

## **FINAL-TERM ASSIGNMENT**

- **Registration No** : B.A L.L.B / 3-19/M007
- **Student Name** : BILAL AHMED
- **Title Of Course** : Islamic Jurisprudence-II
- **Name of Faculty Member** : AIJAZ AHMED JATOI
- **Submission Date** : 13<sup>th</sup> September, 2021

➤ **QUESTION NO.1:-**

**AIMS AND OBJECTIVES OF ISLAMIC JUSTICE SYSTEM**

The Maqasid-al-Shariah (means the aims and objectives) of Islamic Justice System are the primary objectives of Islamic Laws which were made for the benefits of mankind. The absence of these objectives may cause harm and damage to human life. The aims and objectives of Shariah are not specifically mentioned in the original sources of the Shariah, i.e. Quran and Hadith. These were developed over the years by Islamic scholars to preserve the mankind by establishing the essential moral values. These scholars have classified the entire range of maqasid (aims and objectives) based on the human's interest, into three descending categories of importance which are following as under;

**1. FIRST OBJECTIVE (NECESSITY):**

The first objective is necessity which is the absolute requirements to the survival and spiritual of mankind, to the extent that their destruction or collapse would precipitate chaos and the demise of normal order in society. This objective is classified by the Islamic Scholars in to five elements of preservations which are considered as the high objective of Shariah law, which are summarize as under;

**a. PRESERVATION OF LIFE (NAFS):**

Islam has committed a significant amount of texts and teaching us to establishing the preservation of life. It is through life that mankind is able to maintain or preserve all of the Almighty Allah's provisions and principles. Therefore, Islam has not only protected the life from being killed or wasted but also established a set of rules to ensure its welfare spiritually and humanly that is to secure surviving needs such as food, marriage, shelter, drinks and clothing as well as establishing rules that deny and forbid the all means of self's distractions. For e.g. prohibition of killing and imposition of Qisas are laid for the preservation of life.

---

**“And whoever saves one - it is as if he had saved mankind entirely.”  
Surah Al-Maidah verse 5:32).**

---

**b. PRESERVATION OF RELIGION (DIN):**

Religion is the sum of beliefs, rituals and rules commanded by the Almighty Allah (SWT) to regulate people's relationship with Allah and relationships with each other. Allah (SWT) Most high has intended through those provisions to establishing religion and installs it in the people's souls as they follow it. The reservation of religion is legitimated in many Shariah texts that call to faith and encourage it and forbid unfaithfulness. For e.g. Prayer, fasting, payment of Zakat and performing Hajj are laid down for the preservation of religion.

---

**“And whoever desires other than Islam as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers.”  
(Surah Al-Imran verse 3:85).**

---

Continue.....

**c. PRESERVATION OF LINEAGE (NASAL):**

Shariah has legitimized marriage and reproduction for the sake of persevering human's offspring and for the sake of preserving it, Shariah has forbade adultery and assigned a legal punishment for whoever commits it. Moreover, Shariah also assigned a legal punishment for whoever lies about or render someone guilty unjustly of committing it (had al-Qazf).

---

**“And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way”. (Surah Al-Israr verse 17:32).**

---

**d. PRESERVATION OF INTELLECT (AQAL):**

Allah (SWT) has commanded us to preserve our minds and has prohibit the use of things which cause to disable the mind i.e. toxicities and alcohols etc. The Allah Almighty has granted and distinguished humans from all other creatures by the grace of the mind, which means the ability to distinguish and making choices, and solving the difficulties faced in life. Allah has made humans, therefore, his successor on earth, and humans are liable to maintain their mind, which is the basis of the discourse of the succession on earth.

---

**“O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful”. (Surah Al-Maidah verse 5:90).**

---

**e. PRESERVATION OF PROPERTY (MAL):**

Money or property belongs to God Almighty, who has granted humans the status of successors on earth, and so they are commanded to preserve such grace not to waste it. Shariah has commanded for the purpose of preserving human's wealth the pursuit of earning a living and permitted transactions and exchanges and trade. Shariah also commended for the sake of preserving wealth as well, forbid and placed punishments upon theft, deception, treason and consuming people's wealth unjustly.

---

**“And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]”. (Surah Al-Baqrah verse 2:188).**

---

**2. SECOND OBJECTIVE (COMPLEMENTARY VALUES):**

The second objective is less essential for human life. For e.g. marriage, trade, and means of transportation. Islam encourages and regulates these needs. However, the lack of any of these needs is not a matter of life and death, especially on an individual basis.

**3. THIRD OBJECTIVE (REFINEMENTS OR EMBELLISHMENTS):**

The third objective is beautifying purposes, such as using perfumes, stylish clothing, and beautiful homes. These are things that Islam encourages, but also asserts how they should take a lower priority in one's life.

**CONCLUSION:**

These are the objectives which are must and basic for the establishment of welfare of mankind, if they are ignored then the coherence and order cannot be established and fasad (means chaos and disorder) will prevail in this life and there will be obvious loss in the life of hereafter.

