

Sources of Islamic Law

Islamic law is based upon four main sources

Sources of Islamic Law

- ▶ There are four sources of Islamic Law.
- ▶ Primary Sources:
 - ▶ The Holy Quran
 - ▶ The Sunnahs of the Holy Prophet (PBUH)
- ▶ Secondary Sources:
 - ▶ Ijma (Consensus)
 - ▶ Qiyas (Analogy)

Al Qur'an
(القرآن الكريم)

The First Source

Different Names of The Quran

Al - Qur'an	القرآن
Al - Kitab	الكتاب
Al - Furqan	الفرقان
Al - Dikr	الذكر
Al - Tanzeel	التنزيل

The Holy Quran (القرآن)

- ▶ Muslims believe the Quran to be the direct words of Allah, as revealed to and transmitted by the Prophet Muhammad صلى الله عليه وسلم.
- ▶ The Quran is the Most Fundamental Source of Islamic knowledge.
- ▶ All sources of Islamic law must be in essential agreement with the Qur'an.
- ▶ When the Qur'an itself does not speak directly or in detail about a certain subject, Muslims only then turn to alternative sources of Islamic law

Who Revealed this Book?

الله الذي أنزل الكتاب بالحق والميزان

(سورة الشورى: 17)

Allah is the One who has sent down the Book with truth and the Balance as well.

تنزيل الكتاب من الله العزيز الحكيم انا أنزلنا إليك الكتاب بالحق
فاعبد الله مخلصاً له الدين

(سورة الزمر: 1-2)

This is the revelation of the Book from Allah, the Mighty, the Wise. Surely We have revealed the Book to You with truth; so worship Allah making your submission exclusive for Him.

Is the Quran in its real form?

إنا نحن نزلنا الذكر وإنا له لحافظون

(سورة الحجر: 9)

We, Ourselves, have sent down the Dhikr (Qur'an), and We are there to protect it.

Is the Quran the Source of Islamic Law?

ذلك الكتاب لا ريب فيه هدى للمتقين

(سورة البقرة: 2)

This Book has no doubt in it - a guidance for the God-fearing.

فاحكم بينهم بما أنزل الله

(سورة المائدة: 48)

So, judge between them according to what Allah has sent down.

**وهذا كتاب أنزلناه مبارك فاتبعوه
(سورة الأنعام: 15)**

And this (Qur'an) is a blessed Book, We have sent down. So, follow it and fear Allah, so that you may be favored with mercy.

**إن هذا القرآن يهدي للتي هي أقوم
(سورة بني إسرائيل: 9)**

Surely, this Qur'an guides to something that is most straightforward.

The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern and dynamic visual effect.

Sunnah (سنه) The Second Source

Four Responsibilities of Prophet Muhammad (صلى الله عليه وسلم)

لقد من الله على المؤمنين إذ بعث فيهم رسولا من أنفسهم يتلوا عليهم آياته ويزكيهم ويعلمهم الكتب والحكمة وإن كانوا من قبل لفي ضلل مبين

(سورة آل عمران: 164)

Allah has surely conferred favor on the believers when He raised in their midst a messenger from among themselves who recites to them His verses and makes them pure and teaches them the book and the wisdom, while earlier, they were in open error.

Authority of Sunnah

- ▶ Sunnah means a manner of acting or mode of life.
- ▶ It is technically defined as a word spoken or an act done or a confirmation given by the Holy prophet Muhammad (SAW).
- ▶ Any report that narrates a Sunnah of the Holy Prophet (SAW) is called Hadith.
- ▶ The Sunnah is the second source of Islamic Law. Its authority is derived from the text of the Quran

وما ينطق عن الهوى إن هو إلا وحي يوحى

He (The Prophet) doesn't speak out of (his own) desire. It is but revelation revealed (to him).

وأطيعوا الله ورسوله إن كنتم مؤمنين

“ And obey Allah and His Messenger, if you are believers”.

وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم

I have revealed the book to you, so that you may explain to them what have been revealed to them.

