



1.2.2. Nature of issued instructions

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The de facto government has not enacted a formal legal framework.[178](#) Since their takeover in 2021, they have been ruling without a constitution,[179](#) having immediately abolished the 2004 Constitution of the former government[180](#) and not yet announced any replacement.[181](#) Instead, they have indicated that a constitution is unnecessary asserting that *sharia* provides ‘a comprehensive legal framework’,[182](#) although there is not one uncontested universal interpretation of *sharia*.[183](#) The book ‘The Islamic Emirate and Its System’, authored by the de facto Chief Justice and endorsed by the Taliban Supreme Leader,[184](#) ‘appears to be the blueprint’ of the de facto government and its intellectual foundations.[185](#)

All laws in effect under the previous government have been undergoing a review to assess their compliance with *sharia*, but no announcement has been made on the final outcome of this review or which laws remain in effect.[186](#) Rather, the de facto authorities have continued to broadly refer to *sharia* as the governing framework,[187](#) and have issued verbal and written instructions based on their own interpretations.[188](#) The UN Special Rapporteur on human rights in Afghanistan referred to the legal framework as a ‘patchwork of so-called laws, decrees and edicts’[189](#) highlighting the lack of legal certainty and consistency due to the unclear status of earlier legislation.[190](#) Other sources similarly noted significant ambiguity regarding which laws have become redundant, as the de facto authorities have selectively applied laws of the previous government.[191](#)

The de facto authorities have, however, been formalising the issuance and communication of laws and other instructions,[192](#) *inter alia* by compiling official gazettes.[193](#) Nevertheless, the Taliban Supreme Leader has continued to mainly rule by decree issued from his base in Kandahar,[194](#) and verbal communication of restrictions has also continued[195](#) – with unclear legal status.[196](#)

Many instructions have moreover been vaguely formulated,[197](#) and leave space for different interpretations.[198](#) Some sources have indicated that instructions may be purposefully vague in order to, *inter alia*, increase policy ambiguity and leave space for adjustments.[199](#) Some sources also stressed that some decrees are largely symbolic rather than enforceable laws.[200](#) In this system, much is left to the interpretation of the individual enforcer of laws and instructions.[201](#)

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