Continue.....

# **HAD PUNISHMENTS**

Had means boundaries, border, limits or prohibition. its plural is “hudood”, it consider to be the most sever crimes which are against the law of the Allah (SWT) and punishments of these crimes fixed by Allah (SWT). Following are the offences of Had and its punishments prescribed by Allah Almighty;

## **1. ZINA:**

It is type of Had offence which means unlawful sexual intercourse with others instead of lawful spouse. Its punishment prescribed by the Allah (SWT) i.e. if a person committed ZINA who is unmarried would face 100 lashes while a person is married would face death by stoning.

## **2. QAZAF:**

Qazaf means false accusation of unlawful intercourse. A person who charged upon any person or individual of unlawful sexual intercourse although he/she is innocent or accusation against dead person then he/she is liable to be punished. Its punishment prescribed by the Allah (SWT) i.e. free person would face 80 lashes while slave person would face 40 lashes.

## **3. SHRUB AL-KHAMR:**

It's means consumption of alcohol and other intoxication beverages. If a person drinks wine and consume any other type of intoxication beverages which are haram (prohibit) in Islam would face 80 lashes.

## **4. SAIQAH:**

Its means theft and punishment prescribed in Islam i.e. in first attempt of theft the offender would face amputation of left hand and on second attempt amputation of right foot.

## **5. HIRABAH:**

Its means robbery through force arms, it can be considers as robbery of travelers and enter in a private property with full of arms with the intention to rob. Its punishment classified into three ways i.e. on first attempt the offender would face the amputation of right hand and left foot while on second attempt he/she face the amputation of left hand and right foot and if the death occurs due to the offender's robbery then its punishment is death by sword which is not Qisas.

## **6. RIDDAH:**

Its means apostasy, it occurs when a Muslim rejects Islam and not following or obeys the principles and rules of Islam and converts the religion or faith. Its punishment prescribed in Islam as for men face death, while women face physical imprisonment till they renounce their new belief and revert to the teachings of Islam.

**Continue.....**

# **ISLAM DEALINGS WITH CIVIL WRONGS**

Islam protects the right of every person, even the compensation of injury is prescribed in Islamic Shariah law. Quran taught us there should be equal punishment for the commitment of any tort the punish should not be exceeded from the committed offence. Allah (SWT) says in Quran;

---

**“And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed”. (Surah-Al-Nahal verse (16:126).**

---

Islam taught us a Muslim's duty which is the act in defense of what is right is as much part of his faith as is his duty to oppose wrong. Once a prophet Muhammad (P.B.U.H) said;

---

**"Whosoever of you sees an evil action, let him change it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart and that is the weakest of faith."**

---

Islam, founded on individual and collective morality and responsibility, introduced a social revolution in the context in which it was first revealed. Collective morality is expressed in the Qur'an in such terms as equality, justice, fairness, brotherhood, mercy, compassion, solidarity, and freedom of choice. There is a relation in Islam between individual's responsibility and the rights and privileges derived from membership in the community.

Any lies or slander against any individual would have a harmful effect on person standing on the society. Islam prohibits us to do so and protects the honor of the its citizen and punishing those who slander upon him. Islam taught us the defaming some is great sin especially if there is no proof that what the person has said is correct, there will be punishment for those who slander or backbite. Prophet Muhammad (P.B.U.H) once said;

---

**“If once put a false allegation on a believing man or a woman or says anything about them which is not is him or her; the Allah (SWT) on the Day of Judgment will keep him the in the cloud of hell of smoke until he comes of the responsibility of what he had said”.**

---

## **CONCLUSION:**

It can be conclude that the Islam deals with the all civil wrongs and prohibits us not to interact with any wrong or sin and gives guide us to stay aware from the things which are strictly denied by the Allah (SWT), it is also conclude that Islam very established the laws of Civil wrong and prescribed the punishments of its which clearly defines that the Islam strictly denies those acts which can be harmful for others innocent individuals.

Continue.....

➤ **QUESTION NO.2:-**

**SCHOOLS OF ISLAMIC JURISPRUDENCE**

Islamic jurisprudence may be defined as a process by means of which the Scholars derive the guidelines, rules and regulations of Shariah from the principles of the Qur'an and the Sunnah. Over the centuries, these have been formulated and elaborated upon by successive generations of learned jurists, through interpretation, analogy, consensus and disciplined research. Different interpretations on what Islamic law should be, is reflected in the diverse range of schools of thought or ways of studying and practicing Islam. Following are the four school of Islamic Jurisprudence.

**1. THE HANAFI SCHOOL:**

The Hanafi School is the oldest surviving school of Islamic law, and the one with the largest following. This founder of this school was Imam Abu Hanifa who also known as Imam-e-Azam. He was born in Kufan in the year of 80 AH (699 AD) and died in 150 AH (767 AD). The Hanafi School originated in Kufa, but its influence spread to both the Mughal and Ottoman empires and can now be found from Turkey to Central Asia, the Balkans, Iraq, Afghanistan, Pakistan, India, Bangladesh, and as far as Western Europe and North America.

