve severe punishment in the hereafter. The Holy Quran states that:

إِنَّ الَّذِينَ يُجِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ².

These words imply generality which means that the speech is general. The word indicates the evils of a person who spreads obscenity/immorality and hatred of Muslims because it is wreaking havoc on the society. Ibn e Aashor states that “شُبُّوعٌ أَخْبَارُ الْفَوَاحِشِ بَيْنَ الْمُؤْمِنِينَ بِالصِّدْقِ أَوْ بِالْكَذِبِ مَفْسَدَةٌ أَخْلَاقِيَّةٌ³” while Waeed has reported that like evil, the trial of evil is also disobedience⁴.

Allama Andulasi says “وَتَغْلِيظُ الْوَعِيدِ عَلَى مَحَبَّةٍ⁵” and that’s why stress has been given that not even move closer to evil. For instance, “وَلَا تَقْرُبُوا”⁶, These words explicitly forbid the practice of immorality and its spread, and implicitly condemn the polytheists who considered public immorality a vice but not the secret, Allah Almighty has stated the prohibition of both types, on which the plural form of the word fornication is indicated. And its purpose is to block every path that promotes evil, whether it be outward, that is, satire, humorous conversation, inward, that is, co-gathering, etc.⁶ These Qur’anic texts generally point to the promotion of all kinds of evil and the

prohibition of its propagation, which is the result of benevolent power. Now it is necessary to improve the power of benevolence through hard work and austerity. After a consistent effort, the power of benevolence will turn into a power of reason.

Case of obscenity:

Obscenity is based on human civilization and is judged according to the judgment of prevalent context, because there is no clear definition of it in both sharia and legal law. Therefore, according to the report of BBC on 27th February 2020, the same question was raised in the court by Mr. Nisar Warsi Advocate, the lawyer of the stage actresses who were arrested on the charge of obscenity. And who is responsible for determining its meaning? Since this article is focusing on this topic, therefore it is necessary to explain obscene or prohibited material before further explanation. In the previous lines, it was mentioned that there is no clear definition of obscenity in the constitution, however the available contents bring the following definition: anything that corrupts morality will be called obscenity. The same definition of obscenity was given in 1864 by the British judge Justice Alexander Cockburn in his judgment which helps to determine the meaning of obscenity

And to some extent the meaning becomes clear. And this definition is according to the Islamic point of view, as described from the words of Ibn Ashur. As the young generation is sinking into this quagmire, we as a nation and Muslims have the following responsibilities to get it out:

The election of a just ruler:

Rulers play a pivotal role in the survival and destruction of civilizations. This is the highest rank above which there is no rank and any man at this rank is considered to be the master of black and white. His speech reflects legality while the obedience of his

orders becomes necessary. Amongst the people he is accepted as a leader and follower, the reformation of the ruler is the reformation of the society and its depravity is the depravity of the society. In a kingdom under the shadow of a just and virtuous ruler, the rule of law demolishes atheism, injustice and immorality by its own death. In contrast, the power of the tyrant ruler burns atheism, tyranny, oppression, obscenity. AS a result, it destroys morality and values and causes the society to go astray. Wahab ibn Manbah(rh) says that: A good ruler causes abundance and a tyrant ruler causes scarcity of sustenance. Omar bin Abdul Aziz (rh) states that general public could be the target of Allah's punishment because of disobedience of rulers/elites but not punishment vice versa.⁷ Sufyan al-suri (R.H) said to Abu Ja'far al-Mansur: I know a man whose improvement makes everything better and when he becomes worse everything gets worsened. He is the ruler.⁸ He further stated that people follow the footsteps of rulers and their habits and adopt them. A famous proverb indicates this particular aspect "الناس على دين ملوكهم" (People follow the religion of their rulers). This shows the importance of electing a just ruler.

One of the major responsibilities of the ruler is the religious and moral training of his subjects. The term "politics of the soul" is coined for this process of training and reform. It has three stages.

