

THE PROPAGATION OF VIRTUE AND PREVENTION OF VICE LAW

Islamic Emirate of Afghanistan
Ministry of Justice
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In the name of Allah, the Beneficent, the Merciful

Praise be to Allah, the Lord of the Worlds. Blessings and peace upon the foremost of the messengers, and on all his family and companions.

THE DECREE OF THE AMIR AL-MU'MININ, MAY ALLAH PRESERVE HIM, REGARDING THE IMPLEMENTATION OF THE PROPAGATION OF VIRTUE AND PREVENTION OF VICE LAW

Number: 1

Date: 3/1/1446 AH

Article 1

I hereby endorse the Propagation of Virtue and Prevention of Vice Law, composed of one preface, four sections and 35 articles.

Article 2

This law shall be enforced from the date the decree is signed and the text of the law shall be published in the Official Gazette.

Peace be upon you and the mercy of Allah and His blessings!

Amir al-Mu'minin [Commander of the Faithful] Sheikh al-Quran and Hadith Mawlawi
Hibatullah Akhundzada

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In the name of Allah, the Beneficent, the Merciful
 Praise be to Allah, the Lord of the Worlds. Blessings and peace upon the
 foremost of the messengers, and on all his family and companions.

THE LAW ON THE PROMOTION OF VIRTUE AND PREVENTION OF VICE

PREFACE

Basis

Article 1

This law is based on decree number 9 issued by the esteemed Amir al-Mu'minin, may Allah preserve him, on 28/3/1444AH, corresponding to 2/8/1402 in the Hijri solar calendar [25 August 2023].

Aims

Article 2

1. The aim of this law is to organise matters related to the promotion of virtue and prevention of vice, and
2. To lay out the duties and capacities of those who are charged with enforcing this law.

Terminology

Article 3

These are the meanings of certain terms referred to in the course of this legal document:

1. *Ihtisab* [enforcement]: Conducted by the enforcer to promote Islamic law – *sharia* – and all virtuous acts that are in accordance with Islamic law and to prevent any deviation from Islamic law.
2. *Muhtasib* [enforcer]: The person who has been delegated by the Amir al-Mu'minin, or by a person authorised by the Commander of the Faithful, to carry out the task of enforcement.
3. *Muhtasib fihi* [that which is being enforced]: Actions that are subject to an enforcer's enforcement.
4. *Ma'ruf* [virtue]: Every word or deed that is approved of by Islamic law.
5. *Amr bi'l-ma'ruf* [promotion of virtue]: To require obedience to the Messenger of Allah ﷺ, along with action in accordance with Islamic law.

6. *Munkar* [vice]: Every word and deed that is disapproved of by Islamic law.
7. *Nahi an il-munkar* [prevention of vice]: To prevent any such word or deed that does not accord with Islamic law.
8. *Muhtasib alaihi* [the one upon whom enforcement is being conducted]: The person from whom an enforcer requires virtuous conduct and avoidance of that which sharia disapproves.
9. *Ta'zir* [punishment]: Action taken that is in accordance with Islamic law, and this particular law, by the enforcer when some manifest act that contradicts sharia takes place.
10. *Sharia hijab*: Clothes which cover a woman's whole body from everyone [ie men] who is not her mahram [everyone who is not her close male relative] so long as those clothes are not thin, short or tight.

Area of enforcement

Article 4

This law will be implemented in all departments, in public places and for everyone who lives in the country of Afghanistan.

Responsibility for implementation

Article 5

The Ministry of Promotion of Virtue, Prohibition of Vice and Hearing of Complaints is responsible for implementing the orders contained in this law.

Establishment of virtue and prohibition of vice

Article 6

1. The Ministry of Promotion of Virtue, Prohibition of Vice and Hearing of Complaints is responsible for exhorting people to virtue and prohibiting vice, in accordance with Islamic law and Hanafi jurisprudence.
2. The Ministry of Promotion of Virtue, Prohibition of Vice and Hearing of Complaints is responsible for promoting peace and brotherhood among the population and to deter them from ethnic, linguistic and regional prejudice.

Limitation of responsibility for establishing virtue and extirpating vice

Article 7

Everyone is able to stand up for virtue and against wrongdoing, but the responsibility for doing so has been limited to enforcers.

Abbreviation

Article 8

The Ministry of Promotion of Virtue, Prohibition of Vice and Hearing of Complaints will, hereafter, be referred to as the Ministry in this legal document.

CHAPTER ONE

RULES FOR THE ENFORCER, THE ENFORCEE AND THAT WHICH IS BEING ENFORCED. CONDITIONS, MANNERS AND PRINCIPLES OF ENFORCEMENT.

