ONLINE VOTING IN ISLAMIC REPUBLIC OF PAKISTAN:

AN ANALYSIS WITH RESPECT TO ISLAMIC SHARIAH

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ABSTRACT

The implementation of the Islamic system is actually related to the Khilafah, the same system has been established among Muslims for centuries and its blessings were felt not only by Muslims, but also by other nations. The head of the Islamic system was appointed in consultation with the Muslims. Islam never encouraged individual rule, always preferred the Shura system. When the Khilafah system departed from Muslim society due to their shortcomings, it was replaced by democracy. Today, democracy is in place in many Islamic countries. Scholars of all schools of thought in Pakistan jointly presented the best example of the mixture of Islamic state system and democracy in the year 2000 in the form of 22 points, which was unanimously passed in the Parliament. Pakistan is the Islamic country in the world where such an attempt was made. After Pakistan and other Islamic countries also adopted this strategy. The vehicle of this democracy starts with elections and in today's global world the e-vote system has started using modern technology. Pakistan is a developing country. Billions of rupees are spent on elections here every five years, which is a huge burden on the people. Can an e-vote system be launched in Pakistan considering the capabilities and conditions of the people?

Keywords: Islamic state system, democracy, governance, voting status, e-vote

1. INTRODUCTION

God's laws are beyond reason. It is the duty of man to abide by these general laws and to elaborate on the details according to the circumstances in the light of the teachings of the Prophet of Islam so that humanity may not deviate from the path of truth in any way. Whether these laws are related to worship, or to affairs, or to society, or to politics, God's laws are present in every sphere of life. And for twelve hundred years the Muhammadan Ummah has adopted the same thought and vision everywhere in the world. After the British rule, where religious freedom was taken away, national freedom was taken away, but the mental capacity of Muslims also seemed to be taken away, God willing. With the exception of a few, Muslims in general have restricted Islam to prayer and fasting. He either did not look at other matters of religion at all, or did not give them the status they deserved. As a result, mental retardation pushed back a lot. Matters were separated from religion, became imitators of other religions in social life, separated politics from religion, and began to prepare to live a whimsical life. However, the religious class, which was apparently present in the guise of religion, made up for the shortfall, but they had nothing inside. The talk of a sensible, honest religious class became alien and foreign. His great courage never left the nation, from basic education to political awareness, from matters to social life went on explaining the rules of religion. A wave of independence arose and Pakistan emerged on the world map with religious fervor. The body of the Muslims was liberated, but the affairs and thoughts were firmly held in the hands of others. After independence, there was a debate about the structure of this country. While the founder of the country in his life, from head to toe, in every meeting, in every speech, made the structure of the country subject to divine law, after his death, there was a debate among the successors as to how to form a system of God that Muslims have sworn in, or the system of

selflessness with which they build their relations with the people of the world. In the same struggle, the same sincere, honest, patriotic people came together and formed a political system for the first time in the history of the world. The precedent of which was not found in the past. Today, even after the passage of years, the foundation they have laid is solid and strong, with which the building of this dear homeland is safe and will remain safe, God willing. The practical application of their points is urgently needed in the age of modern technology.

2. REVIEW OF LITERATURE

Ancient scholars have adopted two approaches to this subject: pure atheism and pure religious atheism. In this conflict, civil war was common before the Prophet's resurrection. The leaders of the great states, whether religious or not, were constantly tempered by the constant wars. Those who were influenced by religion had practically drifted away from religion. After the resurrection of the Prophet, when the voice of religion is heard in the world once again and the great powers of the world are piled up in spite of their equipment, then those who were far away from their own religion, then cling to it. The style of governing changes, which were intertwined with each other, becomes entwined in an endless series of agreements. Successive defeats force many states to unite. Planning for the future reconnected their broken foundations. On the other hand, when the strong followers of the divine teachings depart from the world, and the weak begin to take their place, they do not have the courage to make the enemy feel their presence, nor do they have the courage to fight. In his system of state where the best facilities could be provided to the people, an effective education system and modern methods of trade could be adopted for them. Instead of doing all this, they continued to cultivate hereditary politics. The opponents took full advantage of this opportunity, and with the end of hereditary politics, the Muslims were scattered. Introduced its educational, economic system which was immediately adopted and the democratic system

began. People in the British educational and economic system continue to support the same system even after independence. Probably a factor as to why they're doing so poorly is that we're not ready for the 21st century world that we're in today. We can provide a basic platform for our talented people to create their own separate concrete strategy for the future.

2.1 Need of appointing ruler

A person who is nominated to protect the worldly and religious matters on social level is called ruler. Now, there is a question about appointing the rule is obligatory in Sharia? Is it Islamic Sharia, which makes it obligatory upon Ummah or it is obligatory upon intellectual level? We have two opinions in this regard:

Appointing a ruler is purely an intellectual matter according to one opinion. The intellect demands that there should not be any dispute, nobody oppresses the other. If someone commits a crime, how should he be recompensed? If rule has not been appointed, then most of the human matters will get disturbed and the worldly matters will immobilize. People will take revenge by themselves, which will cause corruptions. The group having above opinion is called intellectuals.

