

Shari'ah Status of Traffic Laws, an Analytical Study

Dr Mumtaz Ahmed Jasvi

Alumini Department of Islamic Studies, Lahore Garrison University

Dr Malik Kamran

Assistant Professor, Department of Islamic Studies, The University of Lahore

Dr Hafiz Zahid Farooq

Lecturer, Islamic studies, The University of Lahore.

Abstract

Precious human lives are being lost in road accidents and this rate is increasing day by day. According to the World Health Organization [WHO] report, about 1.3 million people die in road accidents every year. There are many reasons for these accidents. Among them, improper road structure, people using the road in a careless manner and lack of usage of safety measures, are on the top. In countries that have taken this aspect seriously, lives and property have been saved, while those who are neglecting road safety are carrying dead bodies of their loved ones. One of the main reasons for the lack of interest is the misconception that road safety is only related to driving. But one of the major causes of accidents is the road users on foot. This paper is to highlight the status of traffic laws. The main objective of this study is to elaborate the Shari'ah status of traffic laws. Descriptive research method is used for this study.

Key Words: *Safety, Accident, Traffic, Law, Road User*

Introduction

People don't know how to use the road on foot and as a result they cause accidents. This has also been pointed out by the World Health Organization. "Approximately 1.3 million people die each year as a result of road traffic crashes. More than half of all road traffic deaths are among vulnerable road users: pedestrians, cyclists, and motorcyclists"¹ Similarly, drivers, due to their clumsiness while using the road, ignore the rules and regulations laid down by the society and cause loss of life and property. It should be kept in mind that traffic rules are road safety. Are a part of and these laws are structured to address the movements and motions that lead to accidents. Now awareness and guidance about these laws is also a goal of road safety. So anyone who uses the road in any case will be safe if he keeps these road safety measures in mind. And if the God-willed will be careless, saying that every coming trouble is written by fate, and then loss will become his destiny. "Ignorance of the law is no excuse" is a translation of an English saying that is particularly applicable to our nation. Because most of the time when someone is stopped for violating the traffic law, the reaction is surprising. 'I didn't know about that' or 'this is my first time on this road' or 'I didn't see the signal' or 'I don't know if it's a There is a one-way road' etc. Once a gentleman said: When he was stopped for a red light violation and told that the signal in your direction turned red, didn't you see? He replied innocently, 'I didn't see you'; he meant that if he saw a traffic officer, he would have stopped at the signal. There is only a fear that someone will stop and fine, which wastes time and money.

The above statements are not based on any legal, ethical and logical basis. While living in a country, its legal and moral values are not known and someone violates them on the basis of their ignorance. This is a double crime; one is ignorance of basic values and then general violation of them. It is essential that every citizen of the country should know the basic proposed and prohibited activities of his society. On the other hand, it is also the duty of the responsible persons, officials or government institutions of this society to publicize or inform about it. And

the aspect of punishment should not be used until it is absolutely sure that the people have been well informed. It is that such and such a thing is disliked or reprehensible in this country and nation and such and such is liked and acceptable. This is a natural behavior because the entity that created us has also given us this rule by using the aspect of lenience on people that until the expression of something wrong or forbidden on people is scientifically satisfied, the aspect of punishment is not implemented. Should be done Allah Almighty has expressed this in numerous places in the Holy Quran. As the Almighty says.

وَمَا كَانَ رَبُّكَ مُهْلِكَ الْقُرَىٰ حَتَّىٰ يَبْعَثَ فِي أُمَّهَاتِنَا رَسُولًا يَتْلُو عَلَيْهِنَّ آيَاتِنَا ۗ ۲

“And your Lord will not destroy the towns until He has sent into their towns a messenger who will recite to them our revelations.” It is a special policy of Allah Almighty for His creation [man] that He does not punish an individual or a nation until He sends them a guide, a mentor, a warner or a prophet. After guidance and awareness, if someone goes against the declared rebellion, rebellion or teachings, then the power of punishment is used for him. In this way, the general excuse that such and such thing was not known is not justified. To punish without awareness or expression is not a civilized society, but civilized people and their institutions give proper awareness to each individual and they After that, if someone violates the values, rules and regulations, then he is reprimanded. In some societies, the aspect of punishment is not used at all, but psychologically, the reason is further removed and pushed him towards this negative activity. But on the other hand, justifying an individual or a group that they do not know the values, laws and prohibitions of the society or country in which they live is also a stupid thing.