1. Reformation of self (Politics of self)
2. Reformation of Elites (Politics of elites)
3. Reformation of public (Politics of public)

Self-improvement is paramount in these stages because the individual is the unit of society. The refinement of the unit will automatically rejuvenate the society. Also, the skill that a person acquires by setting the stages of training proves to be effective in reforming others. People of wisdom have

said correctly. “من بدأ بسياسة نفسه أدرك سياسة الناس”⁹ this shows that the reformation of the individual is a prerequisite for the formation of a civilized society, and this is also the Islamic philosophy for reformation. This is followed by the reformation of elites, which refers to government officials who play a role in running the state system. A sincere and honest ruler cannot fix the state system unless his supporters are sincere. Therefore, a good ruler always prefers the selection of talented and honest people in his cabinet and then does not ignore them but keeps on reconnoitering them. And keeps himself abreast of their situation. Four classes of government officials are of utmost importance.

Ministers: As the prestige of a good and inferior ruler increases, it becomes necessary for the ruler to choose a good, virtuous, honest and resourceful minister. Since human beings do not stay in one state, it is important to be aware of their condition and to train them. Elites and general public are trained differently. In order to train the elites, the ruler needs to do the following three things: to forgive the mistakes of the ministers, that is, not to rush into punishment, not to be greedy for them, and to meet their needs. While it is important to avoid three things: to avoid listening to anything bad against the ministers, giving them the opportunity to meet whenever they want, and not hiding anything from them. These tasks are necessary because the ministers are the guardians of the ruler and carry out the affairs of the state diligently which is a source of satisfaction for the ruler.¹⁰

Judiciary: Since the judiciary is the source of justice for the oppressed and the stability of the country, it is also important to be aware of their situation.

Military Leadership: Since it is their responsibility to defend the borders and maintain law and order, their reform encompasses a greater importance.

Tax collectors and administrative officers: They act as a bridge between the government machinery and the people. It is very important for the ruler to be aware of their situation.

The third stage is the reformation of the subjects/general public: which is both difficult and a manifestation of the wisdom of the ruler, because of the difference of temperament, each having its own standard of good and evil differs from one another. Dealing with evil or turning a blind eye to evil is considered to be counterproductive. Due to the diversity of temperament, sometimes too much respect and disgrace both cause mischief, so in their correction both wisdom and circumstance will be taken into consideration. There are two conditions of the people. The first is: there should be peace and order in the country and the people should be serious. That is to say, it is enough to give them occasional admonition to distinguish between good and evil, to improve their condition or to keep them in their condition. The second condition is that if the country is in turmoil and moral turmoil is common, then both force and advice will be used to reform the people. But before using force, it is important for the ruler to be aware of the classes of the people and their ranks, which will help in eradicating the oppressors. At the same time, it is necessary to formulate pro-people policies which are a means of increasing the love of the ruler in the hearts of the people. For example, prevention of oppression, protection of borders, practical measures to ensure protection of people's property, honor and dignity, etc., all these things are the cause of improvement of economy and peace. Therefore, it is necessary to pay special attention to them and especially to ensure the protection of

the rights of the poor and the protection of their rights because it is the cries of such people that cause the tribulations. That is why things that are harmful to society are banned or discouraged in Islamic law. And for those who suffer from it, the authority of appropriate punishment has been given to the ruler whose execution is the responsibility of the ruler. Unnecessary leniency or negligence is forbidden. However, the Shari'a law does not suffice to impose legal penalties for the prevention of crimes, but also to adopt the incentive aspect. Similarly, to create hate against crimes, awareness in the youth plays an important role in this context.