According to other opinion, appointing ruler is purely matter of sharia. They argue that the main reason of nominating rule is establishing the religious matter and implement the oneness of Allah and His commandments in the world. Intellect will only guide towards stopping oppression, fulfilling right. But the nature of oppression, the punishment upon oppression and if someone is convicted for it or not, these are linked to religious matters. Allah almighty has commanded rulers to establish religious matter and He has ordered believers to follow him. Allah almighty said:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ ۖ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ

تَأْوِيلًا(Surah Nisa: 59)

"O you who believe! Obey Allah and obey the Messenger (Muhammadﷺ), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger (Muhammadﷺ), if you believe in Allah and in the Last Day. That is better and more suitable for final determination."

Mufti Taqi Usmani (2011) explains above ayah in his tafsir as 'meaning of (اولی الامرمنکم) refers Muslim rulers according to many interpreters of Holy Quran and it is obligatory for Muslim to follow them in legal or permissible matter.' Imam Ahmed bin Hanbal said, once ruler is unable to handle people's matter, it causes corruption in the society. (Mawardi)

From this we know, the system of state, or the system of society, provides protection to the people on a limited basis. But a complete security system cannot be established through intellect. For this we need the principles of the religion to form a complete system. We cannot separate religion from society or the system of the country. And the most obvious system in this is the system of Islam. In which there is sharing and cooperation, there is also repulsion of oppression and sin. Therefore, we have to make the right decision in the appointment of a ruler only by looking at the appointment system of Islam.

2.2 Discussion of Ruler in Quran and Ahadees

Following are three verses of Quran:

(Surah Nisa: 59) يَآ أَيُّهَا الَّذِيْنَ اٰمَنُوْٓا أَطِيْعُوا اللهَ وَأَطِيْعُوا الرَّسُوْلَ وَأُولِى الْاَمْرِ مِنْكُمْ

"O you who believe! Obey Allah and obey the Messenger (Muhammad peace be upon him), and those of you (Muslims) who are in authority."

(Surah Maidah: 48) فَاحْكُمْ بَيْنَهُمْ بِمَآ أَنْزَلَ اللهُ وَلَا تَتَّبِعْ أَهْوَآءَهُمْ عَمَّا جَآءَكَ مِنَ الْحَقِّ

"Judge, then, in the affairs of men in accordance with the Law that Allah has revealed, and do not

follow their desires in disregard of the Truth which has come to you."

وَأَنِ احْكُم بَيْنَهُم بِمَآ أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَآءَهُمْ وَاحْذَرْهُمْ أَن يَفْتِنُوكَ عَن بَعْضِ مَآ أَنزَلَ اللَّهُ إِلَيْكَ (Surah Maidah: 49)

"And so, judge (you O Muhammad ﷺ) between them by what Allah has revealed and follow not their vein desires, but beware of them lest they turn you (O Muhammad ﷺ) far away from some of that which Allah has sent down to you."

In these verses, the Prophet (peace and blessings of Allah be upon him) is commanded to decide, but the address through him is to his ummah.

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَٰتِ وَأَنزَلْنَا مَعَهُمُ الْكِتَٰبَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ (Surah Hadeed: 25)

"Indeed, we have sent Our Messengers with clear proofs, and revealed with them the Scripture and the Balance (justice) that mankind may keep up justice."

In this verse, Allah Almighty commands all prophets and their followers to deal justly with the people. In addition to the above three verses, there are several other verses on the implementation of hudud and qisas, etc., which indicate the existence of a ruler.

Following are some hadiths in which the Prophet (peace be upon him) commanded obedience to the ruler as long as he commanded goodness or right thing.

عَلَى الْمَرْءِ الْمُسْلِمِ السَّمْعُ وَالطَّاعَةُ فِيمَا أَحَبَّ وَكَرِهَ، إِلَّا أَن يُؤْمَرَ بِمَعْصِيَةٍ، فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ (Muslim, 7144)

"Obedience to the ruler is obligatory on a Muslim, whether it is in accordance with his nature or not. However, If the *Amir* (ruler) orders a sin, then he should neither listen nor obey."

اسْمَعُوا وَأَطِيعُوا، وَإِنِ اسْتُعْمِلَ عَلَيْكُمْ عَبْدٌ حَبَشِيٌّ، كَأَنَّ رَأْسَهُ زَبِيبَةٌ (Bukhari, 7142)

"Listen and obey, even though you have an Abyssinian slave as your ruler, as if his head (in smallness and blackness) is like a grape."

عليك السمع والطاعة في عسرك ويسرك، ومنشطك ومكرهك، وأثرة عليك (Muslim, 1836)

"You must listen to and obey your ruler, whether you are in trouble or in ease, in a state of happiness or in a state of compulsion and whether he prefers someone else over you."

اسمعوا وأطيعوا، فإنما عليهم ما حملوا، وعليكم ما حملتم. (Muslim, 1846)

One of the Companions asked the Prophet (peace be upon him): What do you say when we are ruled by people who take their full rights from us and do not give us our due rights? The Prophet (peace be upon him) did not answer him. He asked again and the Messenger of Allah (peace be upon him) said: Listen and obey. They are responsible of their won actions and you are answerable to yours.