On the one hand, every person should be aware of the legal and illegal things, what are the taboos and the known of this society, on the other hand, to discuss these things well at the government level and convey or inform them through any means. It is very important to give. In every respect and after using every available means, if someone intentionally violates, he should be reprimanded. Because in this reprimand of the individual, the survival of the whole society lies. Both aspects: informing and reprimanding, also lead to increase in positive performance of a society or country. Therefore, first of all there should be awareness and after that, if the need is felt, law enforcement or negative activities [which are harmful to the society as a whole] should be prevented by force. As a result, a society or a nation can be on the path of success. And if any one of these two aspects is neglected or left loose, then the results can be dangerous. If the element of prejudice and discrimination is added to these two aspects even a little bit, then all the efforts become futile because a society is prone to all kinds of evil. But injustice, discrimination and favoritism play the role of poison-killer for a society.

Status of Traffic Laws in a Society

Therefore, there is a dire need for every person to be familiar with the infrastructure of the road before entering the road and to know the rules and regulations of using the road on foot or by vehicle. Because every person uses some part of the road according to his chessboard. A pedestrian should be well aware of how to use the road safely on a bicycle, a bicycle or motorcyclist should know the basic things to keep in mind to avoid any personal or financial accident. And can save others from suffering from an unpleasant situation. In this way, if a person comes with a car, what precautions should he take or what factors should he use from the time he takes the car out of the house until he returns home or reaches his destination? You should bring, you should know all these things. When a driver starts the car, what to do before it, what to do after sitting in the car and what to do while driving on the road, it is very important to

know about all these precautions. So that he does not have to bear any kind of trouble. If the road user will be aware and know the things that should be known while using the road, he will not have the justification of ignorance. The above safety measures which are adopted while using the road are called “Road Safety Measures”.

Need of Traffic Rules Awareness

Many negative minded people openly violate these rules based on this theory that these laws are not made by Allah. Such people, being ignorant and half-educated, misbehave with the traffic officials also and sometimes it leads to a fight. Therefore, the opinions and fatwas of our country's famous muftis and the fatwa of the Grand Mufti [Saudi Arabia] on crossing the red traffic light have been made.³ Everyone has contact with the road and whoever [men, women, children and old people] leaves the house and walks in the street outside his house; he encounters some kind of vehicle. According to the width of the road built in every colony, neighborhood, some bicycle, motorcycle, donkey cart, rickshaw, car must run. Therefore, every road user should know at least the basics to ensure their safety.

For this, it was necessary that the awareness of road safety should be made somehow from childhood. Proper training should have been organized in our schools but also in our homes because accidents happen in the streets as well. Where a vehicle can drive, the risk of an accident is inevitable. It is not only the country's responsibility to take safety or safety measures for people walking on the road, but it is necessary for every citizen and every member of the society to play their role according to their ability. The awareness of the individual is an aspect that can avoid any unpleasant incident. Whenever there is a discussion about the safe use of the road [Road Safety] at the international level, usually three aspects are discussed. Their improvement leads to a reduction in accidents and their deterioration leads to an increase in accident rates. Those three aspects are: suitability of the road, awareness of the individual's road and impartial enforcement of the law.

