

Comparative Study of the Place of Religion in the Constitution of Afghanistan

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Abstract

Having a government and polity is one of the essential issues of any society that places at the top of the Islamic political jurisprudence. Constitution of any state in modern societies underpins the country's legal system. Important issue in this field, especially in the religious communities, is the content of constitution and its approach to the place and role of constitution in the society. Afghanistan after years of fighting in 1382 adopted its constitution. As the new constitution, on one hand, pronounces the government's type, the Islamic Republic and on the other hand, this country has ethnic, cultural, linguistic similarities to Iran, studying the place of religion in the constitution of Afghanistan would be beneficial. The main question of this paper is what the place of religion in the constitution of Afghanistan is, and what mechanisms are predicted by Islamic Republic of Afghanistan for consistency of constitution with the Islam. Undoubtedly, to answer these questions, we need to be familiar with concepts such as law, religion and jurisprudence, then we will refer to the experiences of other countries, including Iran, and finally we will answer to the original question according to the findings.

Key words

constitution, religion, Islam, harmony of religion and principles of the constitution, the Islamic Republic of Afghanistan.