قل أطيعوا الله وأطيعوا الرسول فإن تولوا فإنما عليه ما حمل وعليكم ما حملتم وإن تطيعوه تهتدوا وما على الرسول إلا البلاغ المبين

Say, Obey Allah and obey the messenger. But if you turn away, then on him (the messenger) lies (the responsibility of) what he is burdened with, and on you lies (the responsibility of) what you are burdened with. And if you obey, you will get the right path. The duty of the messenger is no more than to convey the message clearly.

لقد كان لكم في رسول الله أسوة حسنة

“Indeed, for you the life of the Prophet is a model of behavior”.

قل أطيعوا الله وأطيعوا الرسول فإن تولوا فإن الله لا يحب الكافرين

Say, Obey Allah and obey the messenger. But if you turn away, then Allah doesn't love nonbelievers.

وما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوا

“And whatsoever the Messenger Muhammad (SAW) gives you, take it and whatsoever he forbids you, abstain from it”.

من يطع الرسول فقد أطاع الله

Who ever obeyed the Messenger obeyed Allah

وما أرسلنا من رسول إلا ليطاع بإذن الله

I have not sent down any prophet for any mission except that he, with the will of Allah be obeyed (by the people)

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قل إن كنتم تحبون الله فاتبعوني يحببكم الله ويغفر لكم ذنوبكم

Say, If you love Allah follow me, Allah will love you and forgive you your sins.

يأمرهم بالمعروف وينههم عن المنكر ويحل لهم الطيبات ويحرم
عليهم الخبائث ويضع عنهم إصرهم والأغلال (سورة
الأعراف: 157)

And who bids them what is fair and forbids
what is unfair, and makes lawful for them
good things, and makes unlawful for them
impure things, and relieves them of their
burden and the shackles that were upon
them.

Summary of the Verse

- ▶ Great blessing from Allah that He choose the Holy Prophet as a messenger.
- ▶ He chose the messenger among them not from any other clan or nation.
- ▶ 1st Responsibility is to recite to them His verses
- ▶ 2nd is to teach them the book
- ▶ 3rd is to teach them the wisdom
- ▶ 4th to make them pure

Ijma (إجماع) Consensus of The Ummah

Ijma (Consensus of Ummah)

- ▶ Ijma or the consensus of scholars signifies the importance of delegated legislation to the Muslim community. The Muslim Society requires such a rule making power to meet the practical problems for implementation of Islamic Shariah.
- ▶ Ijma means agreeing upon or uniting in opinion.
- ▶ It has been technically defined as the consensus of the scholars of the ummah of a certain period over a religious matter.

Examples

- ▶ Consensus of the companions of Holy Prophet on **Salat-ul-Traviah**.
- ▶ Compilation of Qur'an in the book shape.
- ▶ Compilation of Hadith
- ▶ The Holy war against those who rejected the Zakat. And Hazrat Abu Bakar told there is no difference between Zakat and prayer. All companion accepted.
- ▶ The share of grand mother in meerath is also proved by Ijma.

Prove of Ijma from Qur'an

Allah says in the Holy Qur'an:

ومن يشاقق الرسول من بعد ما تبين له الهدى ويتبع غير سبيل المؤمنين نوله ما تولى
ونصله جهنم وساءت مصيرا.

“And whoever contradicts and opposes the Messenger (Muhammad SAW) after the right path has been shown clearly to him, and follows other than the believers' way, We shall keep him in the path he has chosen, and burn him in Hell, what an evil destination!”

يأيها الذين آمنوا أطيعوا الله وأطيعوا الرسول وأولى الأمر منكم.

O you who believe! obey Allah and obey Messenger and those in authority among you.

Prove of Ijma

وأمرهم شورى بينهم

And whose affairs are (settled) with mutual consultation between them

وشاورهم في الأمر فإذا عزمت فتوكل على الله إن الله يحب المتوكلين

Consult them in the matter and once you have taken a decision, place your trust in Allah. Surely, Allah loves those who place their trust in Him.

Prove of Ijma from Hadith

The Holy Prophet (SAW) has said:

لن تجتمع أمتي على الضلالة

“My Ummah shall never be combined on an error”.

يد الله على الجماعة

The help of Allah is with union.

