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⇒ Q. 1.

Sovereignty is the most essential element of statehood. Explain the difference in western and Islamic concepts of sovereignty.

⇒ Introduction:-

Sovereignty throughout history attained numerous ambiguous statements. Western political thinkers called it a supreme authority above all the people and the state's institutions. Moreover, there is a noteworthy distinction between the western and Islamic concepts of sovereignty. In either case, sovereignty, due to its unique characteristics, such as absoluteness, all-comprehensiveness, inalienability, and exclusiveness, is the most crucial element of a state, ensuring the rule of law, justice, unity, and stability in the state. Nevertheless, as elaborated earlier,

there is a vast difference between the western and Islamic concepts of Sovereignty. Western political system deems sovereignty, either an absolute or shared power, vested within a monarch, aristocrats, or democratic representatives. On the other hand, Sovereignty in Islam solely belongs to Allah Almighty, and men have been given divine responsibility to implement the Islamic injunctions in a state. In conclusion, sovereignty is a unique power formula that takes authority through the constitution, the law of the land, or divine authority.

→ Understanding the term "Sovereignty".

The most important characteristic of state is sovereignty, which distinguishes it from all other associations. Modern state is a sovereign state. There can be no state without sovereignty.

(i) Authority of the state:-

Sovereignty means the supremacy of the will of the state,

as expressed by its laws, over all individuals and associations within its boundaries. It means the supremacy of the authority of the state within its territories and against all powers and authorities beyond its frontiers. It is a supreme law making power of the state.

⇒ Various Definitions:-

Aristotle defines sovereignty as the "supreme power".

Hugo Grotius defined it as.

"The supreme political authority as no one above it, and no one can override its say."

⇒ Islamic view on Sovereignty:-

As per Islam, sovereignty, the ultimate authority, only belongs to one God, all powers and might are His, and the law of the land is the injunctions of Islam. Sharia, and Fiqh. This is the same concept of sovereignty advocated by Ibn-Abi-ni-Rabi, Al-Farabi, and Ibn Khaldun.

As per the Islamic ideal of dominion, men have been bestowed with limited power and freedom, and a muslim state should uphold the Islamic constitution and have no right to alter its commandments. In either condition, Sovereignty ensures autonomy from all external forces and its perceived above people, political institutions, and any material might.

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Main points about Sovereignty:-

- a. It is the supreme, unlimited and absolute power of the state.
- b. It is the supreme power to make laws and enforce them.
- c. Its authority cannot be resisted or disobeyed by any person or body of person within the state, nor does it ~~obey~~ obey any power outside its boundaries.
- d. No limitations can be placed on the supreme will of the state, except those which

it has imposed itself.

(e) The supreme law-making power is itself unlimited by law, it cannot be legally bound, except by its own will.

→ Characterizing Sovereignty as the most critical component of Statehood:-

The chief characteristics or attributes of Sovereignty are.

1. Absoluteness.
2. Indivisibility.
3. All-comprehensiveness.
4. Permanence.
5. Inalienability.
6. Exclusiveness.
7. Imprescriptibility.

→ Absoluteness:-

It means that the power or authority of the state is absolutely supreme and unlimited over all persons and associations, within its territory and against all powers.

⇒ Indivisibility:-

Sovereignty cannot be divided. Every state must have one supreme power in it. It is impossible to have two or more equally supreme powers in the same state. If so, one shall become supreme sooner or later.

"To divide sovereignty is
to destroy it" (John C. Calhoun)

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All comprehensiveness:-

Sovereignty of the state is all-comprehensive. It means that it extends to or comprehends all persons and associations within its territories. No one is exempt from obeying the laws of the state or commands of the sovereign.

⇒ Permanence:-

Sovereignty of the state lasts as long as the state continues to exist. This attribute points out the basic distinction between the state and the government.

The state is a permanent association; government is a temporary organization.

"The king is dead: long
lives the king."

→

Inalienability:-

By this we mean that the Supreme power cannot be alienated or taken away from the personality of its holder without destroying it. To alienate or give away sovereignty is to destroy it.

