

Islamic Sharia

Definition Of Sharia:

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:

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.**”

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 secular. The religious and secular 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**

The technical term of Sharia is referred to in the Holy Quran, thus:

“We gave thee a Sharia in religion; follow in and do not follow those who do not know.”
(Al-Jathiya: 18)

And again:

“To everyone (people) of you, We have given a Shra; and minhadj (a clear path).”

Sources Of Sharia:

There are four sources of Sharia:

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

These four sources also constitute Islamic jurisprudence or Fiqah. Sharia is the Law of Allah. It is binding upon Muslims and man has to accept it without question.

The Holy Quran:

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.

In the Quran it is said for mankind: **Say; I follow only that is inspired in me from my Lord. This (Quran) is insight for your Lord, and guidance, and a mercy for people who believe.**

“Lo! We revealed thee the scripture with the truth, Allah thou mayst judge, between mankind by that which Allah showeth thee.”

That’s why Quran is considered the main source of Sharia. At another place in Quran it is said:

“Lo! This Quran gives the guidance of that way which is straightest.”
(Al-Isra: 9)

The value of Quran among human life affairs is like an order. It means a Muslim is that man whose all affairs are dealt under the light of Quran. It said:

“Who so judgeth not by that which Allah, has revealed such are disbelievers.”
(Al-Ma’ida)

Hadith Or Sunnah:

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.”**

The Holy Prophet had to pass through different grades and conditions in his life with a view to

furnish instructions to misguided people of the world. **“His trials and difficulties, struggles and battles, his happiness and enjoyments and everything which occurred during his Apostolic career, were not but dictations from the Almighty; so that these things may be so many torch-lights for the guidance of all classes of men who were groping in utter spiritual darkness.”**

The Holy Quran says:

“Certainly, you have got in the Apostle of Allah an excellent example for him, who hopes in Allah and the latter days and remembers Allah much.”

The chief characteristic of the Holy Prophet was that, he not only gave practical rules for guidance but also gave practical illustrations of all those rules.

All those rules are collectively called the Sunnah of the Holy Prophet recorded in the Hadith which is the secondary source of Muslim Law. It is narrated in **Sahih Muslim** that:

“Allah is connected with the community by His Quran and Muhammad (PBUH) by his Sunnah.”

In **Sahih Bukhari** it appears:

“He who is tired of my Prophet’s Sunnah, does not belong to me.”

Therefore every Muslim requires, in addition to the Quran, guidance of the Sunnah and Hadith in life.

Ijma

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.

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

Ijma came into existence after the death of the Holy Prophet. During his life every question whatever might have been its nature, was decided by the Holy Prophet. But after his demise and with expansion of Islam and growing interests of theological and juristic speculations; there

arose complexities in various matters for which there were no clear directions or decision in the Holy Quran and the Sunnah. Therefore, there was the necessity of finding out new rules and regulations to decide those matters. To find out new rules on the basis of Quran and Hadith there were mutual consultations among the companions of the Holy Prophet.

After the death of the Holy Prophet when there was any dispute on any question for which there were no directions in the Quran the Sunnah, then the companions of the Holy Prophet or the Muslim jurists of that age exercising their individual judgment gave their decision in accordance with the Quran and Sunnah. The decision on which all the companions or Muslim jurists or majority of them agreed is called Ijma.

The authority of Ijma is based on the verse of the Holy Quran and the traditions of the Holy Prophet.

The Holy Quran says:

“Do not like those who separated and divided after they had received the clear proofs.”

And again:

“Obey the Prophet and those who have authority among you.....”

Hadith Sharif refers:

“It is incumbent upon you to follow the most numerous body.”

“Whoever separates himself from the main body will go to the Hell.”

“He who opposes the people’s decision will die the death of man who died in the days of ignorance.....”

“If anything comes to you for decision, decide according to the book of Allah, if anything come to you which is not in the Book of Allah, then look into the Sunnah of The Holy Prophet, if anything comes to you is not in the Sunnah of the Holy Prophet, then look to what the people unanimously agreed upon.”

Ijma is of two kinds, **Ijma-i-Azimah** and **Ijma-e-Rukhsah**. When the Mujtahids give their consent on particular point is Ijma-i-Azimah. When the Mujtahids do not agree upon any point but the community as a whole accepts the decision given by some Mujtahids is called Ijma-e-Rukhsah.

Qiyas:

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.

Besides the Quran and the Hadith, Ijma and Qiyas are the two important sources of Islamic law. The basis of these two sources is the Quran, the Sunnah and the individual judgement.

Important sections of Muslim Laws such as rules regarding the caliphate, administrative measures etc. are based on Ijma and Qiyas.

Conclusion:

Total and unqualified submission to the will of Allah is the fundamental tenet of Islam. Islamic law is therefore the expression of Allah's command for Muslim society and, in application, constitutes a system of duties that are incumbent upon a Muslim by virtue of his religious belief. Known as the Shari'ah (literally, the path), the law constitutes a divinely ordained path of conduct that guides the Muslim towards a practical expression of his religious conviction in this world and the goal of divine favour in the world to come.