إنها ستكون بعدي أثرةٌ وأمورٌ تنكرونها. قالوا: يا رسول الله، كيف تأمر من أدرك منا ذلك؟ قال: تؤدّون الحق الذي عليكم، وتسألون الله الذي لكم، تسألون الله الذي

لكم. (Bukhari, 7053).

The Holy Prophet (peace be upon him) said to his companions: You will see favoritism or strange matter (means not according to Islam) after me. The companions said, "O Messenger of Allah, what do you command us to do if we find ourselves in it?" He (peace be upon him) said: Fulfill what is due upon you, and ask Allah for your right."

There are numerous hadiths in which obedience to the ruler or sultan has been mentioned. It also clarifies that the appointment of a ruler or sultan is a religious and sharia matter, not just a rational one.

2.3 Appointment of Ruler Pre-Islamic Era

It is essential that man cannot live without society. And society can only be built on a system that protects man from all sides. His interests should not be harmed by others. He should be safe from

trials and tribulations and strong person should not have allowed to attack the weak.

The history of man begins with Adam (peace be upon him) who was not only the first man but also the first prophet from Allah Almighty.

If we look at the way pre-Islamic rulers were appointed, the whole of human history can be divided into two parts: Appointment of King or Ruler by Allah through Prophets. As Allah Almighty Himself appointed Talut as King.

(Surah Baqarah: 247) اِنَّ اللہَ قَدۡ بَعَثَ لَکُمۡ طَالُوۡتَ مَلِکًا

Indeed, Allah has appointed Talut (Saul) as a king over you.

Hazrat Daood (peace be upon him) was given kingdom as well as prophethood.

(Surah Baqarah: 251) وَاٰتٰہُ اللہُ الۡمُلۡکَ وَالۡحِکۡمَۃَ

Allah gave him [Dawud (David)] the kingdom [after the death of Talut (Saul) and Samuel] and Al-Hikmah (Prophethood),

Hazrat Abu Hurairaa narrates from Prophet(ﷺ):

(Bukhari, 3455) كَانَتۡ بَنُو إِسۡرَائِیلَ تَسُوسُهُمُ الأَنۡبِیَاءُ.

The political leadership was under Prophets (peace and blessings of Allah be upon them) in the Children of Israel.

From these verses and hadiths, it is known that in places where the Prophet himself and a large number of his followers were present, the king was appointed by Allah for the system of government.

On the other hand, there were those who were either deprived of the teachings of the Prophets or came into the world at a time which was the time of Fitrat, that is, the time in which Allah Almighty did not send any Prophet. Such nations appointed their king according to their custom. Apparently,

the nations were choosing their own rulers, but in reality, Allah Almighty was ruling over them.

Allah Almighty said about Nimrod:

اَلَمْ تَرَ اِلَى الَّذِىْ حَآجَّ اِبْرٰهٖمَ فِىْ رَبِّهٖٓ اَنْ اٰتٰىهُ اللّٰهُ الْمُلْكَ (Surah Baqarah: 258)

Have you not looked at him who disputed with Ibrahim (Abraham) about his Lord (Allah),

because Allah had given him the kingdom?

Apparently, the people of Nimrod will have their own way, but in fact this kingdom was given to him by Allah Almighty. The ancient Arabs had a different style. Muhammad Habib and Khaliq Nizami (2001), authors of "Comprehensive History of India", write about the foundation of a united Arab system: "In the Arab world, the social protection system was based on blood ties. Families were organized into sects and sects into tribes."

And those who made small decisions became the ruler of the kingdom. And it was need of the time for someone to protect the interests of the people on a long-term basis. Make them self-sufficient in social matters, from peace to economic affairs. Make them role model to the world through best education system and political insight. Knows strategies for protecting borders.

Have a look at the situation in the region. Should possess strong intellectual as well as analytical skills. Have compassion to his own people and be heavy upon his enemies.

2.4 Disadvantages of Not appointing Ruler

If one thinks that man is born free, why does he need to appoint a ruler over himself? Then he should obey his order as well. If someone punishes him for violating any law, he should bear this punishment, if someone imposes tax, he should pay it. A free man will lose his freedom by giving so much power to someone else?

The answer is, it is true that freedom is a great blessing and freedom is part of human nature. The sense of freedom creates feelings of self-sufficiency and self-confidence in a person. But when the

feeling of freedom starts exceeding the limits or an attempt is made to suppress it, an alarm rings inside a man. Then rebellion, bestiality and selfishness begin to grow in it. Then he goes out of his way to infringe on the rights of others. So, when there is an abundance of these people in the society, chaos, conflict and disorder begin to arise.

Mufti Khalid Hussain Qasmi (2013) writes, Allah Almighty has placed in human nature that he is "civilized". Despite his innate freedom, he has been accustomed to live by following a system and accepting the rule of a ruler. By being attached to a system of government, he protects his interests from enemies and live a peaceful life by adhering to the principle of coexistence.

We understand following points from above text:

- It is human nature to live under a system run by a ruler.

