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Islamic Emirate of Afghanistan

Ministry of Justice

Official Gazette

- **Law on Propagation of Virtue and Prevention of Vice**
- **Decree of His Excellency Amir al-Momenin (May Allah Almighty Protect Him)**

Date Published: 31 July 2024

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In the name of Allah, the Most Merciful, the Most Gracious

Praise be to Allah (SWT), Lord of the Worlds, and May the Peace and Blessings of Allah Almighty be on His Messenger - Muhammad (PBUH), his family, and his companions.

Decree of His Excellency Amir al-Momenin [the Supreme Leader] (May Allah "SWT" Protect Him) on the Enforcement of the Law on the Propagation of Virtue and the Prevention of Vice

No. (1)

Date: 9 July 2024

Article 1:

I, hereby, endorse the Law on Propagation of Virtue and Prevention of Vice, containing one Introduction, four Chapters, and thirty-five Articles.

Article 2:

This Decree shall enter into force from the endorsement date and be published in the Official Gazette together with the text of the said Law.

May peace, mercy, and blessings from Allah Almighty be with you!

Amir al-Momenin Sheikh ul-Quran wa al-Hadith

Mawlawi Hibatullah Akhundzada

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In the name of Allah, the Most Merciful, the Most Gracious

Praise be to Allah (SWT), Lord of the Worlds, and May the Peace and Blessings of Allah Almighty be on His Messenger Muhammad (PBUH), his family, and his companions.

Law on Propagation of Virtue and Prevention of Vice

Introduction

Article 1: The Basis

This Law has been enacted pursuant to Decree No. 9 of H.E. Amir al-Momenin (May Allah Protect Him), dated 24 October 2022, coinciding with 28/3/1444 AH – 2/8/1401 HS.

Article 2: Objectives

Objectives of this Law are:

- 1- To regulate the matters related to the Propagation of Virtue and Prevention of Vice;
- 2- To regulate the matters related to the duties and jurisdiction of the Morality Police.

Article 3: Terminologies

The terminologies used in this law shall bear the following meanings:

- 1- ***Ehtisaab (Morality Inspection)***: refers to the propagation of Sharia-based virtuous deeds and prevention of vice by the Morality Police according to the provisions of Islamic Sharia and this Law;
- 2- ***Muhtasib (Morality Police)***: refers to a person who has been appointed by the Amir al-Momenin or an individual with power delegated to him by the Amir al-Momenin to perform the duty of Morality Inspection;
- 3- ***Muhtasib Fihay (The Subject of Inspection)***: refers to any matter in which Morality Inspection is carried out by the Morality Police;
- 4- ***Virtue (Muhtasib Fihay or the Subject of Inspection)***: refers to any word or act considered virtuous under Sharia;
- 5- ***Propagation of Virtue***: refers to ordering to follow the Prophet Muhammad (Peace Be Upon Him) and practice Islamic Sharia;
- 6- ***Vice (Muhtasib Fihay or the subject of inspection)***: is a word or act deemed unvirtuous by Sharia.
- 7- ***Prevention of Vice***: refers to the prevention of engaging in evil deeds;

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- 8- ***Muhtasib Alaihay* (The person being inspected):** is a person who is directed by a Morality Police to perform a virtuous act and forbid vice;
- 9- ***Ta'zir* (Discretionary Punishment):** is a punishment imposed in accordance with the provisions of Islamic Sharia and this Law by a Morality Police in Public Rights while an evil deed is being conducted explicitly; and
- 10- **Islamic *Hijab*:** refers to clothing that covers a woman's entire body and face from a *non-Mahram*¹ male, which must not be thin, short, or tight.

Article 4: Scope of Implementation

This law applies to all institutions, public places, and individuals residing within the territory of Afghanistan.

Article 5: Implementing Authority

The Ministry of Propagation of Virtue, Prevention of Vice, and Hearing Complaints shall be the authority to implement the provisions of this Law.

Article 6: Propagating Virtues and Preventing from Vices

- (1) According to the provisions of Islamic Sharia and Hanafi Jurisprudence, the Ministry of Propagation of Virtue, Prevention of Vice and Hearing Complaints shall have the obligation to propagate virtue and prevent vice; and
- (2) The Ministry of Propagation of Virtue, Prevention of Vice and Hearing Complaints shall be obliged to maintain harmony and brotherhood among the people and prevent them from discrimination based on ethnicity, language, and region.

