

# Shari'ah

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- 1. Meaning Of Shari'ah**
- 2. Sources Of Shari'ah**
- 3. Importance Of Shari'ah**
- 4. Shari'ah In This Modern World**



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# Shari'ah

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## 1. Meaning Of Shari'ah

- a. Shari'ah Root Word ... To Be Seated Upon A Road, Open A Street (Door), Establish A Law, Begin, Appoint A Religion.
- b. Shari'ah = Islamic Law, Rules And Regulations
- c. Shari'ah = Code For Conduct, Behaviour, Manners, Ways Of Doing Things
- d. (5: 48) To Each Of You We Prescribed A Law And A Method.
- e. (45: 18) Then We Put You, [O Muhammad], On An Ordained Way Concerning The Matter [Of Religion]; So Follow It And Do Not Follow The Inclinations Of Those Who Do Not Know



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## 2. Sources Of Shari'ah

1. Qur'an (Divine Message)
2. Hadith / Sunnah (Sayings, Deeds And Silent Approval Of Rasouloullaah (S), Swahabah, Tabi'oun And Taba'ut Tabi'in)
3. Ijma (Consensus)
4. Qiyas (Analogy)
5. Ijtihaad (Human Reasoning)
6. 'Aql (Intellect)
7. 'Urf (Custom)
8. Practices of Swahaba



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## 2. Sources Of Shari'ah

### 1. Qur'an (1)

- a. The Words Of Allah
- b. Divine Words And Message
- c. For All Generations To Come
- d. Preserved By Allah
- e. Code Of Conduct For Humanity



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## 2. Sources Of Shari'ah

### 1. Qur'an (2)

- a. (6: 155) And This Is A Blessed Scripture Which We Have Revealed So Follow It And Ward Off (Evil), That Ye May Find Mercy
- b. (33: 2) And Follow That Which Is Inspired In Thee From Thy Lord. Lo! Allah Is Aware Of What Ye Do.
- c. (Muslim 1218) 'I Have Left Among You The Book Of Allah, And If You Hold Fast To It, You Will Never Go Astray'
- d. 600 Verses Known As Aayatul Ahkam
- e. Stories Of Past Prophets
- f. Stories Of Past Nations
- g. Remembrance Of Allah
- h. Injunctions Of Death And Life After Death



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## 2. Sources Of Shari'ah

### **2. Hadith / Sunnah (1)**

- a. Sayings, Deeds And Silent Approval Of Rasouloullaah (S), Swahabah, Tabi'oun And Taba'ut Tabi'in
- b. Hadith = Sayings / Words
- c. Sunnah = Deeds / Actions
- d. Hadith = General Term
- e. Hadith / Sunnah From Salaf Not Khalaf



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## 2. Sources Of Shari'ah

### 2. Hadith / Sunnah (2)

Hadith Categories	Unbroken Chain of Narrators	Every narrator is reliable ('aadil)	Narrator's Dabt (Memorization and Preservation of Hadith) is good
1. Swahih li Dhaatihi	Good	Good	Good
2. Swahih li Ghayrihi	Good	Good	Less reliable but the hadith is narrated by other chains of narrators
3. Hasan li Dhaatihi	Good	Good	Less reliable but the hadith is not narrated by enough chains of narrators
4. Hasan li Ghayrihi	Lack in more than 1 criteria but the hadith is narrated by other chains of narrators		
5. Dwa'if	Lack in more than 1 criteria but the hadith is not narrated enough by other chains of narrators		
Matrook	The narrator is known as a liar		
Mawdu'	It is a fabricated hadith		



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## 2. Sources Of Shari'ah

### 2. Hadith / Sunnah (3)

- a. (59: 7) And Whatsoever The Messenger Gives You, Take It. And Whatsoever He Forbids, Abstain (From It).
- b. (16: 64) And We Have Revealed The Scripture Unto Thee Only That Thou Mayst Explain Unto Them That Wherein They Differ, And (As) A Guidance And A Mercy For A People Who Believe.
- c. (3: 31) Say, (O Muhammad, To Mankind): If You Love Allah, Follow Me'
- d. (33: 21) Verily In The Messenger Of Allah You Have A Good Example ...