- If there is no ruler, society will corrupt through rebellion and bestiality.

- It is not possible for any Muslim ruler to revive the commands that Allah Almighty has given him to run the collective system.

2.4.1   Khilafat and Kingdom

Khilafah literally means "representation". In the Holy Quran, it is about Adam (peace be upon him) and David (peace be upon him) that Allah almighty made them his caliphs. (Surah Baqar: 90 and Surah Saad: 26)

It is narrated on the authority of Ibn 'Abbas (may Allah be pleased with him) that the jinn used to live in this world. When they disobeyed, Allah sent His army to destroy them and sent some of them to the seas and mountains. Then Allah created Adam and settled him in the earth, then said: "I will make you my vicegerent in the earth."It is as if the earth's system was handed over to humans. And it is also observed that out of the thousands of species of animals that live on the earth, only human is in control of the affairs of the earth. It also has control over air, water and

other matters related to earth. One of the meanings of *Khilafah* has been stated that Allah Almighty has given man His *Khilafah* because he will live according to the commands of Allah Almighty on earth and will enforce the divine commands and laws. (Ibn Kathir, 2000)

The word caliph is absolute, so whom will it be referred? An interesting question arise here as well that whether the caliph is considered the vicegerent of Allah, or the vicegerent of the Holy Prophet? The general idea is that the Muslim caliph is the vicegerent of Allah. But it is not a right concept. When someone addressed Hazrat Abu Bakr Siddique (may Allah be pleased with him) as "or the Caliph of Allah", he said: "I am not the Caliph of Allah, I am the Caliph of the Prophet of Allah." (Mawardi)

A lexicon of Arabic language, the definition of a statement:

The summary of these definitions is that

- The ruler is the person who possess following

- He has decision-making power and authority

- He has subordinates who keep limited powers from him to decide between people, who also solves the problems of the people and also supervises the institutions related to them.

The second and third points are common between caliph and king, but the number one is the difference between them. In short, the king himself is the source of the law and he himself is the interpreter of it. Only he has the power to make laws, change them and interpret them. While the Caliph of the Muslims protects the law given by Allah Almighty, and imposes His system on the earth considering it as an Amanah (Trust). Usually, a caliph or a king is also called a ruler.

2.5 The Rule of Governance in Islam

Islam prefers the *Khilafah* style of government. In which the real sovereignty belongs to Allah Almighty. The ruler's job is to enforce Allah's commands. It is impossible to produce the

unparalleled precedent set by the Muslims for the *Khilafah* Rashida and its subsequent periods, in whole or in part. A ruler who is also truthful, pious, pure-hearted, humble, his conscience is alive and he treats his subjects with compassion and friendliness.

Abu al-Hasan Ali al-Mawardi has stated seven conditions for the Caliph of the Muslims:

a. He must be just and be practical upon religion with perseverance.

b. His understanding of religion should be of high level and he should be capable of doing ijtihad so that he can make the right decision according to situation.

c. His senses such as eyes, ears and tongue are perfectly fine.

d. The external body should be free from diseases such as hands and feet should not be amputated, deaf and dumb.

e. He understands the needs of the people and the country in the true sense, and he can plan accordingly.

f. The one who shows bravery while fighting the enemies, he should not turn his back and run away.

g. He should belong to Quraysh in terms of lineage and his lineage has reached to Nadr bin Kanana.

The meaning of this last condition is that there are two opinions of the people:

Most jurists have taken this condition for granted, and have not recognized the *Khilafah* in the absence of the Quraysh. But when we look closely, the majority of scholars have recognized the Ottoman Caliphate even though they did not belong to the Quraysh tribe. And this hadeeth of the Holy Prophet (ﷺ) has been taken as a source of news. As stated in the hadith, the *Khilafah* will remain in the Quraysh as long as they adhere to the religion. This clearly means that when they are negligent in matters of religion, the *Khilafah* will not remain in them. Scholars have taken this

position from Allama Ibn Khaldun (2014) who, after a long discussion of three pages, first took this hadith in the sense of news and not in the sense of ruling as stated by the jurists.

2.6 Democracy

The world has been benefiting from the Islamic *Khilafah* system for centuries. Due to the conspiracies of the enemies and the misdeeds of the Muslims themselves, when this system came to an end, a system of government called "Democracy" was adopted and accepted in the world. Of course, this system has some advantages, but also many disadvantages. Anything is introduced by its definition. Democracy is defined as something like this:

- *Government by the people. (Democracy)*

- *Rule of the majority. (especially)*

- *Rule by the people.*

Democracy is an ancient Greek term and is a combination of two words: demos "people", kratos "power" meaning "people's power". Five hundred years BC is called the Greek political system, which is rapidly gaining ground around the world today. This system is not the same everywhere in the world, it has different forms and rules everywhere. One thing in common, however, is that the above definition shows that government is formed by the power of the people, and that "elections" are a stepping stone to a majority government.

The late Iqbal has said about this system:

"Democracy is a form of government in which slaves are counted and not weighed".