Article 7: Limitation of Propagation of Virtue and Prevention of Vice

Propagation of virtue and prevention of vice may be practiced by anyone with the power to do so. However, this responsibility is explicitly entrusted to the Morality Police.

Article 8: Acronym

Hereafter, the Ministry of Propagation of Virtue, Prevention of Vice, and Hearing Complaints shall be referred to as "the Ministry" in this law.

¹ A non-mahram is an individual who is not closely related by blood or family ties, making marriage generally permissible, unlike a *mahram*, with whom marriage is permanently forbidden due to close relations.

Chapter 1

Conditions, Etiquettes, and Principles Related to Morality Police, the Person Being Inspected, the Subject of the Inspection and the Morality Inspection

Article 9: Conditions and Qualifications of the Morality Police

- (1) Any person who meets the following criteria may be appointed as a Morality Police:
- 1- Being a Muslim;
 - 2- Being charged with obligation (wisdom and maturity);
 - 3- Knowing the provisions of Islamic Sharia concerning propagation or prevention;
 - 4- Having a strong presumption that confronting vice will effectively lead to its removal and that directing others toward virtuous actions will be beneficial and effective;
 - 5- Being just; and
 - 6- Having the power to order what is right and forbid what is wrong.
- (2) A person serving as a Morality Police shall possess the following qualifications:
- 1- Being committed to good deeds and abstaining from all forms of vice;
 - 2- Being sincere (not for show, personal gain, or seeking admiration from others);
 - 3- Being compassionate; and
 - 4- Being humble and patient.

Article 10: Etiquettes and Principles Related to the Morality Police and Morality Inspection

The etiquette and principles related to a Morality Police and Inspection shall be as follows:

- 1- Upholding the integrity and dignity of every individual and ensuring respectful treatment of all persons while engaging in the promotion of virtue and the prevention of vice;
- 2- Preventing visible vice;
- 3- Preventing vice that one hears about;
- 4- Except as authorized by Islamic Sharia, it is prohibited to disclose individuals' concealed transgressions, engage in surveillance, or infringe upon their privacy in the course of promoting virtue and preventing vice;
- 5- Prohibiting any vice that can be proven by the testimony of two witnesses;
- 6- Forbidding vice in a way that does not result in an equal or greater vice;

- 7- Adhering to justice and not discriminating while propagating virtue and preventing vice;
- 8- Prioritizing the most important matters over merely important ones while promoting virtue and preventing vice;
- 9- Explaining the gravity of vice to the one committing it;
- 10- Preaching and counseling gently;
- 11- Forbidding [vice] (physically by hand) if there is no concern that greater vice will result.

Article 11: Conditions for a Person to be Subject to Inspection

- (1) The conditions related to the person being inspected are as follows:
 - 1- Engaging in an act deemed evil that is prohibited under Sharia law; and
 - 2- Failing to perform a virtuous act that is required by Sharia law.
- (2) If a person meets the conditions outlined in paragraph (1), it becomes the duty of the Morality Police to command the person to do what is right and prevent them from doing what is wrong.

Article 12: Conditions Related to the Subject of Inspection

Conditions related to the subject of inspection are as follows:

- 1- The subject of inspection or its pre-requisites must already exist;
- 2- The subject of inspection must be evident without the need for inquiry (it reveals itself in such a way that the Morality Police can observe, hear, or be informed of it by a reliable source, in accordance with the provisions of this Law); and
- 3- The vice must be committed openly, without requiring inquiry to uncover it.

Article 13: Provisions related to the *Hijab* for Women

- (1) It is mandatory for a woman to veil her entire body;
- (2) A woman is required to cover her face to prevent causing temptation;
- (3) A woman's voice is considered intimate and should not be heard singing, reciting, or reading aloud in public;
- (4) A woman's clothing must not be thin, short, or tight;
- (5) Muslim women are obliged to cover their entire body and face in the presence of men who are not related to them by blood or marriage (*Mahram*);
- (6) It shall be obligatory for Muslim women to cover their face and body in the presence of non-Muslim and immoral women due to the fear of temptation;
- (7) It shall be forbidden for unrelated adult men to look at the bodies or faces of unrelated women, and it shall be forbidden for unrelated women to look at unrelated men; and

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- (8) If an adult woman leaves her house out of necessity, she must cover her voice, face, and body.