"Can no more be alienated
than a tree can alienate its
right to sprout or a man
can transfer his life or personality
without self-destruction." (Lieber)

⇒ Exclusiveness:-

By exclusiveness we mean that quality by virtue of which there can be only one Sovereign power in a state which is entitled to be legally obeyed by its citizens.

"There cannot be two
Kings in a kingdom."

→ Imprescriptibility:-

This characteristic follows from that of inalienability. It means that sovereignty is not lost even if its holder does not exercise or assert it for a long period of time.

"Once a Sovereign, always a Sovereign."

→ Differences in Western and Islamic Concepts of Sovereignty:-

Taking discourse over sovereignty according to the western and Islamic points of view, the total discourse is based on faith and value systems. Every aspect of sovereignty originates, divides, and has been proposed after taking consideration of their religion. Some of the prominent differences between the Western and Islamic concepts of sovereignty are discussed below.

→ The Concept of Sovereignty versus Islamic Sovereignty:-

Almost all Western nations throughout their history showed a deep antagonism

regarding Sovereignty. For instance, Plato granted the final authority and all Supreme powers to the philosopher king, and Aristotle talked about an absolute monarch and constitutional supremacy. After the treaty of Westphalia, the Roman, French, and Spanish empires referred to Popular Sovereignty; in lieu, many christian authorities advocated Sovereignty to the Trinity, making the commandments of the Bible the ultimate power. Later, the aristocratic notion of Sovereignty came into play in Europe, as the final say of Europe, as the final say of European nations rested with their aristocratic masters.

→. Republicanism versus Absolutism:-

Presently, Popular Sovereignty is on the rise. All Western representative governments acquire the will of people, formulate, amend, and implement laws and policies by following Bentham's formula of greatest happiness. Thus, the

Western Concept of Sovereignty is ever-changing, though the Supreme powers maintain their absoluteness, pursuing justice, equality, peace, and development through the utility of constitutional power and military might.

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Contrast in the formation of legislation:-

The Islamic Concept of Sovereignty alleges that men have no authority in making the law of the land; all men are equal, but men of calibre are chosen to establish the Islamic guidance, Shairah and Fiqh, in an Islamic state. However, in the western concept of sovereignty, men have the authority to make the law of the land, and the majority to make the law of the land, and the majority's choices and demands could become part of state's legislation.

→ Varying versus fixed Sovereignty

The changing nature of western Sovereignty is Common practice. European nations have generally gone through several Sovereignities, from absolutism to aristocracy and, finally, republicanism.

Islamic Concept of Sovereignty

1. Absolutism - God has final authority.

2.

Fixed legislation - Quran and Sharia.

3.

Safeguarding fundamental rights.

4.

Power over social, political, and economic life - reaching the purpose of state.

Western Concept of Sovereignty

1. Republicanism majority rules the office.

2.

Flexibility in constitution.

3.

Fulfilling the majority's demands along with fundamental rights.

4.

Power over political and economic life - lose control over society.

⇒ Critical Investigation:-

In a robust analysis, Sovereignty is a Supreme power, even though its inheritors may vary based on political and religious beliefs. The Western concept of Sovereignty has considered it unrestrained power, which is, above all, religious convictions, people, and the state's political and social entities, acquiring the objectives to meet the ends of a state. In contrast, although accepting its importance, Islam argues that Sovereignty belongs to a sole divine might, God, and the ends of a state must be accomplished by following the Islamic political system. Nonetheless, both scenarios preach the well-being of humans and their society by acquiring shrewder political, social, and economic strategies.

⇒ Final thoughts:-

In conclusion, the most prominent element of statehood is sovereignty,

it is the utility of Supreme authority in decision-making, implementation of law, maintenance of law-and-order, and application of justice, unity, Equality, Prosecution in case of evil conduct, and protection of statehood from external and internal enemy. However, there is a stark difference between the Western and Islamic models of Sovereignty. These two parallel realities possess a blunt variation in the utility of Sovereignty. From the Muslim viewpoint, the ultimate seat of authority resides with one God, and the law of Islam, Shariah, and Fiqh. No one with religious belief neglects its boundaries, not even the leader, ministers, chief justice, or any person who belongs to higher or lower ranks.