The term "Es3" is used in English literature for these three aspects. Es3 There is above 3 aspects in which if improved, the road becomes a safe place for the common citizen. If he knows the basics of the road and if he fears that he may be reprimanded for any misbehavior or violation of the law, then he will see order and civil behavior on the road. The main and central aspect of this book is the awareness of the individual, by which not only the individual but the entire society is to be made aware of the road so that the life and property of the people can be protected by making the road a safe place. The other two aspects will also be briefly discussed because implementing the law and making the road suitable is the work of institutions at the government level, while awareness can be given by individuals and institutions. Unfortunately there is no specific institution, school or any organization to educate or guide people about the road. Yes, people are working individually. They are informed by writing, lecturing and actually bringing people together. The purpose of this book is that when people move or travel from one place to another on foot or by vehicle, they should know the basic things that can make their journey safe. Internationally. Three aspects of road safety awareness are generally discussed. Which have been mentioned in the case of previous Es3? They are further explained separately below keeping in view their effects. “Today there is a need to focus on few things about technical aspects of road safety, a need to revisit 3 Es of Road Safety which is an acronym for three major aspects Engineering, Education and Enforcement.”⁴

These three aspects are: Engineering of Roads, Education and Enforcement of Laws. Now, if these three aspects are adequately and properly planned in a place, then the rate of unpleasant incidents will definitely decrease. But if the right way to use the road is known and those who violate the rules are reprimanded appropriately and without discrimination, then the objectives can be achieved to a greater extent. An individual's awareness mainly affects the other aspects in a positive manner. If a person uses the road properly and within the bounds of the law, he will protect himself as well as make it easier for the law enforcers and similarly, if there is any deficiency in the road structure Or the omission may have been left but the person or road user has full guidance and will use the road properly. Even in this way his journey will be safe. Awareness of the individual is of prime importance considering road safety. Therefore, the structure of the road and its basic structure are discussed for the awareness of the individual. Every [Road User] should be familiar with the basics of the road. A man, in every way he is a driver when he is on foot, should know the basics that make it safe to travel on the road. If a person does not know where and how to walk on the road? What are the things to keep in mind while driving? Where to cross the road? What causes accidents? Every person using the road will be well aware of all these things, then he himself and others will be safe

Finally, those who walk or drive on the road willfully create disorder or violate the rules and regulations laid down, it is necessary to punish them as a warning. This punishment is physical, psychological and financial in every way. If this aspect is neglected or lax in enforcement, it encourages people who habitually ignore the established traffic rules. Everyone should know the basics of what works on the road. Is it necessary to carry out? And what actions should be avoided while using the road? For safety and a secure society, it is essential that non-discriminatory action be taken. Those nations who respect their laws have a secure future. Their coming generation is also protected. They are counted among the civilized nations. If a servant has proper knowledge, he finds the right path and he is afraid of punishment for violating the rules and regulations that he can be held accountable. So not only he will make himself safe but his whole society will be safe. The main purpose of writing this book is to create awareness among people. These issues are to be highlighted which can be implemented to establish discipline on the road. In this way, the loss of many precious lives can be avoided and our name can also be included in the list of civilized nations.

Traffic Laws and Human Protection

The main purpose of traffic laws is to protect the people when a person uses traffic. The main purpose of the traffic officer who is posted at any place is to protect the people who are using the road or to remove such obstacles from the way of the public which hinders the use of the road. . For this purpose he performs duty in an unnatural environment to keep the flow of traffic smooth and orderly. Appropriate reprimands are given to people who violate road traffic rules. As traffic officer in the course of his duty facilitates people indiscriminately and takes numerous safety measures for them when people move from one place to another. The place is moved on foot or by car.

Similarly, every traffic official should also keep in mind that whatever he has to do in the course of his duty is for the collective benefit of the public. For this purpose, he conducts traffic by signaling with his hands during rush hours or in places where there are no traffic signals. In case of an accident, the first responder is a traffic officer. Likewise, every traffic police officer who is performing his duty should help people as much as possible when they come on the road

and be a source of convenience for them. Be it related to basic awareness, road texture or law enforcement issues. On that basis, a traffic officer's on-duty activities are the essence of all activities. It is to give safe passage to the people without discrimination. Therefore, if other government and non-government organizations cooperate in the work of the traffic police where they are needed, then the performance of the traffic police will be improved. Often people's reaction is surprising when people demand things from the traffic police that are not within their reach or are not included in their duty. For example: Encroachments and poor road structures create dangerous problems in traffic flow. Therefore, if the special institutions created for this do not perform their work properly or if they do any kind of negligence, then the public has to bear the consequences, but at the same time, the performance of the traffic police is also negatively affected.