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## 2. Sources Of Shari'ah

### **Qur'an / Hadith**

- a. (33: 36) And It Becomes Not A Believing Man Or A Believing Woman, When Allah And His Messenger Have Decided And Affair (For Them), That They Should (After That) Claim Any Say In Their Affair; And Whoso Is Rebellious To Allah And His Messenger, He Verily Goes Astray In Error Manifest.
- b. (50: 45) But Warn By The Qur'an Him Who Fears My Threat.
- c. (2: 151) Even As We Have Sent Unto You A Messenger From Among You, Who Recites Unto You Our Revelations And Causes You To Grow, And Teaches You The Scripture And Wisdom, And Teaches You That Which Ye Knew Not.'
- d. (Al Muwatta Book 46, Hadith 3) I Have Left Two Matters With You. As Long As You Hold To Them, You Will Not Go The Wrong Way. They Are The Book Of Allah And The Sunna Of His Prophet."



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## 2. Sources Of Shari'ah

### 3. Ijma' (1)

- a. Ijma' = Consensus Of 'Ulama
- b. New Problem In The Society
- c. Majlis Shurah To Be Conducted
- d. The 'Ulama To Decide On The Matter
- e. Decision / Opinion May Differ



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## 2. Sources Of Shari'ah

### 3. Ijma' (2)

- a. Ijma' Al Qawl Al 'Azimah (Regular Consensus Through Words)
- b. Ijma' Al Qawl Al Rukhsa (Irregular Consensus Through Words)
- c. Ijma' Al Fi'l Al 'Azimah (Regular Consensus Through Deeds)
- d. Ijma' Al F'il Al Rukhsa (Irregular Consensus Through Deeds)
- e. Ijma' As Soukout (Silent Consensus)



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## 2. Sources Of Shari'ah

### 3. Ijma' (3)

- a. (4: 59) O Ye Who Believe! Obey Allah, And Obey The Messenger And Those Of You Who Are In Authority
- b. (5: 55) Your Friend Can Be Only Allah; And His Messenger And Those Who Believe, Who Establish Worship And Pay The Poor Due, And Bow Down (In Prayer).
- c. (Tirmidhi Vol. 1, Book 46, Hadith 3786) 'O People! Indeed, I Have Left Among You, That Which If You Hold Fast To It, You Shall Not Go Astray: The Book Of Allah And My Family, The People Of My House.'"
- d. (Tirmidhi 2167) 'Indeed Allah Will Not Gather My Ummah " - Or He Said: "[Muhammad's]ummah Upon Deviation...'



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## 2. Sources Of Shari'ah

### 4. Qiyas (1)

- a. Qiyas = Analogy
- b. Qiyas = Analogical Deduction Of The 'Ulama
- c. Comparison Made Between New And Ancient Situations
- d. Types Of Qiyas:
  - I. Jaliyy – Clear (No Explanation)
  - li. Khafiy – Hidden (Needs Explanation)



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## 2. Sources Of Shari'ah

### 4. Qiyas (2)

- a. (59: 2) So Think Deeply, O Ye Who Have Eyes
- b. (Abi Dawud 3592) Some Companions Of Mu'adh Ibn Jabal Said: When The Messenger Of Allah (S) Intended To Send Mu'adh Ibn Jabal To The Yemen, He Asked: How Will You Judge When The Occasion Of Deciding A Case Arises? He Replied: I Shall Judge In Accordance With Allah's Book. He Asked: (What Will You Do) If You Do Not Find Any Guidance In Allah's Book? He Replied: (I Shall Act) In Accordance With The Sunnah Of The Messenger Of Allah (S) He Asked: (What Will You Do) If You Do Not Find Any Guidance In The Sunnah Of The Messenger Of Allah (S) And In Allah's Book? He Replied: I Shall Do My Best To Form An Opinion And I Shall Spare No Effort. The Messenger Of Allah (S) Then Patted Him On The Breast And Said: Praise Be To Allah Who Has Helped The Messenger Of The Messenger Of Allah To Find Something Which Pleases The Messenger Of Allah.



