

ISLAMIC JURISPRUDENCE AND CULTURAL DIVERSITY: A DETAILED STUDY IN THE CONTEXT OF KERALA

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INTRODUCTION

Praise be to Allah the Lord of the creation. May peace and blessings be upon his Messenger prophet Muhammed, his companions and families.

Islam is a universal religion sent for all of humanity and has been revealed for all time. Hence, the spatial variations and the customs of the country are well designed and concealed by the Islamic jurisprudence.

Through research and fatwas, religious scholars have developed the traditional Shari'ah. It has been practiced by courts in Islamic countries. The influence of Shari'ah on civil and criminal law has been revealed practically in all Muslim regimes. At the same time, non-Muslims had autonomy in their internal affairs and the Muftis became an integral part of the national system. Shari'ah and fiqh became the foundation of legislation but contextually were interpreted.

Fiqh is the modern reading and practice of the Shari'ah. The Qur'an, Hadith, Qiyas (rational equation) and Ijma '(consensus) are generally considered as the source of Shari'ah.

The Hanafi Madhab, the Maliki Madhab, the Shafi'i Madhab, the Hambali Madhhab, and the Jaffaris are the ones who legislated by performing ijtihad in accordance with Shari'ah law. Rituals and life affairs come under a wide range of Shari'ah.

Whole matters have been divided into five categories on the basis of rules and ethics by scholars. These are fard (obligatory), Sunnah (optional), Mubah (neutral), Karahat (hated — but not forbidden), and Haram.

Islamic jurisprudence with its origins and branches is one of the most honourable and the very beneficial knowledge, seeking the knowledge is most important task and a mandatory duty. Therefore a person should have to know his religion and he has to worship his Lord with knowledge and insight. He knows what is permissible and non permissible, so he keeps values doing permissible and avoiding non permissible activities. The crystal clear knowledge in Islamic jurisprudence, its origin and dos and don'ts lead to keep the values from weakness and diverting thoughts. Understanding the origin of jurisprudence is a significant knowledge from these. Certain approach of Ijtihad in Divine judgements have been referred with rules and evidence by scholars in their kithabs. Jurisprudential knowledge couldn't be defined for them who have studied the origin of Shareea and ignorant to recognise Islamic judgements using these origins.

Jurisprudential teachings will not be collected without the norms. Scholars have had great efforts to lay the foundation of the teaching of shareea.

“لا ينكر تغير الأحكام بتغير الأزمان” On the basis of this statement, spatial changes in the Islamic rules will not be problematic. Though, the changes depending on region and circumstances will be brought with it.

Kerala Muslims are practicing fiqh in a systematic fiqh tradition and moreover The Muslim cultural traditions of Kerala maintain a tradition of knowledge rooted in fiqh. Therefore Many world famous khithabs of Fiqh has been published in Kerala.

The jurisprudential areas of Kerala were active from the very beginning. The practicality of fiqh became imperative as many places have been kali governing territories. The Muslims here have developed by emphasizing on this cultural heritage.

Kerala has a distinctive culture and lifestyle. Widespread of Islam in Kerala, has been expanded with the cultural diversity. As these two were raised with another, it has been taken by the distinctive methods and rules from others. It is to be exposed in grave constructions and architectures of masjids. Accordingly, the study takes the way to the approaches taken by Islamic jurisprudence for the distinctive culture and practices of Kerala.

NEED AND SIGNIFICANCE OF THE STUDY:

- To understand the practicing fiqh in the structured muslim society of Kerala
- To understand, how the contiguous changes of *fiqh* to be introduced in the cultural diversity of Kerala.
- The importance of the study is worth as there has been no codification of jurisprudence related to the cultural diversion of Kerala.

OBJECTIVE OF THE STUDY:

- Impact of fiqh to muslims' culture in Kerala
- Comprehension of the fiqh in cultural variations
- Fiqh in the distinctive culture of Kerala
- Fiqh in the cultural celebrations of Kerala

REVIEW OF RELATED LITERATURE:

- There have been some related works in many articles, though, there is no exact studies on this subject alone.

METHODOLOGY OF STUDIES:

- It takes an analytical approach as it is Analytical research
- The research will be based on the way of current scientific research in which acceptable for the current research method.
- It also uses a critical historical analysis approach as it describes the past and present in the context of former events.

CHAPTERIZATION

CHAPTER-1

INFLUENCE OF FIQH ON KERALA CULTURE

Areas of study: -

1. History of *Fiqh* in Kerala
2. Different views and movements on jurisprudence of Kerala.

CHAPTER -2

CULTURAL VARIATIONS AND BROADNESS OF FIQH

Areas of study:-

- 1- How the *Fiqh* consists pluralism

2- Islamic rules and fatwas

3- Jurisprudence on contiguous changes

CHAPTER -3

JURISPRUDENTIAL APPROACHES TO THE DISTINCTIVE CULTURE OF KERALA

Areas of study:-

1. Graves: structural and geographical changes in Kerala
2. Costumes
3. غالب قوت .
4. Words used for *aqd* in Malayalam language (kinaya, swareeha)
5. Measuring vessels of Kerala and the terminology of *fiqh*
6. Important Fatwas of Kerala

CHAPTER-4

FIQH IN THE CULTURAL CELEBRATIONS AND ARTS OF KERALA

Areas of study:-

- 1- Onam

2- Thiruvathira

3- Theyyam

4- Mamangam

5- Poorangal

6- Nercha

7- Thullal

CONCLUSION

Islam is a religion that prescribes precise rules and regulations for the affairs of life. Therefore, Islamic jurisprudence will continue to interfere in all human transactions. Since man exists in many cultural regions, it is essential for fiqh to include all of them. By exceeding this limit,

Fiqh has achieved a global dimension. There are many variations on fiqh that are culturally relevant at the same time. This study examines how fiqh has worked in the cultural heritage of Kerala. This study seeks to discuss the basis on which Islam views the Muslim culture that has emerged from the traditional interventions here.

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