Better performance of traffic police depends on more than one agency. If they respond timely and appropriately, the positive graph of the traffic police increases, but on the contrary, if these institutions fail to cooperate with the traffic police, the performance of the traffic police is adversely affected. Even the poor performance of any of these institutions has to be borne by the traffic police. If people want to protest against any institution, they sit on a busy highway and block the traffic. The protest is against some other institution but the victim is the traffic police. The incompetence of the rest of the institutions and their wrong policies has to be borne by the traffic police. The traffic police have to be on the move in case of protest first and till the coordination between the parties and have to give duty beyond normal conditions.

Maybe that's why people block the road in protest because by stopping the traffic, the whole system is suspended. The performance of organizations depends on better traffic flow. In other words, better traffic flow actually helps in the better performance of all institutions. On the other hand, when these institutions work with good intentions, the positive performance of the traffic police increases. Better flow of traffic on a road is due to the efforts of many institutions, so it is too much to blame the traffic police only when there is a problem. For example, if the traffic is not moving properly due to encroachment, the responsibility should be taken by the concerned body and not by the traffic police. But on the contrary, expectations of improvement in all roads related matters are attributed only to the traffic police and demand for better performance from them, even though their auxiliary agencies do not help them or do their part at all. Have zero efficiency.

Shari'ah Status of Traffic Laws

Every divine religion has been revealed for the guidance and protection of man. Basically, when man goes astray from the straight path, the creator of man guides the rest of the people through his special servants to bring them to the right path. It also aims to rid them of wrong beliefs, superstitions and factors that cause psychological and physical harm. Every aspect of the religion of Islam is in harmony with human nature and in the Islamic Shari'ah every such act is declared as disliked (*makruh*) which is against nature or not in human interest. One of the main objectives of Islamic law is to protect human life and property.

Imam Abu Hamid al-Ghazali [died 1111/505H] says: "The main purpose of Shari'ah is to promote the welfare of people. It is in the protection of religion, life, intellect, race and property. Anything that has the guarantee of these five protections, it benefits the servants of God and that is desirable and whatever is detrimental to these five objectives is against the public interest and should be removed."⁵

Islamic Sharia supports such rules and regulations that are made to protect human life or property. The main purpose of traffic laws is also to protect human life and property. Therefore, those measures which are in the public interest and do not conflict with the Islamic basic structure are considered to be part of Islamic teachings. They are actually a part of the basic mission of Shari at-i-Islamia in terms of its basic spirit and purpose. Therefore, logically, following them is actually the fulfillment of the basic purpose of Islam, which is the goal of Shari at-i-Islamia in general. . The second important thing is that those which are not proven by the Qur'anic text and the Muslim rulers formulate them for administrative matters, even though they have not been implemented before, nor have they been discussed by any Muhadith, Fiqh or Qazi, their implementation is actually Sharia law. It is equivalent to following Islam as Allah said;

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولَى الْأَمْرِ مِنْكُمْ⁶

“O you, who have believed, obey God and obey the Messenger and those in authority among you”. There is a consensus on this. And this is the position of the public scholars and jurists. The traffic laws of any country are made for the safety of human beings. Therefore, it is obligatory to follow them. For this purpose, in order to establish the matter on a more authentic and solid basis, "What is the Shari'ah status of traffic laws?" the opinions of Muftis from different schools of thought of Pakistan and their fatwas are discussed. Part of the book is designed to address those who ignore the penal system by saying that obeying traffic laws is a divine commandment. They can be justified to act.