Article 14: Provisions Related to *Satr* (Covering of Intimate Parts) for Men

- (1) A man's *Awrah* (intimate parts of the body) includes the area from the navel to the knees, including the knees;
- (2) A man is obligated to practice the provision mentioned in paragraph (1) of this article as well as other provisions related to *Satr*; and
- (3) During leisure and sports, a man must wear clothing that conceals his *Awrah*. The clothing should not be too tight or form-fitting, so as not to reveal the shape of his body.

Article 15: Obligation of the Morality Police Regarding *Satr*

A Morality Police shall be obliged to promote virtue and prevent vice concerning the *Satr* for both men and women, per the provisions of this law.

Chapter 2

Duties and Responsibilities of the Morality Police

Article 16: Responsibility of the Morality Police related to respecting Islamic Symbols, Prophets of Allah (May peace be upon our prophet and all other prophets of Allah Almighty), Companions (May Allah be pleased with them all) of the Prophet Muhammad (PBUH) and Salaf al-Saleheen (pious predecessors) (May peace be on them)

- (1) The Morality Police shall have the responsibility to compel Emirate personnel and the public to respect Islamic symbols, Prophets of Allah (May peace be upon our Prophet and all other prophets of Allah Almighty), Companions of the Prophet Muhammad (PBUH) (May Allah be pleased with them all) and *Salaf al-Saleh* (pious predecessors) (May peace be on them), according to Islamic Sharia; and
- (2) The Morality Police shall have the responsibility to punish the violators of the provision outlined in paragraph (1), in accordance with the provisions of this Law.

Article 17: Responsibility of the Morality Police Related to Media and Information Outlets

The Morality Police shall be responsible for having the media officials and information outlets comply with the following virtues:

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- 1- Publishing content which does not contradict Islamic Sharia and the religion;
 - 2- Publishing content which does not humiliate and disgrace a Muslim; and
 - 3- Publishing content which does not contain images of living beings.

Article 18: Responsibilities of the Morality Police Concerning Traders, Retailers, and Farmers

The Morality Police shall have the responsibility to require traders, retailers, and farmers to comply with the following in their transactions and conducts:

- 1- Requiring them to perform congregational prayers at designated times in mosques;
- 2- Requiring them to give *Zakat* (charity), *Ushar*,² and other financial obligations to the poor;
- 3- Requiring them to conduct their transactions according to the provisions of the Hanafi Jurisprudence;
- 4- Requiring them to abstain from interest, hoarding (storing commercial goods to inflate prices), deception (hiding defects of the goods being sold and cheating), fraud (manipulation of weights, scales, or measurements), provoking (enticing a customer to buy goods), injustice, swearing, lying, and engaging in other illegal acts related to trade;
- 5- Prohibiting the sale and purchase of goods that are legally forbidden or unlawful, such as wine, *Haram* (unlawful) meat, blood, weapons, military equipment, and sculptures of living beings;
- 6- Prohibiting the use of statues of living beings for advertisement; and
- 7- Prohibiting the sale and use of human body parts such as kidney, liver, eye, and hair.

Article 19: Responsibilities of the Morality Police Concerning Tourist and Recreational Areas

The Morality Police shall have the responsibility to require officials responsible for tourists and recreational areas to comply with the following:

- 1- Building mosques for congregational prayers; and
- 2- Requiring officials and visitors (tourists) to participate in congregational prayers in these mosques.

² An Islamic agricultural tax of 10% imposed on crops irrigated naturally.

Article 20: Responsibilities of the Morality Police Concerning Passenger and Cargo Vehicles, Motorcycles, and Other Means of Transportation

The Morality Police shall have the responsibility to require owners and drivers of transportation vehicles to comply with the following:

- 1- Refraining from playing music;
- 2- Requiring them to refrain from using or trafficking narcotics;
- 3- Requiring them to refrain from transporting women without wearing *Hijab*;
- 4- Requiring them to prevent women from sitting with or interacting with non-Mahram males;
- 5- Refraining from transporting women without a sane, adult male relative who is *Mahram*; and
- 6- Requiring transport companies to create schedules that allow drivers and passengers to offer prayers at the prescribed times.