Youth Training:

Man is an invaluable gift of God's power and a combination of strengths and weaknesses, which is a mixture of body and soul, ie soul. The visible thing of the body and the soul are related to the insight. That is what gives man life, knowledge, which distinguishes him from other living things. Since the body is the source of the disorders and disorders of the soul, according to the people of wisdom, man is free from all kinds of imperfections at the time of birth and a combination of feelings and rationalities. The Prophet (peace be upon him) compared humans to an animal and said: This is what happens when a human being is born "كما تُنْتَج البهيمة بهيمةً جمعاء"¹¹ That is, the way an animal is born and is freed from the shackles of good and evil, it can be nurtured if left to its own devices. But this is not the case because after birth, by piercing one's nose and ears, one's creation is changed. In the same way, man is born free from the shackles of virtue & evil, disbelief and Islam.¹² this is called "nature"¹³ in the divine law and Ibn Batal has interpreted it as common faith.¹⁴ which is generally understood to mean talent and ability which accepts both corruption and reform. Reward and punishment also depend on this ability.¹⁵ Methods of

distorting human nature are interpreted as disorders which man accepts because of the substance of "passivity". These disorders are sometimes in the form of the environment, sometimes in the form of parental training, and sometimes in the form of the environment from which the human being begins to mold and influence himself in their mold. In the early stages, the example of a human being is like a fresh twig, which is blown by the wind in any direction. With timely cuts and bruises, his condition can be improved and worsened due to negligence which sometimes takes a terrible form. In the same way, timely and proper training has a positive effect on human life and negligence can lead to serious consequences. This is an indication of the fact that training has a great deal to do with human well-being Which affects the body, the intellect and the soul. Good training enable them to work efficiently while poor training makes the body sick when it is exposed, corrupts the morals if it touches the soul, and destroys the intellectual capacity when it touches the intellect. Training is essential for human from three dimensions.

Body: Since man is a mixture of both body and soul, a healthy and energetic body plays a role in a person's personality. Many cities are attributed to their settlers and people are still shocked to see their masterpieces. People of wisdom have said that happiness is in four things: religion, wealth, family, and body. Happiness of the body is in three things. That's what they have to endure. Therefore, it is necessary to stretch the body according to which exercise is required. In the same way, to eat well, to be able to tolerate insomnia, to take care of all the things that makes the body strong.

Wisdom: The meaning of restraint is because the intellect protects man from harm or death. And literally it refers to

understanding which has different meanings of heart or mind. If a person can distinguish between good and bad, or at least not be insane, this intellect is called perception. And even if it is acted upon after knowing it, it is the intellect that has grown. In this sense, intellect is a combination of both knowledge and action. This is the distinguishing feature of man which distinguishes him from other animals. Man's obligation, and his thoughtfulness, also depends on it. Because the existence of good or bad deeds of man is due to it, therefore all the things that affect wisdom are forbidden in the Shari'ah. Things that affect the intellect, if they are the cause of disobedience to God Almighty and there is a fear of deteriorating the moral, political or economic system, will be called intellectual disorder. And if they are related to things that affect creativity, then it is a mental disorder, and if a person starts playing with games or drugs, then these evils are called sensual. There are different ways to protect it, such as teaching the Qur'an and Sunnah, obeying the commandments mentioned in them and refraining from doing so, getting accurate information, taking oneself seriously, avoiding drugs. In addition to this, mediation in the Holy Qur'an in general and creative verses in particular, to think about the outcome of any work, to distinguish between good and evil, to learn from the history of the nations that have been destroyed, etc. These are all means of improving the mind.

Soul: It naturally has the tendency towards desires like an infant craving for milk. This soul is called Amara. But hard work and austerity: that is, by avoiding suspicious, doubtful and desires, one can be attracted towards goodness and this stage is of soul is called luwama. It can be improved through accountability which has two levels. Soul has to encounter an act whether a soul is capable of doing something or not and whether that act is good or bad. If good,

then can be performed otherwise avoid it. There are three stages of accounting for work: there is no negligence in the cause of Allah in it. What was the reason for committing the permissible matter? These are the basic questions that keep circulating in the human mind. And the soul which has no inclination towards evil is called the self-satisfied soul mainly belonged to the Prophets and the angels who are infallible.