2.7 Islamic Political System

When the system of society is based on the thoughts and ideas of intellectuals and intellectuals, we call it rational politics. And when the same system is based on the sayings of the Sharia's and the teachings given through revelation, we call it Sharia's and religious politics. Religious politics

is useful and useful both in this world and in the hereafter. Pure worldly laws are for the betterment of worldly life; they have no view on the life of the hereafter. Whereas the commands given by Allah Almighty are based on both worldly and otherworldly spices. Islam has given people principles and rules, in the light of which the Muslims establish a system where these divine commands can be fulfilled. Their practical form is similar to the blessed life of the Holy Prophet and the rule of the Righteous Caliphs. From the rich to the poor, social rights, welfare, collective relations, financial system, protection of borders, protection of laws, limits and penalties for breaking the law, all these we get from this religion in a clear way. There is no sector of the world whose basic rules and regulations are not in Islam. Islam always provides knowledge of principles and basic laws which will benefit both the world and the Hereafter. It does not specify departmental details, number of government members, distribution of administrative powers, unitary or federal style of government, method of consultation, etc. These matters are considered permissible, so it is left to the discretion of the people. So that the experts of the state system can make the right decision in terms of time, in terms of people, in terms of time.

3. ISLAM AND DEMOCRACY

Apparently, there is a difference between the two systems.

- On the one hand, the source of command is the Holy Essence of God Almighty and the Messenger of God, and on the other hand, the large number of human beings is the source of the existence of any law.

- On the one hand, divine law has the same color and the same standard in every region of the world from which human beings have benefited for centuries. On the other hand, democracy has all kinds of diversity and traditions. There is a difference in rank and position.

- On the one hand, the divine law guarantees the success of the world and the hereafter, on the

other hand, man does not accept the death of man after the world.

But despite all this, one thing the two systems have in common. That is, there is no one who believes in heredity in governance. After the ruler is deposed or dies for any reason, the next ruler will be appointed. From the Islamic point of view, the inexperienced conditions of the ruler will be decided by the assembly of Muslims who specialize in the religion, and from a democratic point of view, any majority assembly can decide it. The difference is that there is no requirement of education or honesty for the voter in the election. In the general election, the opinion of every low and high, wise and ignorant, honest and dishonest opinion has equal weight. While in Islamic politics there are also rules for the electorate.

3.1 Islamic Republic of Pakistan

At the time of its establishment in this dear homeland (Pakistan) which was established in the name of Islam, the question arose as to what would be its political structure? Since it was based on Islam, it was decided that the political system would be Islamic, which is called "*Khilafah*". But he did not mention the title of "*Khilafah*", explaining why Maulana Zahid Al-Rashidi writes in his column (Roznama Islam, 2013): For this (Pakistan) the title of *Khilafah* was avoided, partly because the model of *Khilafah* was then in front of the world in the form of the "Ottoman Caliphate" which was a family *Khilafah*, and in Pakistan There was no practical possibility of a family government. Adapting the Islamic system to Islamic politics keeping in view the ground realities was a great endeavor which was compiled by eminent scholars of 31 schools of thought of Pakistan in 22 unanimous constitutional points after great diligence. Full details of which were given by Sheikh Faiz-ul-Abrar Siddiqui (2016). Has stated. Here are some key points:

- اعلیٰ*Sovereignty belongs to Allah Almighty*.

- منتخب*The right to rule will be enjoyed by the elected representatives of the people*.

- The elected parliament will be bound by the Qur'an and Sunnah.

- The people will have the right to accountability.

The principles and constitutional foundations of a full-fledged Islamic government will not differ from these precious 22 points. I used the word Islamic Republic in writing. These include Mauritania, Gambia, Afghanistan and Iran.[24]

3.2 Election of Government by Vote

The Holy Prophet and later rulers were not elected under the prevailing voting system. However, this selection involved the consultation of Muslims. When Hazrat Umar (RA) performed the last Hajj, he was told that if Hazrat Umar (RA) passed away, he would swear allegiance to such and such a Sahib and declare his caliphate. When Hazrat Umar (RA) found out about this, he gave a long sermon on the first Friday after returning to Madinah, in which he said:

"Anyone who swears allegiance to a person without the advice of Muslims should not be accepted at all."(Bukhari, 6830)

What he is saying in this instruction is not acceptable if he swears allegiance to someone "without the advice of Muslims". In today's modern world, the only way to get general advice from Muslims is to "vote". Vote is an English word used in modern Arabic for "choice, approval". Members of the legislature at various levels, prime ministers and presidents are elected by vote in our time. Elections for some positions are direct and some are indirect. There is a minimum age requirement for a voter. What kind of candidate can be preferred through voting, what is the Shariah and national standard? In this regard, the following are excerpts from a fatwa issued by Dar-ul-Iftaa, Jamiat-ur-Rasheed, Karachi:

- Candidate must be a devout Muslim.

- Be religious or at least respect the religion, the people of the religion and the rituals of the

religion and have a passion to enforce Islamic laws in the country.

- Be honest, not a conscientious objector.

- Support the ideology of Pakistan and Islamic nationalism.

- Be decent and moral and really want to serve the country and the nation.

- Do not engage in open immorality.