Article 21: Responsibility of the Morality Police Concerning Public Baths

The Morality Police shall have the responsibility to require people to cover their *Awrah* (intimate body parts) while using public baths and swimming areas.

Article 22: Responsibilities of the Morality Police Concerning Specific Vices

The Morality Police shall have the responsibility to prevent the following specific vices:

- 1- Adultery, whether forced or voluntarily, secret, or open. Similarly, short-term marriage shall also be illegitimate;
- 2- Engaging in illicit relationships with multiple women;
- 3- Lesbianism;
- 4- Sodomy, even with one's wife;
- 5- *Bachabazi*³;
- 6- Gambling (with eggs, marbles, knucklebones, walnuts, etc.);
- 7- Facilitating adultery, illicit relationships with multiple women, lesbianism, sodomy, *Bachabazi*, and gambling;
- 8- Animal fighting, using dogs, roosters, quails, partridges, and other animals and birds;
- 9- Misuse of tape recorders, radio, and other instruments and making or watching pictures and videos of living beings on computers, mobile phones, and other devices;
- 10- Hearing a woman's voice or music coming from a house or gathering;

³ Sexual exploitation of boys.

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- 11- Using, purchasing, selling, storing, and trafficking of narcotics (intoxicants and alcoholic beverages);
- 12- Exposing *Awrah*;
- 13- Not observing the *Hijab*;
- 14- Avoiding and missing prayers;
- 15- Neglecting *Farayed* (obligations) and *Wajibat* (essentials) in prayer;
- 16- Failing to perform congregational prayers;
- 17- Not fasting;
- 18- Shaving off the beard and trimming it shorter than a fist's length;
- 19- Haircuts that go against Islamic Sharia;
- 20- Forming friendships with and supporting non-Muslims or imitating them in appearance and behavior;
- 21- Celebrating *Nawroz*,⁴ *Shab-e-Yalda*,⁵ fireworks, and other such days/occasions that are common among Muslims but bear no basis in Sharia;
- 22- Using and promoting the cross, necktie, and other illicit symbols;
- 23- Practicing and promoting *Bid'ah*⁶ as specified in the authentic texts of Hanafi Jurisprudence;
- 24- Disobeying parents;
- 25- Violating the rights of others; and
- 26- Mistreating orphans and the *Mazlūmin*.⁷

Article 23: Responsibilities of the Morality Police Concerning *Dhimmi*⁸ (Covenantee), *Musta'mīn*⁹ (Protected Persons), Children, and the Insane

- (1) The Morality Police are responsible for preventing *Dhimmi*s and *Musta'mīn*s from openly committing acts of vice.

⁴ A traditional New Year festival celebrated in parts of the Middle East and Central Asia, marking the arrival of spring.

⁵ A festival marking the longest night of the year, celebrated in parts of Afghanistan and the region.

⁶ Linguistically, *bid'ah* means "something new or innovative." In Islamic legal terminology, it refers to any newly introduced belief or practice within the religion that lacks a general or specific basis in Islamic teachings.

⁷ Oppressed those who are wronged or treated unjustly.

⁸ *Dhimmi* (Arabic: ذمى) A non-Muslim living under the protection of a Muslim state. He is exempt from duties of Islam like military and Zakaah but must instead pay a tax called *Jizyah*. (Source: <https://www.almaany.com/en/dict/ar-en/%D8%B0%D9%85%D9%8A/>).

⁹ *Musta'mīn* or *Musta'man* (Arabic: مستأمن) is a historical Islamic term for a non-Muslim foreigner temporarily residing in Muslim lands with *Aman* (protection), or guarantee of short-term safe-conduct (*aman mu'aqqat*), affording the protected status of *dhimmi* (non-

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- (2) If a child or an insane person commits an act of vice, the Morality Police are responsible for preventing it.