Prohibition of immoral content:

In this age of development, the magic of the media is speaking loudly. The deceptive slogans of globalization and freedom of expression have made it even more unbridled, which is having a bad effect on the society which is not hidden from anyone. The negative consequences of freedom of print, electronic and social media are not only being felt day by day across the country but are also increasing alarmingly. The rulers should have been serious and focused on training the younger generation, moving the media in the right direction with restrictions and restrictions on immoral material that could lead to intellectual or moral depravity. And strict punishment would be prescribed for those who promote it and the imposition of prescribed punishments would be ensured without any hesitation because obscenity, pornography and nudity can be suppressed only by the rule of law. Despite the unfortunate incidents that have taken place, the authorities have not yet succeeded in enacting effective legislation, but the provisions of the proposed law have been sharply criticized by some members of the legislature, echoing in and out of the Assembly. Of course, in an Islamic country, such a moral decline is not only disturbing but also astonishing. The prevalence of blasphemous material on print, electronic and social media along with explicit content are the results of negligence of the authorities. However, as an Islamic country, it is the religious and

constitutional right of the people to demand that these things should be stopped. The ban on such things is far from the reality of opposition to freedom of expression because Islam gives followers of other religions ample opportunity to express themselves. But it does not support the promotion of insolence, hurt, or obscenity in the name of freedom, and bans them. Quoted in the verse 40 of Surah Nisa” فَلَا تَتَّقُوا مَعَهُمْ .

Ibn abbas (rz) has revealed in the explanation of this verse

”دَلِيلٌ عَلَى اجْتِنَابِ كُلِّ مَوْقِفٍ يَحُوضُ فِيهِ أَهْلُهُ بِمَا يُفِيدُ”¹⁵”التَّقْصُرَ وَالِاسْتِهْزَاءَ لِأَلِدَلَّةِ الشَّرْعِيَّةِ

While Allam aalusi (rh) has broadened this view

”واستدل بعضهم بالأية على تحريم مجالسة الفساق”¹⁶”والمبتدعين من أي جنس كانوا

And it is also important to understand that objections here do not mean merely rising, but opposition. Allama ibn Saud(R.H) has said that

”وأن المراد بالإعراض إظهار المخالفة بالقيام عن”¹⁷”مجالسهم لا الإعراض بالقلب أو بالوجه فقط

Prevention of the sources leading to intellectual disorder, Quranic Perspective: Intellectual disorder has a strong association with creed or belief system, the protection of which is of utmost importance to Muslims. It has been repeatedly done that contents or material that were leading to intellectual disorders have been banned. When the prophet (pbuh) was addressed with a word having dual meaning, the divine orders received as ”لَا تَقُولُوا رَاعِنَا”. Allama Qartabi (rh) in the description of these words has written that the use of dual meaning words or phrases in honor of holy persons should be avoided because it would close all the doors for the hypocrites to misuse phrases. Similarly, at the behest of Abu Amir, when a building was constructed and renamed as Zarar Mosque, which was apparently a mosque but was in fact a sanctuary used to promote terrorism and sabotage against the Islamic State. To make it more effective and efficient, the