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## 2. Sources Of Shari'ah

### 5. Ijtihaad (1)

- a. Ijtihaad – Human Reasoning**
- b. Use Of The Intellect**
- c. New / Modern Situation**
- d. Majlis Shurah**
- e. Specialised Persons**



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## 2. Sources Of Shari'ah

### 5. Ijtihaad (2)

#### Qualities Of A Mujtahid

- a. **Knowledge Of** Religion Of Islam, The Sunnah, Fiqh And Usul Al Fiqh
- b. Knowledge Of Asbab Al-nuzul
- c. Knowledge Of Hadith
- d. Principles Of Ijma' And Qiyas
- e. Practicing And Pious
- f. Not Be Influenced By Any Heretical Inclination
- g. Just, Reliable, Trustworthy And Pure From Wicked Practices



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## 2. Sources Of Shari'ah

### 5. Ijtihaad (3)

#### Types Of Mujtahid

- a. Mujtahid Fi Tashri'i (Shari'ah)
- b. Mujtahid Fi Madhhab (Schools Of Thought)
- c. Mujtahid Fi Masa'il (Juristic Opinions)



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## 2. Sources Of Shari'ah

### 5. Ijtihaad (4)

#### Conditions Of Ijtihaad

- a. Not Practiced On The Existence And Ability Of Allah**
- b. Not On The Authority And Personality Rasouloullaah (S)**
- c. Not On Authenticity And Value Of The Qur'an**



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## 2. Sources Of Shari'ah

### 5. Ijtihaad (5)

- a. (2: 150) Whencesoever thou comes forth turn thy face toward the Inviolable Place of Worship; and wherever ye maybe (O Muslims) turn your faces toward it (when ye pray) ....
- b. (10: 24) Thus do We expound the revelations for people who reflect
- c. (14: 25) Allah devised the similitudes for mankind in order that they may reflect.



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## 2. Sources Of Shari'ah

### 6. 'Aql

- a. 'Aql = Use Of Intellect
- b. The Usuli School – Shia School - Gives Great Importance To Human Intellectual Judgment.
- c. Mu'tazilah = Use Of 'Aql
- d. 'Aql Over Hadith



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## 2. Sources Of Shari'ah

### 7. 'Urf (1)

- a. 'Urf = Custom Of A Country Or Place Or People
- b. Approved Custom
- c. Based On Morality
- d. If Immorality Incurs, It Is Not Considered
- e. Must Be From The 'Ulama



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## 2. Sources Of Shari'ah

### 7. 'Urf (2)

#### Types Of 'Urf:

- a. Al-'urf Al-sahih (Approved)
- b. Al 'Urf Al Fasid (Disapproved)

#### The Approved Is Divided Into 2 Groups:

- a. Qawli – Verbal (Words Like Roza, Namaz Etc)
- b. Fi'li – Action (Recurrent Practices)

#### 2 Categories:

- a. 'Urf Al 'Aam (Practice Of All People Everywhere)
- b. 'Urf Al Khaas (Practice Of A Particular Country Or Locality Or Some Places)



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## 2. Sources Of Shari'ah

### 7. 'Urf (3)

#### Conditions For 'Urf

- a. It Must Be Common And Recurrent.
- b. 'Urf Must Be In Practice At The Time Of Transaction, that is, Past 'Urf Is No Basis.
- c. Custom Or 'Urf Must Not Violate The *Nass* Or Clear Stipulation Of The Quran And The Sunnah.
- d. Custom Must Not Contravene The Terms Of A Valid Agreement (Valid According To Shari'ah).



