

Kenya and Sixty Years of Failed Secular Constitutionalism

(Translated)

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27 August 2025 marks the 15th anniversary of the promulgation of the Supreme Law of 2010. The 2010 Constitution of Kenya was hailed as transformative, introducing fundamental political, social, and economic reforms aimed at ending decades of instability under the previous constitution.

In this regard, Hizb ut Tahrir's media representative in Kenya, Shabani Mwalimu, issued a press release stating: "Since the promulgation, Kenya's constitutional crises have mostly revolved around implementation gaps, electoral disputes, separation of powers, gender rule and amendment process.... The idea that a new constitution would be able to address the problems that the colonial constitution failed to address, 15 years is more than enough evidence of superb failure of secular constitutionalism, the only successful story is the prolonging of miserable livelihood and heighten levels of corruption, harsh economic situation, extra-judicial killings and many others."

"Indeed, we call upon people from all different walks of life including the intellectuals, academics and politicians to work in establishing the divine guidance which is not prone to amendment and prey to self-centered leadership. Certainly, Man needs guidance that emanates from Allah (swt). This liberation was well elaborated by Rabi'u bin Amri's address to Rustom the Persian Empire Commander: "Allah has sent us to bring out whoever He wills from the worship of servants to the worship of the Lord of servants; and from the narrowness of this world to its vastness; and from the oppression of ideologies to the justice of Islam."

Constitution is a vital document that defines the shape of the ruling system and forms a contract between the rulers and the citizens as well as being an expression of the ideology and values of the people that defines all spheres of life. Islam as a comprehensive ideology, demands a constitution that explicitly based on the divine law. This constitution can only be implemented through Khilafah (Caliphate), a state that by the will of Allah will be established soon..."