Prophet (pbuh) was requested to offer prayers in this mosque. Since he was on his way to Tabuk, he promised to offer prayers on his return, which he was forbidden to do. When the Prophet (pbuh) came to know about the truth, he sent Malik ibn Dakhsham, Maan ibn 'Udai, Amir ibn Suqan, and Hazrat Wahshi to overthrow that building and burn it, who obeyed his command. Jabir bin Abdullah Ansari(rz) says: We saw the smoke rising from there in broad daylight. On the occasion of the conquest of Makkah, he dropped 360 idols. Uzza was a famous idol of the Arabs in Nakhla which had a room built on it. The Quraysh, the Canaanites and the Muzhars worshiped it and Banu Saleem, an ally of the Quraysh, was in charge of its management. The Holy Prophet (pbuh) sent Hazrat Khalid bin Waleed to demolish it. After demolishing it, he was informed, and he (pbuh) said: It will not be worshiped after today. The goods given to the idols were presented to you. When he (pbuh) sent Hazrat Amr ibn Al-Aas to break the Suwa 'which was a stone, he broke it and nothing came out of it hence its servants' Banu Hudhail' became Muslims. Manat, whose followers were Aws and Khazraj, formed Hazrat Saad bin Zayd Al-Ashhali. Since all these things were the cause of the perversion of beliefs, he ordered them to be demolished.¹⁷ This proves that it is the responsibility of the state to keep a close eye on the issues that are plaguing the minds of naive Muslims. And in the name of research, there is a need to ban the way in which the accepted principles of Islam are being questioned.

Prevention of Moral Disorders:

Man should have a decent morality. This is something that is common. But in this context it is correct or not. Regardless, even if it is considered correct, a prominent aspect could be that: What is the standard of moral decency?. It is not possible to call the human intellect as a measure of standard for this, then

inevitably this measure can only be a revelation. This scale is mentioned as “لِئَلَّا”¹⁸ “لِدِينِ خُلُقٍ. وَخُلُقِ الْإِسْلَامِ الْحَيَاءِ”. The word modesty in the hadith covers the entire life of a person due to its generality. Allama Ragheb Isfahani says that modesty is the name of protecting oneself from evils which is necessary for human beings and this is the attribute that distinguishes between human beings and animals. Some has said that modesty is the name given to restraining oneself from undesirable things. This dislike is sometimes religious, sometimes rational or its a nickname of disobedience in first place, madness in the second, and infertility in the third. This is the reason why modesty is the condition between cowardice and chastity. In this regard, there are three levels of modesty. Modesty from Allah Almighty: This level is obtained with strong faith and true faith. Modesty from the people: It comes from the logic of suspicions and public evils. Modesty from one's self: This position is due to chastity and purity.¹⁹ it is narrated on the authority of Hazrat Mu'adh ibn Jabal that the Prophet (pbuh) said: "Adorn your character with humility and forgiveness for Allah". Forgiveness is a commandment in worldly affairs. Forgiveness in religious matters is an act of condolence which is not permissible. In the beginning of Islam, you (pbuh) also had to take strict measures to eradicate the evils prevalent in the society. Only then was a peaceful and ideal society formed. The purpose of these measures is to take out from the hearts of the people the love of the evils in which they were involved. For example, the Arabs loved alcohol so much that it was forbidden for self-preservation. The Prophet (pbuh) took it so seriously that he forbade the use of the vessels in which wine had been prepared. Abu Ja'far Dawoodi says about it

”النهي عن الأوعية إنما كان قطعاً للذريعة”²⁰

Similarly, after the migration, when he (pbuh) saw that the people here were fond

of keeping dogs, he (pbuh) ordered to kill the dogs in order to remove the love of dogs from the hearts of the people of Madinah. The Companions (rz) said: We used to look for dogs to kill. When that love did not remain in the hearts of the people, he (pbuh) also forbade them to kill. This action of yours (pbuh) was certainly based on intensity. In some traditions it is said that Hazrat Abu Bakr and Hazrat Umar also followed the same method. When the people of Madinah started fighting pigeons and dogs, Hazrat Uthman (rz) ordered to kill them. This order was to eliminate evils. At the government level, such measures were aimed at protecting the people from indecent deeds.²¹ On one occasion, the Prophet (pbuh) expressed his displeasure at the heinous speech of a transgender person and ordered him to be expelled from the gathering. Ibn Batal writes in the benefits of this hadith

وأمره بإخراجهم يدل على نفى كل من خشيت منه فتنة “على الناس في دين أو دنيا، وهذا الحديث أصل لذلك”²²

This shows that when people are accustomed to evils, strict measures must be taken to protect them from harm. And we should not avoid temporarily banning or wasting such things.

