



**DADABHOY
INSTITUTE
OF HIGHER
EDUCATION**

**ISLAMIC JURISPRUDENCE
MID TERM ASSIGNMENT**

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Faculty of Law

Time: 11A.M.

Program: BA-LLB Max .

Marks: 30

Note: Attempt any three questions, all questions carry equal marks:

Q1: Explain the primary sources of Islamic law.

Q2: Discuss the Islamic study of Quran and procedure adopted for cancellation of it.

Q3: Define the meaning and concept of Islamic Jurisprudence.

Q4: Discuss the Four Schools of jurisprudence (School of thought).

Q5: Explain the science of cancellation of traditions in Islamic Jurisprudence.

Q1: Explain the primary sources of Islamic law.

ANSWER-

As a Muslim, we know that the ultimate or final source of authority is Allah all alone. Muslims are bound to follow the teachings and commands of the Quran, as they are the commands of Allah. There are two primary sources of Islamic law (Shariah law). They are the sources of all principles of Islamic law.

The first one is the Quran and the second is the Sunnah.

QURAN-

The Quran is the principle source of Shariah, since it contains the rules and regulations by which the Muslims abide. The Quran is the most authentic book in the world, which was revealed to the Holy prophet PBUH by Allah SWT, in the month of Ramadan. The first revelation consisted of five verses of surah Iqra, in the cave of hira, where holy prophet pbuh used to go for meditation. We must follow the teachings of the Holy Quran in legal and personal matters since it contains verses about social and private matters and how to solve disputes among us in a friendly way.

The Quran has 30 chapters which are divided into 114 surahs. The surahs are further divided into 6666 verses. Around 500 verses deal with the Islamic law. For example, they carry information regarding Ibadat, personal law, crimes and sentencing, family matters, and many other legal matters. Approximately 30

verses deal with the content related to crimes and sentencing, 25 deal with international laws, and 70 verses deal with family law.

The following are the verses that tell us about the legal content and punishments for forbidden acts;.

Verse (24:2) tells us about the punishment for zina.” Those who fornicate - whether female or male - flog each one of them with a hundred lashes.² And let not tenderness for them deter you from what pertains to Allah's religion, if you do truly believe in Allah and the Last Day³; and let a party of believers witness their punishment.”

Verse 5:38 tells us about the punishment for theft, which is amputation of the hand.

"And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever. They indeed are the Faasiqoon (liars, rebellious, disobedient to Allah)”

[al-Noor 24:4].

We have to follow the punishments that are commanded and decided by Allah and his messenger in the Holy Quran to solve legal disputes.

SUNNAH-

Sunnah, also known as practices of the Prophet Muhammad, is the second major source of islamic law. In shor, sunnah is everything that was commanded in the holy Quran but performed by our Holy Prophet PBUH. The Sunna also comprises a number of legal provisions that must be applied by all believers of Islam. The validity of the sunnah depends on categories, for example, the most authentic verses fall into the category of sahih, good verses are called Hasan, strange verses as Gharib and daif are weak.

Hazarat Umer (RA) said “First Quran, then Sunnah (if not found in both), go towards the practice of pious people.” Allah has commanded us to obey his messenger in Surah Nisa.

TYPES OF HADITH-

Verbal, They are basically the sayings of the holy prophet PBUH. The second is practical sunnah, for example, he taught us the way of offering namaz and performing hajj. Lastly, tacit, the things holy prophet PBUH approved and disapproved of to his companions.

Examples of Sunnah-

Sunnah is used when the Quran is silent on a matter. For example, the quran ordered punishment for theft which is amputation of a hand. But, but Hazrat Ayesha (RA) reported that the holy prophet PBUH said the hand has to be cut off if the theft weighs below a quarter of a dinar.

Quran has forbidden drinking wine and claimed it as satanic deed, but the Sunnah told us about the punishment for drinking wine in Islam. The Prophet (S.A.W) ordered 40 lashes to a drunkard.

The six collections of hadith are, Sahih Al bukhari, sahih bukahi, sunan ibn majah, sunan al tirmizi, sunan al nasai, sunan abu dawood.

