

LAW

B.A.LL.B. IV-SEM

MUSLIM LAW

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PRIMARY SOURCES OF ISLAMIC LAW

The primary sources of Islamic law are the Holy Book (The Quran), The Sunnah (the traditions or known practices of the Prophet Muhammad), Ijma' (Consensus), and Qiyas (Analogy). In this section of the research guide specifically presents the primary sources that include the actual rules of law created by the God and the Prophet Muhammad.

These sources are given below

1. Al-Qur'an
2. Sunnah
3. Hadith (Hadees)
4. Ijma
5. Qiyas

1. AL-QUR'AN

The Holy Quran is the first and most important source of Islamic law. The word Qur'an literally means "the reading" or "the recitation", and refers to the divinely revealed scripture given to Prophet Muhammad. Since Prophet Muhammad is considered the last prophet of God, the Qur'an is considered the ultimate revelation from God to humanity.

The Qur'an is the book revealed the messenger of Allah, Muhammad (PBUH) as written in the Mashaf and transmitted to us from him through authentic continuous narration (tawatur) without doubt.³ Other jurist defines that the Qur'an is the words of Allah (Exalted) that were revealed to the Prophet (PBUH) in Arabic through the Angel Jibril.

As a complete code of life in terms of its stated morality and laws, the holy Quran guides humans in spiritual and worldly matters, as well as individual and collective aspects of life. The holy Quran, the last book of Allah Almighty which He revealed on Prophet Muhammad (PBUH), is the foundation of religion and the fountainhead of Islamic law. This

is a complete book and a code for man's guidance. It is addressed to the whole humanity without the discrimination of race, colour, religion or time. It is the first source of Islamic law and, without any doubt, is the recipe for success in this world and the hereafter.

We can say in other words that, Muslims believe that the Quran is the direct word of Allah (SWT), as revealed by Muhammad (SAW). All sources of Islamic law must be in necessary agreement with the Quran. The Quran was written and preserved during the life of Muhammad (SAW), and was compiled soon after the death of Muhammad (SAW).

As the Qur'an was revealed over a period of twenty three years in relation to particular events and it is explained in the holy Qur'an as follows.

More than 200 verses of the Holy Quran make up the body of Islamic law that governs legal relations. It is notable here that all the rules in these 200 verses leave their mark in the five basic principles that lay the very foundation of the Islamic legal system. The brief break of these verses is as follows:

70 verses on family and Inheritance law

70 verses on obligations and contracts

30 verses on criminal law

20 verses on procedure

10 verses on other matters

2. SUNNA (SUNNAT)

The Sunnah is the next important source, the Sunnah or path or way of Prophet Muhammad (PBUH). The Sunnah consists of the sayings, deeds and words of Prophet Muhammad (PBUH) which are not revelations of the Quran. In order to understand the teachings of Quran, the understanding of Sunnah is compulsory. It is the traditions or known practices of the Prophet Muhammad, accepting words, deeds, silent assertions about him and statements and activities, many of which have been recorded in versions of Hadith literature.

3. HADITH (HADEES)

literally meaning of Hadith ("talk" or "discourse") in Islam refers to what Muslims believe to be a record of the words, actions, and the silent approval of the Islamic prophet Muhammad. Hadith have been called "the backbone" of Islamic civilization, and within that religion the authority of hadith as a source for religious law and moral guidance ranks second only to that of the Quran (which Muslims hold to be the word of God revealed to his messenger Muhammad). Scriptural authority for hadith comes from the Quran which enjoins Muslims to emulate Muhammad and obey his judgments. While the number of verses pertaining to law in the Quran is relatively few, hadith give direction on everything from details of religious obligations (such as Ghusl or Wudu, for salat(Namaz) prayer), to the correct forms of salutations and the importance of benevolence to slaves. Thus the "great bulk" of the rules of Sharia (Islamic law) are derived from hadith, with than the Quran.

Difference between Sunna and Hadith

The terms "Sunna" and "Ḥadīth" are often used interchangeably. This use is inaccurate. As I explained, "Sunna" denotes what the Prophet said, did, approved, and disapproved of, explicitly or implicitly. "Ḥadīth," on the other hand, refers to the reports of such narrations.

Furthermore, while "Ḥadīth" and "Sunna" are used synonymously because the Ḥadīth literature is the main source of the Sunna of the Prophet, it is not its only source. There are two others sources. First, practices of the people of Medina were considered to have come from the Prophet. Medina is the city where the Prophet lived his last ten years, where most legislations of the new religion were revealed in the Qur'an or devised by the Prophet, and where the first three khalifa and most Companions continued to live.

In other words, Sunnah is an action that was performed by our beloved prophet Muhammad s.a.w, and hadith is the where sunnah is written for us to read, Prophet Muhammad s.a.w life is perfect example for us we all must follow his teachings, his way of livings thats sunnah.

4. IJMA (CONSENSUS OF OPINION)

Ijma is a term used for an opinion or order of Islam where all good and respected scholars of Islam are unanimous in their rule. For example, scholars believe that there are five obligatory prayers (Namaz), or that adhan should be offered before the namaz, or that the funeral prayer should be recited over the deceased believer, or swine is prohibited in Islam, etc.

IJTEHAAD

The literal meaning of ijtehad is derived from the root word jihad or effort, to find in the solution the guidance of the Quran and Sunnah.

Ijtehad is the process where scholars of Islam try to find a solution to an issue on which the Quran and Sunnah are silent. For example there is an issue of modern times: is it legal to shut down the life-support system of a person declared brain-dead?

Because this is a new development of modern technology, the Quran and Sunnah are clearly silent on this issue. Thus respected scholars of Islam should do ijtehad and draw out a ruling whether under the guidance of the Quran and Sunnah, any such thing is acceptable or impenetrable in Islam.

5. QIYAS

“Qiyaas is a term used when determining the root-cause of the process to do Ijtehaad. Qiyaas is a process whereby a clear ruling of the permissibility or impermissibility of an act or thing is applied to an issue closest related to it. For example, Allah and His Messenger (saws) have declared khamr (wine, alcohol, etc.) haraam. Now if someone were to ask for a ruling on the usage of marijuana, the scholars of Islam would do Qiyaas and determine the root cause of the haraam of khamr is its intoxication; thus all things that intoxicate would be considered haraam. Because the usage of marijuana intoxicates, it too would be considered haraam.

Whatever written of Truth and benefit is only due to Allahs Assistance and Guidance, and whatever of error is of me. Allah Alone Knows Best and He is the Only Source of Strength.”

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