Rulings on instruments of amusement and games:

Imam Abu Hanifa's opinion regarding the instruments of amusement and games is that buying and selling instruments which can be used for purposes other than singing is permissible but it is makrooh. In fact, Imam Abu Hanifa has relied on other entities in the use of these things. Whereas Imam Abu Yusuf and Imam Muhammad (rh) declared their buying and selling to be absolutely unlawful because they were elements of disobedient. They are used in three ways:

Forbidden (Haram): It includes drums, flute and everything that makes a person intoxicated and swaying.

Disgusting (Makrooh): If its music is the cause of increasing his pleasure and relaxation, then it is makrooh, otherwise it is not

Permissible (Mubah): Devices that do not evoke human emotions but are used to gather people for warnings or announcements. These instruments may be used for purposes other than music, otherwise they will be destroyed. No one will be bailed out if destroyed by government order. This is the doctrine of the prominent scholars, the fatwa is also reveals the same and its administratively appropriate. While Imam Abu Hanifa does not believe in guarantee even in this case because it is obligatory to do good and forbid evil.

Rulings on music:

Music is permissible if it is used without instruments to remove the horror of loneliness. Some Hanafis, Shafi'is and Malikis have also written it as Makrooh. And with the instruments, when the lyrics are combined with beautification then no one disagrees with its haraam. Its prohibition is so clear in Qur'an and Sunnah that there is no need for evidence against it and it has been the way of disobedience in every age. Ishaq ibn Isa said: I asked Anas ibn Malik: Some of the people of Madinah consider music permissible. He said "ما" يفعلنا عندنا إلا الفساق Sulaiman bin Abdul Malik was present in the camp when he heard the voice of the singer "إن الغناء رقية" الزنا" However, everyone agrees that it is not permissible to hire musicians and musical instruments because it is a matter of sin. Since the contract on sin is not valid, it will not be permissible either. And the testimony of the holders of the fame of this art will not be valid according to sharee'ah. This is also the rule of dance

Co-gatherings of men & women:

The reason for preventing sedition and disorder is to stop people from suspicious places. Because this is the nature of co-gatherings of men & women. This is why the woman is commanded to stay at home, to avoid loneliness with strangers and to be strict in speaking only when necessary. The co-gatherings of men & women were considered a cause of unrest in every age and every possible step was taken to save the people from it. Hazrat Aseed Ansari (may Allah be pleased with him) said: The Prophet (pbuh) saw a co-gathering So he said: Keep them behind in the paths, they should walk towards the path. Hazrat Abu Hurayrah (may Allah be pleased with him) said: The Prophet (pbuh) forbade men to walk among women. Ibrahim Nakha'i (may Allah be pleased with him) said: Omar (may Allah be pleased with him) saw a man and a woman mingling on the way, so he flogged them both. And Ibn Ayyina says: Khalid bin Abdullah Al-Qasri had ordered the two to perform Tawaf separately to avoid mixing which started again from the time of Abdul Malik bin Marwan. However, due to this mixing, Hazrat Omar (AS) reserved a separate door for women in the mosque and forbade the entry of men through this door. When the men & women in the places of worship were so careful to keep distance from mixing, how much should be done in the common places, it can be estimated from the above incidents. Such mixing is a cause of social ills as the condition of such people is generally dubious. Therefore, they should not be in a hurry to punish, but the punishment will be decided after being satisfied with the conditions. However, it is not permissible for a woman to go out of the house to talk to a non-mahram but only in need, and an old woman can talk to a stranger without any need. In order to save the people from this fitna, the state institutions should be aware of the vendors and the market conditions in the bazaars where women related goods are being bought and sold.