Hence, we can see that the Quran and Sunnah have a close relationship. The sunnah is used when the quran is silent about a matter.

QUESTION- Discuss the Four Schools of jurisprudence (School of thought).

ANSWER-

The four schools of thoughts, that Sunni Muslims follow are;

1- HANBALI- The name was coined after an Iraqi scholar, Ahmad Ibn Hanbal. This thought was derived from sharia primarily from the quran, the sayings of the holy prophet PBUH, and the points of view of the companions of holy prophet PBUH. The Hanbali school derives its rulings almost solely from the Quran and Sunnah. Hanbali is the most Conservative school of thought. The school has suffered a decline due to its rigidity and intolerance over the years. The only place it is followed these days is Saudi Arabia. The Wahhabi movement, for instance, emerged from the Hanbali school.

Ibn Taymiyya (d.1328) and Ibn Qayyim al-Jawzia (d.1350) are examples of Hanbali scholars.

2- HANAFI- Hanafi school of thought is the oldest and the most followed Sunni school of thought. Its roots originated from Kufa and now can be found in Turkey, central Asia, Afghanistan, and Pakistan. This school came into existence upon the teachings of its founder, Abu Hanifa. This school followed qiyas, analogical reasoning. Abu Hanifa also favored the use of juristic preference, istihsan. This school is the most flexible and Liberal, in terms of criminal law, treatment towards non Muslims, and marriage. In short, Hanafi school relies on Ijma (interpretations of jurists). Sources are the Quran, hadith, consensus (ijma), legal analogy (qiyas), juristic preference (istihsan) and urf.

3- MALIKI- This school is named after Imam Anas bin Malik. It was founded in the 8th century and based on the teachings of the imam Mālik ibn Anas. The Maliki school of jurisprudence derived from the Quran and Hadiths as primary sources. Maliki Fiqh also considers the consensus of the people of Madinah to be a valid source of Islamic law. It is the second largest of the four schools. Malikīs were open to analogical reasoning.

4- SHAFEI- this school of thought was derived from the teachings of Muḥammad ibn Idrīs al-Shāfi‘ī, in the early 9th century. Shafi'i school does not consider istihsan as an acceptable source of religious law because it is equivalent to "human legislation" of Islamic law. This is followed in eastern Africa, some parts of Arabia, and Indonesia. Shafi originated from the teachings of Quran and sunnah.

if there was no consensus, the Shafi'i school uses qiyās (analogical reasoning) as a source of shariah.

Define the meaning and concept of Islamic Jurisprudence.

Answer-

Islamic jurisprudence, also known as fiqh, is the human understanding and practices of the Islamic law or shariah. Islamic jurists derive religious and legal rulings from the sources of the Islamic law. The primary sources of the Islamic

jurisprudence are Quran and Sunnah, whereas the secondary sources are Ijma and Qiyas, along with Tafseer and Islamic jurisprudence.

fiqh is the legal dimension of Islam that deals with the practical regulations and rules of the sharī'ah, such as observance of worships, rituals, and social legalism derived from the primary sources of the Qur'ān and sunnah.

CONCEPT OF ISLAMIC JURISPRUDENCE-

Islamic jurisprudence comes from shairah. Fiqh is one of the secondary sources of Islamic law, together with Ijma, qiyas, istihsan, istihsab, urf. . It is the process of applying and deducing Islamic principles. Fiqh is the process of making a legal decision by original interpretation of the primary legal sources, the Quran and sunnah.

Sunni Islam is divided into four schools of law or fiqh (religious jurisprudence): Hanafi, Shafi, Maliki and Hanbali. They are followed by many Muslim states.

IMPORTANCE OF FIQH-

It relates to understanding and explaining the Islamic rules in the light of the Quran and Sunnah, in order to guide the whole Ummah toward the right path. Say, "Are those who know equal to those who don't know? Surely it is the people of understanding recognize the guidance" (39:9)

This ayah tells us that Allah Almighty loves the person having knowledge of Fiqh, and he is on the straight path, the path to Allah.

Citation-

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