A paper "Observance of Traffic Laws in the Light of Shari'ah Principles" which is mainly in Arabic, the Urdu translation of which is available on the net. In it, the essayist "Fazl Ullah Mumtaz" has argued that traffic rules are made by the ruler and must be followed for human safety. He writes: Disobeying the traffic signals is not allowed in any way. Because these indications are based on the ruler's words, such as when the ruler says, "Stop" or says, "Let's go," and as Muslims, it is our duty to obey every (legitimate) command of the ruler, because Allah says: O you who believe! Obey Allah and obey the Prophet (peace and blessings of Allah be upon him) and those in authority among you.”⁷

Islamic Teaching for Road Users

One of the main objectives of Islamic Sharia is the protection of human life. That is why in Islamic Shari'ah, every work, action or rule is permissible, permissible and commendable which are used for the protection of human life or the protection of society. Similarly, Islam supports policies that a ruler formulates for the benefit of the common people. If a ruler issues such orders which are designed for the welfare of the people, they will lead to worldly and hereafter welfare for that ruler. Because protecting a person's life or his property is also an act of worship. That is why Allah called the one who saves the life of a human being to give life to the whole universe

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا⁸

“He who gave life to one, as if he gave life to all men” Keeping in view the public interest or public welfare, rulers, judges and jurists have also been instructed to give fatwa, issue or implement orders according to the nature, condition and character of the people. Do not attempt to enforce any order that may endanger human life or is beyond human control. Further, such laws should be made to prevent people from doing such things, due to which the safety or life of the public will be at stake. Even in Islamic Shari'ah, it is recommended to keep oneself

away from physically or psychologically harmful activities in order to earn good intentions and reward. For the sake of increase in spirituality or for self-purification, one cannot adopt such an activity which cannot be borne by a common man, which is contrary to human nature. Any such act cannot be a part of Islamic law. A person cannot involve himself in any harmful or harmful activities as it is forbidden according to Islamic teachings. As the Almighty says

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ⁹

“And do not perish by your own hands”. Traffic rules or all those functions which are used to improve the flow of traffic or on the basis of which rules are formulated have the primary objective of protecting human life and property while they are on the road. If someone is stopped on the wrong way, it means that using the road in that way or in that manner is fraught with danger. If a person does not pay attention to the traffic signal, it means that he does not care not only about his own life but also about the lives of others. Similarly, people give various justifications for not wearing a helmet even though the same helmet acts as a shell or protective shield around the human head and protects it when an accident occurs. A helmet protects a person's control system [head]. Limits major damage to minor damage. If one does not wear a helmet, comes from the wrong way or does not pay attention to the signs, it means that he puts himself in danger and also denies the divine order under the above mentioned verse, in which it is clearly ordered. That is, 'Don't put yourself to death'.

Taking into consideration the accidents and loss of precious lives and property resulting from violation of traffic rules, Islamic scholars of various countries have termed violation of traffic rules as "against Shari at-i-Fal", "a major sin" and "a cause of destruction". It has been declared. For this matter, the Grand Mufti of Saudi Arabia has also issued a fatwa that violating traffic laws is forbidden and an act equivalent to a grave sin. “According to Al-Arabiya TV channel, the Grand Mufti of Saudi Arabia, Abdul Aziz Al-Sheikh, has reiterated his fatwa once again and said that violating the traffic rules is a 'big sin'. Violation is a major sin. In this fatwa, he has referred to the Quranic verse¹⁰”