- Have a sound mind and understand the problems of the system of government well.

- The goals that the candidate is determined to achieve after success should be in accordance with the Shariah, not against the Shariah and the Islamic system.

- The manifesto of the party from which the candidate is contesting the election should not be against the Qur'an and Sunnah and the Islamic system. And the goals that the party is determined to achieve after coming to power should be in accordance with the Shariah, not against the Shariah and the Islamic system. (Khalil, 2018)

A candidate with the above attributes will be eligible to vote or possess the attributes closer to them. It is a matter of endangering the whole country. Allaah says (interpretation of the meaning):

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ كُونُوا۟ قَوَّٰمِينَ لِلَّهِ شُهَدَآءَ بِٱلْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَـَٔانُ قَوْمٍ عَلَىٰٓ أَلَّا تَعْدِلُوا۟ ٱعْدِلُوا۟ هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَٱتَّقُوا۟ ٱللَّهَ إِنَّ ٱللَّهَ خَبِيرٌۢ بِمَا تَعْمَلُونَ Surah)

Maidah:8)

"O you who believe! Be ready for Allah's sake at all times, and bear witness (to justice). And let not the enmity of any people persuade you to do injustice." Do justice, that is nearer to piety. And fear Allah. Indeed, Allah is Acquainted with what you do" .

Allama Shabbir Ahmad Usmani (2009) in his commentary on this verse says: This is one of the most effective and closest means of attaining piety. That is why he said, "He is nearer to piety."

3.3 Determining the Legal Status of the Vote

Generally, people consider voting to be a purely worldly affair, although from a Shariah point of view, it can have various status, which shows that its proper use is one of the religious duties.

1. Martyrdom: Syed Sharif Jirjani (2001) writes:

Evidence: This is in the Shari'ah: News about the eyewitness in the word Evidence in the House of Judges is right for the other side. "Evidence says according to Shari'ah: to testify in favor of one against the other in the court of a judge with the word of martyrdom on the basis of seeing with the eyes."

Nominally, the status of the vote is that of testimony and testimony. While voting, the voter is testifying that in comparison to such and such a candidate, I am testifying about this candidate that he is eligible for this position. It can do its job honestly. It also makes it clear that a person who has the legal right to vote, and does not exercise his right, is concealing the evidence he has. And according to the Qur'an, concealing martyrdom is a sin.

(Surah Baqarah: 283)وَمَنْ يَّكْتُمْهَا فَاِنَّهٗ اٰثِمٌ قَلْبُهٗ

Ibn Atiyah (may Allaah have mercy on him) said: "When a witness finds out that someone's right will be lost due to delay in witnessing, he is obliged to testify."

It is clear from the above statement that just as it is obligatory to testify at the time of testimony; it is also obligatory to cast your vote when the voter knows the eligibility of the candidate for the post. But here the question arises as to whether a person bears witness to what he knows, as is evident from the definition of testimony. And if the voter does not know any candidate, his qualifications, his integrity, is it still obligatory for him to cast his vote? The Arab scholar Sheikh Saleh Al-Munajjid Hafizullah (2013) says in one of his fatwas:

"It is not permissible to vote for a man whom he does not know personally, nor does he know his affairs (without investigation). It is a betrayal of trust, and a false testimony, and a deception."

The position of none of the non-Arab scholars is clear, but an article by Deputy Chief Dar al-Ifta 'Banuri Town provides some support. Mufti Abdul Majeed Din Puri (may Allah have mercy on him) says: "If no candidate is found for these conditions (piety, honesty, truthfulness, abstinence from drugs, gambling and usury), then it is better not to use the vote again. The vote is a Shariah testimony."

Here the Mufti said that if a candidate who fulfills the above conditions is not found, "it is better not to use the vote again". When a candidate with Turkish conditions is not eligible to vote, it is not necessary to vote for someone whom the person (voter) does not know in any way. Another question here is that a person does not know a candidate himself, but he knows who he trusts. Now the second person says to the first that I have voted for such and such, I am convinced of his eligibility, you testify to it. Apparently, the definition of testimony is "to testify on the basis of sight", but here the testimony is being given on the testimony of another. Will this testimony be credible? The words of the Shafi'i scholar Allama Qazvini are very decisive. He says: Certification of the certificate is acceptable; To claim the need for it ... This is in addition to the penalties, and it includes money, marriage, and sales ... As for the penalties ... and more correct; Prevention within the limits of God Almighty. (Qasim, 1997)

Muslim government, as the establishment of the limits of God as a factor of the year, the name of God is not enough for us.

Intercession per order: Intercession for someone in a task. (Anees, 2004)

This is called recommendation in Urdu. The status of the vote is also recommended. It is as if the voter recommends that such and such a candidate be represented, he is eligible for this position, I recommend his selection. Regarding this recommendation, the Holy Qur'an says:

(Surah Nisa: 35)مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِّنْهَا وَمَنْ يَّشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِّنْهَا

"*Whoever makes a good intercession has a share in it, and whoever makes a bad intercession has a share in its evil*."