Qualifications and attributes of a Muhtasib (enforcer)

Article 9

A person is fit to be appointed as an enforcer if he fulfils the following conditions:

1. Islam.
2. Is bound by Islamic tenets (has reached puberty and is of sound mind).
3. Has knowledge of the Islamic injunctions which he is promoting, along with the things which he is prohibiting.
4. Has a good idea of the benefits of removing vice and asserting virtue, when to be engaged in the prohibition of one, and promotion of the other.
5. A sense of justice.
6. Has the capacity to promote and prohibit.

A person is able to work as an enforcer if he fulfils the following conditions:

1. Is himself a manifestation of virtue and avoids all forms of iniquity and vice.
2. Is sincere, not ostentatious, nor seeking any worldly reward or respect of men.
3. Is kind.
4. Practices forbearance and patience.

Conditions and principles relating to enforcement and the enforcer

Article 10

Conditions and principles relating to enforcement and the enforcer are as follows:

1. Respect for everyone's [social] standing and human dignity, ensuring good treatment for everyone when promoting virtue or prohibiting vice.
2. Prohibition of any wrong behaviour they see with their eyes.
3. Prohibition of any wrong behaviour they hear with their ears.
4. When promoting virtue or prohibiting vice, not prying into people's private sins; avoiding entering their homes, except in cases when it is allowed, according to Islamic law.
5. Prohibition of any wrong behaviour that is testified to by two persons whose testimony is acceptable.
6. Prohibition of wrong behaviour in such a manner that it does not lead to another wrongful act of similar or greater seriousness.

7. In establishing virtuous behaviour and eliminating iniquity, adhering to justice and not being discriminatory in any way.
8. When promoting virtue or prohibiting vice, dealing with more important matters before attending to other less important matters.
9. Explaining the harm in his actions to a perpetrator of vice.
10. Exhorting and admonishing in a soft manner.
11. Only using force when there is no fear of any untoward incident taking place as a result of it.

Conditions relating to the enforcer

Article 11

- 1) Conditions relating to the enforcer are as follows:
 1. To be engaged in some wrongdoing, from which one is, from an Islamic point of view, obliged to refrain.
 2. To be avoiding some good deed, which one is Islamically obliged to carry out.
- 2) The enforcer is obliged to promote virtue and prohibit wrongdoing when the conditions mentioned are present, in the case of the enforcer.

Conditions relating to that which is being enforced

Article 12

Conditions relating to that which is being enforced are as follows:

1. The word or action that is subject to enforcement, or that which leads up to it, is present.
2. Without having to conduct any investigation, the matter to be enforced should manifest itself in such a manner that the enforcer can either see it or hear it, or credible information about it reaches him in a manner consistent with this law.
3. The wrongdoing should be evident without it having to be ascertained through investigation.

Injunctions related to women covering themselves

Article 13

1. A woman is required to cover her entire body.
2. A woman should cover her face in order to prevent some *fitna* [social disorder or chaos, which can itself facilitate sin] taking place.
3. Women's voices (in a song, a hymn, or a recital out loud in a gathering) are also something that should be concealed.
4. A woman's clothes should not be thin, short or tight.
5. It is the responsibility of women to hide their body and their face from men who are not their *mahram* – close relatives.
6. It is obligatory for Muslim and righteous women to cover themselves in front of non-believing or loose women, so that no *fitna* may ensue.

7. It is forbidden for unrelated men to look at a woman's body or face. Likewise, women are not allowed to look at strange men.
8. If an adult woman leaves home because of some urgent need, she is duty-bound to hide her voice, face and body.

Laws for the covering of the male body

Article 14

1. The part of a man's body that should be covered is from his waist down to his knees. Knees are also required to be covered.
2. Men are required to adhere to the order contained in the first clause of this article, along with other injunctions related to segregation.
3. While pursuing pastimes and exercise, men are obliged to wear clothes that conceal the required parts of the body. Their clothes should not be very tight, nor should certain parts of the body be apparent.

Duties of the enforcer related to people covering themselves

Article 15

Enforcers are obliged to promote virtue and prevent vice with regard to both men and women, in accordance with the orders contained in this law.

CHAPTER TWO

DUTIES AND RESPONSIBILITIES OF ENFORCERS

Actions that are required of the enforcer with regard to the veneration of Islamic holy places, the prophets on whom be blessings and peace, the gracious companions, may Allah be pleased with them, and pious predecessors, may Allah have mercy on them.

Article 16

1. An enforcer is duty-bound, in accordance with Islamic law, to ensure that Emirate functionaries and the general population accord due veneration to Islamic holy places, the prophets on whom be blessings and peace, the gracious companions, may Allah be pleased with them, and pious predecessors, may Allah have mercy on them.
2. An enforcer is duty-bound to punish any person who contravenes the order contained in clause number one, in accordance with the orders contained in this law.