If you want to understand the overall behavior of an individual or a nation, it is enough to observe what kind of behavior that person or nation is adopting while using the road. When using the road, discipline, politeness, courage, selflessness, giving priority to others and obeying the rules, the overall attitude of the person or nation is positive. And if there is disorderly traffic on the road, haste among people, exploitation of each other and violation of laws, and then every person of this nation needs reformation. In other words, the way of walking on the road shows that the totality of people how is the attitude? And this behavior is a reflection of their thinking and training. The reformation and training of the individual begins with the training of the parents. One is taught from home to give priority to others over oneself. Our religion also teaches us that it is a moral, religious and social duty of everyone to give priority to others in difficult situations. Islam educates man in a positive way. Islam advises man to be patient by whom he waits for his turn on the road or for his signal to turn green. Showing a smiling face on the road is a sign of a Muslim. It is a sign of a Muslim to walk on the road by staying in his own lane and avoiding the exploitation of others. It would be naive to say that a good Muslim can only be a good road user or show positive attitude on the road. Breaking the rules on the road is a form of arrogance and respecting the rules is a sign of humility and apostasy. Therefore, a Muslim is a law-abiding and humble person. This humility of his is seen in walking. As Allah says in the Holy Quran:

وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا إِنَّكَ لَنْ تَخْرِقَ الْأَرْضَ وَلَنْ تَبْلُغَ الْجِبَالَ طُولًا¹¹

“And it will not walk while descending into the earth, surely it will not tear the earth apart and it will not reach the mountains in height. Islam advises to take care of the rights of others and treat them with kindness.” Which means, while using the road, whoever has the right will use the road in the same way or in the same manner? A motorcyclist has the right to walk in such and such a lane and a vehicle owner in such and such a lane shall not deprive each other of their rights. Pedestrians have the right to leave the sidewalk empty for them. Those who drive a motorcycle or do any kind of business on the sidewalk actually deny the right of pedestrians. If done, it is a violation of a traffic law. It can also be taken to mean that the person or driver blocked the path of pedestrians or violated the right of way of pedestrians, because he violated the right of a person. Is that why he was punished in the form of a fine?

Concluding Points

This is the Islamic teachings that no one's right should be taken away. It means that a person or a society has the name of the Islamic origin of the observance of such laws in which human safety is guaranteed. If a person [Muslim] while using the road. If he adopts a negative attitude, then he is actually a nominal Muslim and his character is not that of a Muslim or is not a character that is demanded by Islam. Therefore, if the traffic laws are followed in this way or with the purpose of protecting the property and life of others or the human body and life which are the trust of Allah and to avoid such factors that may "Islamic teachings support traffic laws or deviating from them is forbidden according to Islamic teachings" to further explain this matter. Therefore, the fatwas of the muftis of Pakistan were taken because people asked questions to the muftis of Pakistan in response to the fatwa of the Saudi Grand Mufti. The muftis of Pakistan also supported him and made it clear that following the traffic rules is obligatory and their violation is a sin. As mentioned below in Fatwa No. 04, traffic rules are mandatory .

Referencres

¹ WHO report about road crashes, last modified July 9, 2024. <https://www.who.int/news-room/fact-sheets/detail/road-traffic-injuries>

Al-Qur'an, 28:59²

³ Traffic Violations and Verdicts of Islamic Scholars, Last Modified July 27, 2022, https://www.bbc.com/urdu/world/2014/04/140429_saudi_traffic_lights_violation_edict_rh

⁴ 3Es of road safety Enginnering, Education and Enforcement, Last modified July 04, 2022.

<http://parkheavens.blogspot.com/2010/06/3-es-of-road-safety-engineering.html>,

⁵ Muhammad Umar Chapra, Islamic Concept of Revolution in view of Shari'ah Objectives, New Delhi: Alfa Publishers, 09.

⁶Al-Qur'an, 04:59

⁷ Fazl Ullah Mumtaz, Traffic Rules in view of Islam, Last modified August 24, 2022, <https://islamfort.com/traffic-qawaneen-ki-pasdari-sharai-usolon-ki-roshni-me/>

⁸ Al-Qur'an, 5:32

⁹Al-Qur'an, 02:195

¹⁰ Traffic Violations and Verdicts of Islamic Scholars, Last Modified July 27, 2022, https://www.bbc.com/urdu/world/2014/04/140429_saudi_traffic_lights_violation_edict_rh

¹¹Al-Qur'an, 17:37