Kinds of Ijma

- ▶ Ijma of entire companion of Holy Prophet clearly.
- ▶ Ijma of the some companion silently.
- ▶ Ijma of Tabiyeen.
- ▶ Ijma of Mutakhereen.
- ▶ The accepted Ijma is only of those persons they are able to make Ijma and give their consensus.

Qiyas (قياس)

Analogical Reasoning

Qiyas (Analogical Reasoning)

- ▶ Qiyas means judging or comparing the things.
- ▶ Qiyas is the fourth important source of Islamic law.
- ▶ It is technically defined as to apply a recognized rule of shariah expressly mentioned in the Holy Quran and Sunnah to a similar thing or situation by way of analogy.
- ▶ Qiyas is resorted to in respect of problems about which there is no specific provision in the Quran or the Sunnah of the Prophet.

Authenticity of Qiyas through Quran

فسئلوا أهل الذكر إن كنتم لا تعلمون (سورة النحل: 43)

So, ask the people (having the knowledge) of the Reminder (the earlier scriptures), if you do not know.

فاعتبروا يا اولى الابصار

So, Learn a Lesson, (from their condition)

O Those who have Eyes

It means some problems will appear and you will not find the solution, therefore you can ask the people having knowledge of Qur'an and Hadith, and reason with them .

Authenticity of Qiyas through Quran

وتلك الأمثال نضربها للناس وما يعقلها إلا العلمون
(سورة العنكبوت: 43)

We site these examples for people, but no one understands them except the knowledgeable ones.

It means that Allah stated examples and some people can understand. If someone wants a solution, they should ask the knowledgeable once and those can derive the solution.

Authenticity of Qiyas through Quran

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ.

O you who believe! obey Allah and obey Messenger and those in authority among you. Then if you quarrel about something, revert it back to Allah and the messenger.

It means that not every body can do Qiyas but they should follow those in authority among them.

Ijtehad
اجتهاد

Ijtihad اجتihad

- ▶ It is actually a process of Qiyas.
- ▶ Literal meaning:
 - ▶ To exerts one's utmost efforts.
- ▶ Technical meaning:
 - ▶ To exert utmost efforts to discover a ruling of Shariah on a particular matter.

The Origin of Ijtihad

When the Holy Prophet (SAW) intended to send his companion Mu'adh (RA) to Yemen as a ruler and as a judge, he asked him:

How will you resolve a matter when it will come to you?

He said: “I shall decide on the basis of Allah’s Book (the Holy Quran)” The Prophet asked : if you do not find it in Allah’s Book, what will you do? He said: “then on the basis of Sunnah of Allah’s Messenger”. If you do not find it even in the Sunnah of Allah’s Messenger (what will you do) ? The Holy Prophet asked: He replied: “I shall make Ijtihad on the basis of my understanding (about the Holy Quran and Sunnah) and will not spare any efforts (to reach the truth). On this the Holy Prophet (SAW) said: “Praise be to Allah who has let the Messenger of the Messengers of Allah to do what pleases Allah’s Messenger”.

(Abu Dawood, hadith No: 3592)

Misconceptions regarding

Ijtihad

► Misconception:

- Ijtihad can be exercised even against the explicit provisions of the Qur'an and Sunnah.

► Correction:

- Ijtihad may be exercised only where no explicit provision is found in the Qur'an and Sunnah.

► Misconception:

- Ijtihad is to follow one's own opinion based on purely rational assessment

► Correction:

- Ijtihad is to discover the Divine Rule in the light of the principles laid down by the Holy Qur'an and Sunnah

Misconceptions regarding Ijtihad

- ▶ Misconception:

- ▶ Ijtihad is meant only to provide concessions and leeway.

- ▶ Correction:

- ▶ Ijtihad is an impartial way to discover the Divine law whether it leads to a concession or to a strict ruling.

Requirements of Ijtihad

Extensive Knowledge of:

- 1) The Arabic Language and Literature.
- 2) The Holy Quran
- 3) The Background of the verses of the Holy Quran called “Asbub-un-Nuzool”.
- 4) Critical studies of the traditions relevant to the exegesis of the Quran.
- 5) Sunnah
- 6) Critical studies of Ahadith and their authenticity.
- 7) Islamic Jurisprudence.