The enforcer's duties with regard to the press and news organisations

Article 17

An enforcer is duty-bound to ensure that those working for the press and news organisations observe the following virtuous rules when publishing reports:

1. To publish reports that do not contradict Islamic law and religion.
2. To publish reports that do not deride or humiliate Muslims.
3. To publish reports that do not contain pictures of any animate object.

The enforcer's duties relating to traders, artisans and farmers

Article 18

An enforcer is duty-bound to ensure that traders, artisans and farmers, when conducting their affairs and carrying out their functions, observe the following rules:

1. At the set times, to offer prayers in congregation in the mosque.
2. Pay the *zakat* [tax on an increase in flocks or herds], *ushr* [tax on harvest] and fulfil other financial obligations to those who are deserving at the appropriate time.
3. To conduct their affairs in accordance with the Hanafi school of law.
4. To avoid usury, hoarding, hiding defects in some items, cheating, selling people short in weight or measure, forcing people to buy something, injustice, swearing oaths and committing other un-Islamic actions in their dealings.

5. To abstain from selling or buying anything that is prohibited or unlawful in Islamic law, like wine, meat that is not allowed, blood, weapons, military ammunition and equipment, along with pictures of animate objects.
6. To avoid the use of pictures of any animate object when advertising some product.
7. To avoid selling or making use of any part of the human body, such as kidneys, livers, eyes and human hair.

The enforcer's duties with regard to sightseeing and recreation spots

Article 19

An enforcer is duty-bound to ensure that staff responsible for sightseeing and recreation spots observe the following rules:

1. To construct a mosque for offering prayers in congregation.
2. To ensure that staff and tourists observe congregational prayer.

The enforcer's duties with regard to passenger vehicles, lorries, motorcycles and other such vehicles

Article 20

An enforcer is duty-bound to ensure that staff and drivers of commercial vehicles observe the following rules:

1. Not to play music.
2. Not to use intoxicating substances or smuggle items.
3. Not to transport any woman who is not covered.
4. Not to allow women to sit or mingle with an unrelated man.
5. Not to transport any woman who is not in the company of an adult male who is a close relative and of sound mind.
6. That transport companies make a schedule that ensures that drivers and passengers are praying at the proper time.

The enforcer's duties with regard to public baths

Article 21

An enforcer is duty-bound to ensure that people using public baths and swimmers cover the required parts of the body.

The enforcer's duties with regard to individual wrongful acts

Article 22

An enforcer is duty-bound to prevent the following individual, wrongful acts:

1. Adultery, whether forced or consensual, whether hidden or in public. Similarly, temporary marriage is also not allowed.
2. Fornication.
3. Lesbianism.

4. Anal sex, even if it is with one's own wife.
5. Paedophilia.
6. Gambling, egg-fighting, *mardaki* [a betting game played with stones in southern Afghanistan and walnuts in eastern Afghanistan], *beday* [a game played in Kandahar, Helmand, Zabul and Loya Paktia with the bones of sheep and goats], playing with walnuts and other [gaming].
7. The creation of a platform or circumstances conducive to adultery, fornication, lesbianism, anal sex, paedophilia or gambling.
8. Making dogs, cocks, quails, pheasants or any other animals or birds fight with each other.
8. Wrongful use of tape recorders or radio; making pictures or videos of any animate object on computers or mobile phones, or any other such device.
10. The sound of a woman's voice or any music emanating from any gathering or from the home.
11. The use, buying and selling, storing or smuggling of any narcotics or liquor.
12. Revealing of parts of the body that are required to be concealed.
13. Women not covering themselves properly.
14. Not praying or delaying one's prayers.
15. Omitting mandatory and obligatory prayers.
16. Not praying in congregation.
17. Neglecting obligatory fasts.
18. Shaving one's beard or reducing it to less than the width of a fist.
19. Styling one's hair in an un-Islamic manner.
20. Befriending non-Muslims and assisting them; imitating them in one's appearance or character.
21. Observing Nawruz, Shab-e Yalda [festival marking the winter solstice], fireworks night and other festivals which are common among Muslims, but have no Islamic foundation.
22. Wearing and popularising crucifixes, neckties and other such un-Islamic symbols.
23. Implementing and popularising particular practises which are disapproved of and considered innovations [that which is newly introduced, is without precedent and contravenes the Quran or the tradition of the Prophet] in trusted books of Hanafi jurisprudence.
24. Disobeying one's parents.
25. Not respecting the rights of others.
26. Dealing harshly with orphans and those who have been wronged.

The enforcer's duties with regard to minorities living under an Islamic government, asylum-seekers, children and the mentally handicapped Article 23

1. An enforcer is duty-bound to prevent minorities living under an Islamic government and asylum-seekers from open perpetration of wrongful acts.
2. If a child or a mentally handicapped person commits a wrongful act, then the enforcer is duty-bound to put an end to that wrongful act.