And the entry of men should be banned. Because the purpose of men's movement in such places is nothing but to seduce women, then such men should be punished. Yahya ibn Mu'in says that Waqi 'ibn Jarrah saw a perfumer talking to a woman and said to a man: "أَذْهَبَ إِلَى ذَلِكَ الْعَطَّارِ فَفَرَّقَ بَيْنَهُمَا". The second plague of society is homosexuality which is a link in the chain which is consistently increasing. And a series of incidents of child abuse are taking place. It is clear that beautiful boys come parallel to the scope of a woman. It is not permissible to look at him, and to be alone with him. Imam Shabi says: There was also a boy in the delegation of Abdul Qais whom he seated behind his back. After the meeting, he called the guest in solitude and said: Do not bring him with you when you come to me and my advice is not to take him with you on the way. Imam Ahmad ibn Hanbal did not like to have such a boy sitting close to him and Ibn Jawzi says about such children "هُوَ أَشَدُّ فِتْنَةً مِنَ الْعَذَارَى". While Sahib Qurtubi has also forbidden to greet such people. So the rulers need to focus on preventing homosexuality and its causes along with co-gatherings which is the cause of many evils. A woman's honor is safe at home so she should stay at home. And if you have to go out because of necessity, you have to go out without adornment. It is the ruler's responsibility to enforce the women who leave the house unnecessarily to prevent them from this ugly habit. In our time, not only are strategies used to get women out of the house, but they are also encouraged to leave the house. Due to which the woman of our time has become so jealous that instead of staying at home, she is demanding ban on the entry of men in public places. Because the rulers are failing to fulfill their responsibility, the disadvantages of which are obvious to all.

Instructions for publishing:

Literature plays a vital role in the degradation of society. The market is full of

books that contain fabricated traditions, events, novels, love poetry and pornographic images which cause intellectual or moral deterioration for the youth. Since the disadvantages of such books outweigh their advantages, such books should not be given market access to protect people from the disadvantages. Therefore, Sheikh Uthaymeen says

يجب أن تمنع من التداول في الأسواق، لأن ما يحصل فيها من الضرر أضعاف أضعاف ما يحصل فيها من النفع²⁴

And if these books have access to the market, then there is a need to promote such books that save the people from their evil.

Therefore, Allama Qarafi says:

وَالنَّصَائِفِ الْمُضِلَّةِ مِنَ الْكُتُبِ يَنْبَغِي أَنْ يُشَهَّرَ فِي النَّاسِ أَنَّهُمْ عَلَى غَيْرِ الصَّوَابِ تَنْفِيرًا عَنِ تِلْكَ الْمَقَامِيدِ وَهُوَ دَاخِلٌ فِي النَّصِيحَةِ

For which all means of publicity can be utilized. This should not be enough but all such books will be collected and destroyed whether it is by tearing or burning.

Allama Marwazi says:

قُلْتُ: لِأَحْمَدَ اسْتَعْرَزَتْ مِنْ صَاحِبِ الْحَدِيثِ كِتَابًا يَعْنِي فِيهِ أَحَادِيثُ رَدِيَّةٌ تَرَى أَنْ أُحْرِقَهُ أَوْ أُحْرِقَهُ قَالَ: نَعَمْ

Remember that this command is not limited to books but includes everything that causes mental or moral impairment. It is not permissible to dispose of it if it is something that can be used after some modification. Allama Maqdisi says:

وَلَا يَجُوزُ تَحْرِيقُ الْبُيُوتِ الَّتِي عَلَيْهَا الصُّورُ وَلَا الْمَرْقُومَةَ لِلْبَسِطِ وَالذُّوسِ، وَلَا كَسْرُ خُلِيِّ الرِّجَالِ الْمُحَرَّمَ عَلَيْهِمْ إِنْ صَلَحَ لِلنِّسَاءِ، وَلَمْ تَسْتَعْمِلْهُ الرِّجَالُ

Because these things are not permissible for men but are permissible for women, they should be used instead of wasted. That it is the responsibility of the state to prevent such things from spoiling the society and must not be considered something against freedom of speech. As some believe, because a resolution was passed at the International Convention in Geneva on September 12, 1923, calling for a ban on the broadcasting of anything related to pornography and nudity. Implementing the same resolution, the law was introduced in

Pakistan in 1965 since then; the legislative process has begun, but remained fruitless, while obscenity is on the rise.