The good recommendation in the election is to vote for a capable, honest and well-wisher of the country and the nation, and the bad recommendation is to hand over the running of the country and the nation to an unreliable and incompetent person, who belongs to the whole nation. Let it be trouble. Mufti Abdul Majeed Din Puri (may Allah have mercy on him) writes:

"It simply came to our notice then that the candidate who won our votes would be considered a partner in whatever good or bad deeds he did during his five-year term." (Hafizullah, 2013)

Advocacy: entrusting a task to someone completely, referring one's case to another trusting.(Anees, 2004)

This is the third status of the vote. This means that the voter chooses the candidate from his constituency to properly participate in the formation of parliament. And make the election process of ministers transparent and useful for the country. A lawyer who harms in a personal capacity only harms his client, but a lawyer who harms at the national level becomes a scourge for the whole nation. It is a sin to appoint a person who is detrimental to the country and the nation. The client is considered an equal partner in the sins of such a lawyer.

4. TECHNOLOGY DEVELOPMENT

In the 21st century, modern technology has entered every sphere of life. Today the use of technology is considered essential to improve one's work, be it in the field of trade, agriculture, industry, court, communication, meteorological system or health system. The creation of modern machines and equipment is progressing day by day. Well known researcher Dr. Ata-ur-Rehman writes in his article:

"The only factor that can determine the destiny and socio-economic development of a nation today

is science and technology. It is the scientists and engineers who are changing the world." (Rehman, 2012)

What was the beginning of the twenty-first century in which machines have made their place more than humans? But now the global coronavirus epidemic has changed the world's economic priorities. Countries in the world whose economy was driven by certain minerals such as oil and gas. Excessive demand and constant fluctuations in prices have made them victims of a severe economic crisis. These countries are now investing in alternative technologies, digitalization, global telecom, as they anticipate that the future of the world will be a technology revolution. It is expected to grow by 16.7% and by 2022 the world's investment in advanced technology and digital transformation will increase to 7. 7.4 trillion, while according to the International Digital Corporation (IDC), 40% of new investment will be in the digital transformation sector.

4.1 The need for online voting importance, benefits and method of implementation

As the world moves forward in the field of technology, the field of artificial intelligence is increasing day by day. It seems appropriate that we also use modern technology in vote casting. Earlier, candidates used banners, posters and letters to showcase their talents so that the person voting could recognize their strengths and give priority to them. Paper and cotton cloth were widely used. Then came the Pina Flex Board with them. Then, as social media became more accessible to the public, the campaign shifted to it, even though more than 50% of Pakistan's 2018 elections were held through posts and debates on the media. - Pragya Juneja, Uma Ojha writes in her research article:

In today's world, Social Networking website like Twitter, Facebook, Instagram, etc. plays a very significant role. (Casting online votes, Pragya Juneja, Uma Ojha,1/6/17)

From these sources, just as everything reaches the public, so too can the method of online voting.

Just as a difficult phase like commerce has taken place in the world today, and various experiments are being done to make it safer, so too are experiments being done all over the world to make the online voting system safer. There are things that we can take advantage of. We need it even more in Pakistan. The main reasons are as follows:

1. No individual or party concedes defeat after years of regular elections. Bogus voting has taken place in their eyes. So, from the beginning of the allegations to the stage of the evidence, then the veracity of the evidence, then the decision, then the matter of filing an appeal. It is all a complex affair in which the deadline expires, and the successful candidate continues to deal with the case against him and is forced to deviate from his manifesto. The online voting system is very safe from this. In the countries where this system is introduced in the world, there are also problems, but whether it is the defeat of the individual or the defeat of both the parties, they declare the victory of the opposing candidate.

2. Pakistan is a developing agricultural country. Every year a loan is taken from foreign countries and especially from the IMF to prepare the budget. According to the report of the Election Commission of Pakistan, the election budget has increased a lot. I think a lot of stalled big projects can be completed in this budget. The budget reports of the three elections held in Pakistan by various magazines are being mentioned here. For example

   a. The budget allocated by the Commission in the 2008 elections is Rs. 1.80 billion

   b. The budget allocated by the Commission in the 2013 elections is Rs. 4.7 billion

   c. The budget allocated by the Election Commission in 2018 is Rs. 21 billion

3. Such a huge amount of money is spent on all the arrangements, including training of staff, payment of duty, printing of ballot papers, preparation of boxes, their delivery across the country, police, rangers and army in special places for security. Duties etc. In contrast, we

can control our budget by avoiding many of these things in online voting.

4. It is possible to hold a fairly clean election from fraud and corruption only through online voting.

5. Often the voter resides in another city for work, and his or her vote is registered in another city. This voter can exercise his right to vote from anywhere with the facility of online voting.

6. The voter avoids many difficulties in this system. There are cases where the voter stands outside and is not allowed to reach the ballot box, and is told that your vote has been cast. This is an outright abuse of the electorate.

7. Through this system, the voter can know that his vote has definitely been cast. Many votes are rejected due to ink spread on the ballot paper and the voter is not even aware of it.

8. There is a difference in the counting of general votes every time. However, with the use of technology, this difference disappears for everyone.