CHAPTER THREE

PUNISHMENTS

Punishment administered by the enforcer

Article 24

1). A person who commits a wrongful act, in plain sight, is liable for punishment from the enforcer who, once he sets sight on both the sin and the perpetrator, should deal with it in the following manner:

1. Exhortation.
2. Reminding the person concerned of the displeasure of Allah that will ensue from such an act.
3. Threatening and punishing using strong words.
4. To punish the perpetrator with a fine.
5. To detain the perpetrator in a public prison from one to 24 hours.
6. To detain the perpetrator in a public prison for one to three days.
7. Any punishment that an enforcer considers appropriate, and which is not the exclusive prerogative of a court of law.
8. The enforcer is duty-bound, in the course of promoting virtue and prohibiting vice, to observe the various stages of punishment outlined in clause one of this article.

Rights of a director and commander with regard to punishment

Article 25

1. The directors of Promotion of Virtue and Prohibition of Vice on a provincial and city level have the right to deliver punishments as laid out in a) to g) of article 24, upon witnessing any such wrongful act.
2. The commanders of Promotion of Virtue and Prohibition of Vice on a district and department level have the right to deliver punishments as laid out in a) to g) of article 24, in consultation with the director, upon witnessing any such wrongful act.
3. In case the perpetrator, following implementation of clauses 1 and 2 of this article, does not mend his ways, then his case will be referred to a court of law.

Conditions under which a perpetrator is referred to the concerned court of law

Article 26

In the following circumstances, the enforcer will refer the perpetrator to the concerned court of law:

1. In case someone, without any valid excuse, repeatedly omits saying his daily obligatory and mandatory prayers.
2. In case someone, without any reasonable excuse, repeatedly omits joining in congregational prayers.
3. In case any community collectively omits saying the call to prayer or offering congregational prayers.
4. In case someone, without any valid excuse, does not fast during the holy month of fasting.
5. In case children are repeatedly disobedient to their parents.
6. In case anyone mistreats an orphan or misuses their property.
7. In case a person does not perform all the virtuous acts that are required of him or does not avoid all the iniquitous acts from which he should refrain.

An enforcer's duties with regard to his prisoners

Article 27

1. An enforcer is duty-bound to release any prisoner he has in his custody, immediately, once the prisoner's term has come to an end.
2. An enforcer is duty-bound to ensure and recommend that prisoners are able to offer their daily prayers, that their daily needs are met and that necessary facilities are provided to them.

CHAPTER FOUR

MISCELLANEOUS INJUNCTIONS

Ensuring good relations among the general public

Article 28

In order to achieve the following objectives, the Ministry is duty-bound to consult with religious scholars, with teachers in madrasas, schools and higher learning institutes and with pious and eminent individuals:

1. In working to promote virtue and eliminate vice.
2. In preventing the enemies of Islam from popularising iniquitous behaviour.

Monitoring and evaluation

Article 29

The Ministry is duty-bound to monitor the work of those delegated with the task of promotion of virtue, eliminating of vice and hearing of complaints.

Reporting

Article 30

1. Those who work in the Ministry are duty-bound to report to the Ministry on how they have discharged their duties and performed their functions.
2. The Ministry is duty-bound to submit reports to the office of the esteemed Commander of the Faithful, may Allah preserve him.

Training and education of enforcers and workers

Article 31

The Ministry is duty-bound, keeping in mind circumstances, to hold seminars aimed at educating and training for its enforcers and workers, to ensure that they are acquainted with the orders contained this law, as well as with other legal documents and with the effective principles and methods of the promotion of virtue and prohibition of vice, along with the hearing of complaints.

Seeking guidance

Article 32

In case an enforcer should come across a situation, concerning which he has not been made aware, either in this law or in other related legal documents, then he is duty-bound to inform the director about the situation, so that a higher authority could seek guidance and direction from the esteemed Amir al-Mu'minin, may Allah preserve him.

Obtaining assistance

Article 33

Through its provincial functionaries, the Ministry is duty-bound to share its method of conducting the promotion of virtue, prevention of vice and hearing of complaints with other provincial government functionaries, so that their assistance may be available.

Presenting methodology and procedure

Article 34

In order to implement the orders of this law in the best possible manner, the Ministry should compile its methodology and procedure and present it for approval in the presence of the esteemed Amir al-Mu'minin, may Allah preserve him.

Implementation

Article 35

This law will be implemented from the day of its publication. It should be published in the official circular. Other laws, which have not been approved or published by the esteemed Amir al-Mu'minin, may Allah preserve him, or those which differ from this law, are hereby annulled.