



**THE CSS POINT**  
Yes We Can Do It!

Islamic Sheria

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# Introduction to Sharia

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- ▶ The word Sharia literally means **“open bright, straight and clean path.”** But in religious sense it is meant for those laws and orders which present code for obedience to one God, one prophet.

Shariah is the Divine Law which was pronounced through the Holy Prophet to mankind. The technical definition of “Sharia” is **“That Divine Law which establishes common beliefs, corrects line of actions, teaches good character, brings welfare to family life and strengthens state affairs and finally is approved by a prophet.”**

# Purpose Of Sharia:

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- ▶ The purpose of Sharia is to see that “the great workshop of Allah should go on functioning regularly and gloriously and that the man should make full use of all his powers, make everything in this world serve him, make full use of all the means provided for him in the earth and in the Heavens, but should not use intentionally or in ignorance to harm himself or to harm others.”

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- ▶ Its objective is to show the best way to man.
  - ▶ The violation of it amounts to sin.
  - ▶ Sharia deals with all aspects of life of a Muslim both religious and other affairs
  - ▶ The religious and world affair's rights and duties have been divided under four heads:
    - ▶ **i) The rights of God**
    - ▶ **ii) The rights of man**
    - ▶ **iii) The rights of other individuals**
    - ▶ **iv) The rights of all creatures**

# **Sources Of Sharia:**

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There are Five sources of Sharia:

- ▶ **i) The Holy Quran**
- ▶ **ii) The Sunnah or practices of the Holy Prophet (Hadith)**
- ▶ **iii) The Ijma**
- ▶ **iv) The Qiyas**
- ▶ **v) Ijtehad**

# The Holy Quran:

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The first authentic origin of Islamic Law is the Holy Quran which is voice of God.

**“This is a scripture that We have revealed unto thee, full of blessing that they may ponder its revelation, and that men of understanding may reflect. (Sad: 29)**

- ▶ In fact, the Quran is the real fount of Islamic Law. All the basic Islamic Laws ‘Sharia’ is given in it. The detail about worshipping and human rights is described in it. In Islamic law Quran enjoys the same status as the constitution may have in state laws.

# Hadith Or Sunnah:

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- ▶ The Hadith or Sunnah is the secondary source of Muslim Law.
- ▶ The **Hadith literally means ‘saying’ and Sunnah means “a way or rule or manner of acting or mode of life.”**
- ▶ Sunnah, we mean **“actions of the Holy Prophet and Hadith is the record of Sunnah.**
- ▶ Sunnah of the Holy Prophet comprises **“his deeds, utterance and unspoken approval.”**
  
- ▶ We know that the Quran deals with the broad principals and instructions of religion going in details in a very rare case. **“The details were generally supplied by the Holy Prophet, either by showing in his practice how an injunction shall be carried out or giving an explanation in words.”**

# Ijma

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- ▶ Ijma constitutes the third source of Muslim Law. It is defined as **“the consensus of opinion of the companions of the Holy Prophet or of the Muslim jurists on a quest of Law.”**
- ▶ According to some jurists Ijma is the consensus of opinion of the companion of the Holy Prophet only
- ▶ while some other maintains that it is an agreement of the Muslim jurists on any matter of the faith.
- ▶ A third group holds that Ijma is the agreed opinion of the Muslim jurists of the First three centuries of Hijra.



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- ▶ Ijma literally means **“agreeing upon” or “uniting in opinion”**.
  - ▶ Ijma is inferred in three ways,
    1. Firstly, by Qaul or word i.e. when the Mujtahids express their opinion on the point in question
    2. secondly, by F'al or deed i.e. when there is unanimity in practice
    3. thirdly, by Sukut or silence, i.e. when the Mujtahid do not agree with the opinion expressed by one or more of them.

# Qiyas:

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- ▶ Qiyas is the fourth important source of Islamic Law. Qiyas literally means **“comparing with” or “judging by comparing with a thing.”**
- ▶ Qiyas is generally described as analogical deduction. It is an analogical deduction from the three sources of law, namely the Quran, the Sunnah and Ijma. Abu Hanifa, one of the four great Imams used to make profuse use of Qiyas.
- ▶ Qiyas is used in those cases which are not discussed in the Quran, or the Ijma or the Sunnah. For instance, when the Holy Prophet was sending Muaz bin Jabal as a Governor, he asked him, what he should do if any new problem arose. He said that he would follow the Quran, if it is not clear in the Quran, he would follow the Sunnah of the Holy Prophet and if it failed to satisfy him, he would use his own judgement. The Holy Prophet appreciated his reply and encouragement to exercise his own judgement.

# Ijtihad

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