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## 2. Sources Of Shari'ah

### 7. 'Urf (4)

- a. (2: 233) '... And If You Wish To Have Your Children Nursed By A Substitute ....'
- b. (2:185) *"Allah Intends For You Ease And Does Not Intend For You Hardship."*
- c. (22: 78) ...He Hath Chosen You And Hath Not Laid Upon You In Religion Any Hardship; The Faith Of Your Father Abraham (Is Yours)...
- d. (Muslim Book 27 Hadith 64) Abu Huraira Reported Allah's Messenger (S) As Saying: It Is Essential To Feed The Slave, Clothe Him (Properly) And Not Burden Him With Work Which Is Beyond His Power.



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## 2. Sources Of Shari'ah

### 8. Practices Of Swahabah (1)

**Swahabah = Companions Of The Prophet (S)**

**Swahabah = Those Who Had Seen The Prophet (S), Embraced Islam Through The Hands Of The Prophet (S), Had Practiced Islam And Died On Islam.**

**Swahabah = At Least Had Met The Prophet (S) And Died On Imaam**



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## 2. Sources Of Shari'ah

### 8. Practices Of Swahabah (2)

- a. Intimate Knowledge Of The Qur'an And The Teachings Of The Prophet
- b. Unique Position To Formulate *Ijtihad* And To Issue *Fatwas* On The Problems That They Encountered
- c. Saying Of A Companion = *Qawl Al Sahabi* And *Fatwa Al Sahabi* (Opinion By Way Of *Ijtihad*)
- d. Saying / Deed Of A Companion = Proof Which Commands Obedience (When Not Controversial)
- e. Ruling Of One Companion Is Not A Binding Proof Over Another
- f. Main Feature Of The *Amr Bi'l-ma'ruf* (Enjoining Right) Which The Companions Pursued



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## 2. Sources Of Shari'ah

### 8. Practices Of Swahabah (3)

- a. (9: 100) the first and foremost among the Emigrants and Helpers and those who followed them in good deeds, God is well-pleased with them, as they are with Him'
- b. (3:109) You are the best community that has been raised for mankind; you enjoin right and you forbid evil'
- c. (Bukhariy 6658) Narrated `Abdullah: The Prophet (s) was asked, "Who are the best people?" He replied: The people of my generation, and then those who will follow (come after) them, and then those who will come after the later; after that there will come some people whose witness will precede their oaths and their oaths will go ahead of their witness."



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## 3. Importance Of Shari'ah (1)

- a. (2: 2) This Is A Book ... There Is No Mistake In It". It Is Sacred. It Is A Divine Source Of Law
- b. (53: 3) "Nor Does He Speak Out Of His Desires, But It Is Inspired To Him". Inspirations From Allah
- c. (4: 59)"O You Who Believe, Obey Allah And Obey The Messenger And Those Who Are In Authority Among You"
- d. (45: 18) Then We Put Thee On The Right Way Of Religion, So Follow It". To Strike A Balance
- e. Complete Code Of Conduct For All Aspects Of Mankind.



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## 3. Importance Of Shari'ah (2)

- a. Element Essential To Perfect Mankind.
- b. Means Of Guaranteeing Felicity For Man (Happiness, Success And Satisfaction)
- c. A Guide To How To Put Into Practice Different Institutions Like Swalaat, Sawm, Hajj Etc
- d. Regulate Our Lives Through The Knowledge Of Halal, Haram, Sunnah, Makruh, Mubah Or Nawafil.
- e. A Guide In This Modern World Where Materialism Is Prevailing



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## 4. Shari'ah In This Modern World

- a. Transplantation Of Organs
- b. Halal Food And Halal Gain
- c. Marriage Ceremony (Betrothal, Chawtary)
- d. Blood Transfusion
- e. Use Of Technology – Multi Media etc
- f. A Multi Cultural Society
- g. Intermingling Of Both Sexes On School, College Or University Compounds
- h. Code Of Conduct To Be Respected When Living Among The Non Muslims.
- i. Shari'ah Comes To Spiritualise Our Private And Public Lives.



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