Equitoxicity in its article suggests seven terms for this:

1. Increasing the level of participation

2. Security

3. Accessibility

4. Auditability

5. Efficiency

6. Precision

7. Reliability

(Equitoxicity, 7 benefits of electronic voting, Article 25/5/2019)

The question is, how can this be done? That is, what possible means can be used?

NADRA has full details of every Pakistani citizen. NADRA and the Election Commission of Pakistan may launch a secure e-vote app for this purpose. And for this purpose, ATM machines of banks spread across the country can also be used. There is a lot of fear of fraud in this, but the way the online banking system is running successfully despite such a big risk, the same All security measures in the online voting system can be implemented gradually. And after many advances in recent election technology, a secure system seems possible. For this, the Election Commission will have to set up a special research cell, the purpose of which will be to research election technology and find solutions to the problems that arise in it. We have a great example in this. Located in Northern Europe, Estonia is the first country in the world to use the latest election technology in various innovative ways since 2005. Today more than 30% of the people there cast their votes online. We certainly have a bright future for electronic voting and internet voting, so we need to benefit from their experiences. (Security Analysis of the Estonian Internet Voting System, estoniaevoting.org)

4.2 The Shari'ah Status of Online Voting

The three Shari'ah positions of voting are presented in the above manner:

        a. Martyrdom

        b. Intercession

        c. Advocacy

These are the three positions for online voting. Therefore, there is no legal difference between voting by ballot paper and online voting.

4.3 A Look at the Countries That Have Online Voting Systems

The countries where the e-vote system is in operation are mentioned below in some detail. It will describe their approach, the problems that have arisen and the steps that have been taken to solve

them.

1. Estonia

which is briefly mentioned in the second chapter of the same chapter. In Estonia, the system has

been in operation since 2011 under the auspices of two European organizations, the Organization

for Security and Cooperation in Europe (OSCE) and the Office for Democratic Institutions and

Human Rights (ODIHR). All citizens here have a smart ID card that cannot be duplicated. And

this is a card that only the locals have here, the immigrants from abroad do not yet have the right

to participate in the local elections here. The person holding the smart card receives a code on his

mobile. Which he uses at a specific time to provide his information and is then allowed to vote

after being verified.

In 2011, a man filed a petition in the court to declare the e-vote illegal, as sensitive information

could be leaked through a virus without the voter's knowledge. The local court thoroughly

examined the application and tried to get it examined by experts. But the robust e-vote system did

not find any clues that ordinary voter information was leaked. Therefore, his petition was rejected.

2. Australia

In the year 2000, in the state of New South Wales, Eastern Australia, it was discovered that many

of the recorded votes were incorrectly recorded, and there were many that were to be registered

but were not registered. Similarly, the vote registration number did not match the ID card number.

The NSW selection committee first updated the system to correct the vote record and remove

several anonymous votes from the final list. In this regard, the committee took extreme steps to

trace voters using incorrect identity card numbers, which was against the law of the land. This was

hotly debated in Parliament and an order was issued to re-compile the list. Then the voter list was

compiled in a very secure manner in which the information of all the voters was kept highly

confidential and e-voting was started in March 2015 using pilot voting technology. This effort became very popular among the people and a record 280,000 people cast their votes through e-vote. Over 280,000 votes were returned through iVote. (The New South Wales iVote System, J. Alex Halderman 1 and Vanessa Teague 2, page 2, published 5/1/2015)

3. Canada

Canada is the second largest country in the world by area. Extremely industrial and advanced.An article was submitted by the British Columbia Election Commission in 2011 when the e-voting system was introduced after years of deliberation by Canada's central, provincial and municipal governments. This article was a complete refutation of e-vote. The problems with hacking, in part, led to long-standing opposition to the system. The e-vote was formally approved on February 17, 2016, stating that the 2018 elections would be held in state-of-the-art technology, and 1.57 ڈالر million was approved for software and other items required for the technology. (EX 20.5, Report for Action, from city clerk to executive committee, date 17/11/2016)

These elections took place in 2019 and 42% of the people preferred to cast their votes online, which is a great achievement in this regard after a great deal of opposition. Full details can be found on the Government of Canada website. (Online Voting: A Path Forward for Federal Elections. canada.ca)

4. Finland

Finland is a developed country located in the north of continental Europe. Finland began work on an online voting system based on kiosks. While this system has a central security system, it also has some flaws. Due to these shortcomings, the Supreme Court annulled the online local body elections held in 2008, and at the same time ordered re-election on the ballot paper. It was a big shock for the country's leaders, but they started working more diligently.

 (A Report on the Finnish E-Voting Pilot (Electronic Frontier Finland, 2009)

In 2016, the Finnish Ministry of Justice reiterated that delays in the e-vote system were necessary, but that delays were not the result of corruption but of finding a safe way to protect against cyber domain attacks. The online voting application, front-end system and back-end system are expected to be made more efficient. Finally, in 2019, after going through all the stages, the online voting was successfully held in the local body elections.

In addition to these countries, Israel, Uruguay, Argentina, Austria, Poland, Portugal and Switzerland have also introduced partial or complete e-voting system. Further research and work are underway to make it safer in France and several other European countries.

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