Chapter 3

Discretionary Punishment

Article 24: Discretionary Punishment by the Morality Police

- (1) A person openly committing an evil deed shall be disciplined by the Morality Police, considering the severity of the act and the individual involved, as follows:
- 1- Issuing an advice;
 - 2- Instilling awareness of divine consequences;
 - 3- Delivering a verbal warning and caution;
 - 4- Warning of potential property loss as a penalty for misconduct;
 - 5- Imposing imprisonment ranging from 1 to 24 hours in public prisons;
 - 6- Imposing imprisonment ranging from 1 to 3 days in public prisons; and
 - 7- Applying any other punishment deemed appropriate by the Morality Police, provided it does not fall within the exclusive jurisdiction of the courts.
- (2) Morality Police shall follow the degrees of punishment stipulated in paragraph (1) of this article during the propagation of virtue and the prevention of vice.

Article 25: Powers of Director and Head of Department Concerning Discretionary Punishment

- (1) Urban and provincial directors of the Propagation of Virtue and Prevent of Vice shall have the authority to impose the punishments outlined in sections 1 through 7 of Article 24, considering the nature of the immoral act and the offender;
- (2) Zonal and district heads of the Propagation of Virtue and Prevention of Vice shall have the authority to impose punishments outlined in sections 4 to 7 of Article 24, in consultation with the relevant director, taking into account the immoral act and the offender; and
- (3) If the offender does not correct his/her conduct after the measures outlined in paragraphs (1) and (2) are implemented, he/she shall be referred to the court.

Muslim subjects permanently living in a Muslim-ruled land) without the payment of jizya.
(Source: <https://en.wikipedia.org/wiki/Musta%27min>).

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Article 26: Circumstances of Referring Offenders to the Relevant Court

The Morality Police shall refer the offender to the relevant court under the following circumstances:

- 1- If someone repeatedly avoids performing prayer and its obligations and essentials without a valid excuse;
- 2- If someone repeatedly avoids congregational prayer without a legitimate excuse;
- 3- If the people of an area collectively avoid the call to prayer and congregational prayer;
- 4- If an individual does not fast during the month of Ramadhan without a legitimate excuse;
- 5- If children repeatedly disobey their parents;
- 6- If someone mistreats an orphan or misuses/misappropriates the orphan's property; and
- 7- If someone fails to practice essential virtues or refrains from avoiding vices, that must necessarily be avoided.

Article 27: Responsibility of a Morality Police Concerning Prisoners

- (1) The Morality Police shall be obliged to release prisoners without delay once their term of imprisonment has been completed;
- (2) The Morality Police are responsible for monitoring and recommending appropriate measures to ensure prisoners can perform worship, meet their essential needs, and have access to necessary facilities.

Chapter 4

Miscellaneous Provisions

Article 28: Maintaining Public Relations

The Ministry is obligated to consult with religious scholars, Madrassas, schools, and higher education institutions educators, as well as devout influential figures for the following purposes:

- 1- To uphold virtue and eliminate vice.
- 2- To prevent the promotion of vice by the enemies of Islam.

Article 29: Oversight

The Ministry is obligated to oversee the activities of officials responsible for propagating virtue, preventing vice, and hearing complaints.

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Article 30: Report

- (1) Officials of the Ministry are obligated to submit reports on their performance and activities to the Ministry; and
- (2) The Ministry is obligated to submit reports on its performance and activities to the Office of His Excellency (H.E.) Amir al-Momenin (May Allah protect him).

Article 31: Education and Training of the Morality Police and Employees

The Ministry is obligated to organize educational seminars for its Morality Police and employees, taking relevant criteria into account, on the provisions of this Law, other relevant legislative documents, and effective principles and methods for the propagation of virtue, prevention of vice, and hearing complaints.

Article 32: Seeking Guidance

If the Morality Police encounters a matter not clarified in this Law or other relevant legislative documents, they are obligated to inform the relevant director so that guidance and instructions may be sought from H.E. Amir al-Momenin through higher authority.

Article 33: Seeking Cooperation

The Ministry is obligated to share its working procedures related to propagation of virtue, prevention of vice and hearing complaints with other provincial officials through its provincial authorities and seek their cooperation.

Article 34: Proposing Procedure and Regulation

The Ministry is obligated to develop procedures and regulations to improve the implementation of the provisions of this Law and propose them to H.E. Amir al-Momenin for approval.

Article 35: Enforcement

This Law shall enter into force from the date of endorsement and be published in the Official Gazette. Other laws not endorsed by H.E. Amir al-Momenin and/or contradict this law shall be abrogated.