As well as using the Quran and the Prophet's (pbuh) life as sources of guidance, this group also relied heavily on using logical arguments to find answers to social problems that also fitted in with their understanding of Islam.

**2. THE MALIKI SCHOOL:**

This school is named after Imam Anas bin Malik, 715 CE, who, to support his studies, sold the ceiling beams of his home to buy the necessary books. Who was born in Madina in the year of 93 AH and died on 173 AH (797 AD). He spent all his life in Madina. The Maliki School has its main following in Egypt, as well as having smaller groups of followers in Algeria, Tunis, Morocco, Mauritania, Libya, Kuwait, Bahrain, Dubai and Abu Dhabi, although it originated in Saudi Arabia in the city of Medina. When the Maliki School was formed the word Sunnah did not yet mean the 'traditions' or 'practice' of the Prophet (pbuh) specifically but also referred to the actions of the people of Medina at the time.

**3. THE SHAFI SCHOOL:**

This school of thought is named after Muhammad Ibn Idrees Al-Shafi, a precocious student, who is described by historians as the master architect of Islamic law. He was belongs to Qurash Tribe. He was born in Gaza in the year of 150 AG (767 AD) and died in Egypt in 204 AF (819 AD). Perhaps his greatest achievement, with the aid of his peers, was to lay down the roots of a common framework for all schools of Islamic thought to follow when producing legal judgements on issues of faith and how it should be practised. This School also has a wide influence in Egypt, Indonesia, the Philippines, Brunei, Singapore, Thailand, Sri Lanka and the Maldives.

Continue.....

#### **4. THE HANBALI SCHOOL:**

The Hanbali School was developed in Baghdad, although today the followers of the school are concentrated mainly in Saudi Arabia and the United Arab Emirates, Pakistan and India. The founder of the school was Imam Ahmad Ibn Hanbal Baghdadi, he was the student of Muhammad Ibn Idris Al-Shafi, the founder of the Shafi School, and therefore there is a direct link between the Shafi and the Hanbali School. He was born on 164 AH (780 AD) in Baghdad and died there in 241 AH (855 AD). He visited Syria, Hijaz, Yemen, Kufah and Basrah for purpose of collecting traditions. The Hanbali School derives its rulings almost solely from the Quran and Sunnah, which proves to be popular with groups of people wishing to return to a Purer Islam.

### **FIFTH ISLAMIC SCHOOL**

The Fifth Islamic School also consist of three Schools of thoughts which are follows as under;

#### **1. AWZAI SCHOOL:**

This school is considered as fifth school of Islamic Jurisprudence. This school was founded by the Abu Amr Abd Al-Rahman Al-Awzai. He was born in 157 AH. He was a pupil of Shafi. He was the Imam of Syria, in Syria Al-Awzai remained the main school of thought until the 10th century. He wrote a lots of books in which Siyar Al- Awzai is one of his Tasanif.

#### **2. ZAHIRI SCHOOL:**

This is a school of Islamic jurisprudence founded by Dawod ibn Ali al-Isfahan, better known as Abu Sulayman al-zahiri, was born in kufah in year 200 AH and died in 270 AH, at first he was follower of shafi method but later switched over to his own method as new school. This school belief outward (Zahiri) meaning of expressions in the Qur'an and hadith but totally ignored Qyas (analogy). This school not survived as of Shafi survived, he had many followers until the 5<sup>th</sup> century AH, but then it started diminishing and died out completely in 8<sup>th</sup>.

#### **3. TABARI SCHOOL:**

The Abu Jafar Muhammad ibn Jariral Al-Tabari was the founder of this school. He was an influential scholar, historian and commentator of the Quran. He was born in 224 AH in Amol, Tabaristan and died on 310 AH at Baghdad. He composed al his work in Arabic. His Tafsir of Quran in Arabic also known as Tafsir Al-Tabari and his historical chronicle history of the Prophets often referred to Tarikh Al-Tabari. His understanding of fiqh was both sophisticated and remarkably fluid and, as such, he continued to develop his ideas and thoughts on juristic matters right to the end of his life. No followers of his found after 5th century.

Continue.....

## **STRANGE ISLAM OR SECTARIANISM**

It may be defines as the difference in believes, faith and sect of Islam. Following are main reason of sectarianism.

- Sunni schools consider Shia as group of strange Islam and blame them as murderers of Imams & as Non-Muslim because Shia in their conduct ignore few fundamental principles of Quran and interpret them against as of sunny.
- Shia sect consider Sunni as strange Islam and blame them as murderer of Imams that's why they don't accept the chain of these rulers likewise Umar, Abu Bakar as a leader and also are in doubt in many general principle and rules of Islamic law.

X-----X-----X