Issues in this topic and suggestions for them:

In order to justify these things, some gentlemen are playing the tune of benefits instead of corruption, which seems reasonable. And there is no doubt that everything has a positive and a negative side, but if the negative side is more dominant while comparing the two, then its prevention is necessary. Which becomes the primary responsibility of the ruler? And the demand is for the basic rules of Shariah which are based on Shariah law. i.e. ”نَزَّءُ”
المفاسيد أُولَى مِنْ جَلْبِ الْمَصَالِحِ In the explanation of this, Allama Suyuti says:

”فَإِذَا تَعَارَضَ مَفْسَدَةٌ وَمَصْلَحَةٌ؛ فُذِمَّ دَفْعُ الْمَفْسَدَةِ غَالِبًا،
لِأَنَّ اعْتِنَاءَ الشَّارِعِ بِالْمُنْهَيَّاتِ أَشَدُّ مِنْ اعْتِنَائِهِ بِالْمَأْمُورَاتِ.

This shows that tackling disorders must be preferred over its positive aspects

The Holy prophet (pbuh) has said: مَا نَهَيْتُكُمْ
عَنْهُ، فَاجْتَنِبُوهُ وَمَا أَمَرْتُكُمْ بِهِ فَافْعَلُوا مِنْهُ مَا اسْتَطَعْتُمْ

In his commentary, Hafiz Ibn Hajar has quoted the saying of Allama Mazni (may Allah be pleased with him) that the hadith proves that obedience to commands precedes prohibition. Ibn Hajar explains the reason for this:

لِأَنَّهُ أُطْلِقَ الْإِجْتِنَابَ فِي الْمُنْهَيَّاتِ وَلَوْ مَعَ الْمَشَقَّةِ فِي
التَّرْكِ وَقَيَّدَ فِي الْمَأْمُورَاتِ بِقَدْرِ الطَّاقَةِ

Absolute prohibition of prohibitions and restriction of commands to the extent of affordability proves that the prohibition of prohibitions precedes the observance of commands.

Discussion of results:

The promotion of obscenity and nudity is irreligious, illegal and unconstitutional, and things that fall into the category of obscenity are not clearly defined constitutionally. The outcome of what exists is that it refers to things that affect the human mind or morals, and this is the result

of the Qur'an and Sunnah. In the spread of which the print as well as electronic media is playing a full role which is reprehensible. In the Holy Qur'an, the term lust is used for it. The first thing that needs to be addressed in order to prevent this is to choose an experienced, serious, and virtuous ruler. Experience is important because the affairs of the state are concerned with the administration and the people and especially the administration which is the backbone of the state. It is the responsibility of the ruler to be aware of their situation and to know the proper way to correct them which is not possible without experience. And it is necessary to be righteous because the subjects are subject to the ruler and try to mold themselves according to the way the ruler is, so the ruler must be righteous. The second thing young people need is physical, mental, and intellectual training, because the human example is like a soft twig that improves with timely improvement. The third thing is to ban or eliminate all means of promoting obscenity. These include music and musical instruments, men and women mix-gatherings, and pornographic literature. The ruling on burning and disposal is when these items cannot be used for any other purpose. If possible, it is permissible to use them and trade them. If these things have been wasted by state officials, no one will be compensated. And if they are lost privately, then the destroyer will be responsible. The reason for this ransom is interference in the administrative affairs of the common man.

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