

## ***The Objectives of Sharī‘ah and Islamic Finance: The Usage of the Principles of Ḍarūrah and Ḥājah in the Financial Transactions***

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### **ABSTRACT**

*Ḍarūrah* (necessity) and *Ḥājah* (need) are the *Maqāsid al-Sharī‘ah* protection tools in Islamic law. They provide a mechanism to an individual or institution to avert the actual as well as expected harm from them. *Ḍarūrah* and *Ḥājah* eliminate the harm from people by granting them legal excuse about an act which is usually considered prohibited. *Salam* and *Istiṣnā’* contracts were considered permitted to remove the hardships from people. Many of the Islamic financial engineers, regulators and researchers predominantly considered *Ḍarūrah* and *Ḥājah* amalgamated concepts in their research. Critics accuse IBI of abusing the *Sharī‘ah* maxim of *Ḍarūrah* to circumvent *Sharī‘ah* prohibitions. To exculpate the IBI, it is necessary to draw a red line between *Ḍarūrah* and *Ḥājah*. *Ḥājah* is very important tool to remove the obstacles of the impermissibility in many financial matters and to smooth

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the regulatory process for IBI. Finally, the study highlights the financial and regulatory matters that were rightly permitted or otherwise on the basis of *Ḍarūrah* and *Hājah*.



# Honor Killing: An Analytical Study of the Selected Ḥanafī Views

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## ABSTRACT

Honor killing is an old unjust custom which still exists in our society causing formidable crisis of cruel murders. This type of act is used to protect the so-called dignity and honor. To justify this worse custom, some people rely on certain texts from the Holy Qur'ān and Sunnh and derive incorrect conclusions. The purpose of this article is to examine the argumentation for honor killing with special focus on the texts of Ḥanafī Jurisprudence. After analyzing critically such texts, the author has come to the result that no religious text can be put forward for sake of justification of such type of brutal killing. The texts which are used for this purpose can be interpreted in such a way that bolts the door of such false argumentation.



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# The Meaningfulness of Islamic Principles of Defence in Modern Era

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## ABSTRACT

The defense is a legitimate right of every living being for sake of its survival both according to the common sense and the teachings of religions. Islam has given this right to man, and considers it to be the chief guarantee for survival of humanity. Quran and sunnah have emphasized on the significance of self defense and state defense and the great scholars of Islam have elucidated this dimension of Islamic Law in their books. In the Prophetic era the system of defense and security was established on very dynamic and solid bases. Prophet PBUH has emphasized on the application of all security equipment and methods. Through the analogy the modern equipments of defense may be justified as long as they reconcile with the objectives of shariah and the

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betterment of mankind. In this article the author has tried to highlight the significance of rules and regulations pertaining to security and defense system in the light of Quran, sunnah and the sayings of jurists. Some points of view have also been analyzed in this regard.



# The Role of Shah Wallī Allāh in Promoting the Ideology of Ibn Taymiyyah

Mahmood Ahamd<sup>®</sup>

## ABSTRACT

Ibn Taymiyyah (661-728/1263-1327) is one of the most dynamic and seminal personalities in the history of Islam. He struggled hard to revive Muslim society through inward animation and re-interpretation of its values in the light of a new spirit of ijtihad (interpretation of law) based on direct recourse to the Qur'ān and the Sunnah. His thought influenced not only his contemporaries in the Muslim heartlands but reached far beyond. The prominent icon of Indian Subcontinent Shāh Walī Allāh(1702-1763) has a commonality in his intellectual approach with that of Ibn Taymiyyah. Shāh Walī Allāh's stay in Hijāz afforded him thorough insight into the thought of Ibn Taymiyyah of which his teacher, Shaikh Abā Ṭāhir Kurdī of Madīnah, was an ardent advocate. Ibn Taymiyyah 's impact on Shāh Walī Allāh's thought is clearly discernible in some of his writings. His discussion on *khilāfah* and *khilāfa al-Rāshidah* in *Izālah āl-*

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*Khafā'* and *Qurrat ul-'Aynayn* echoes the ideas propounded in Ibn Taymiyyah 's *Minhāj al-Sunnah*; while some of his discussions in *Hujjat Allah al-Bāligha* seem inspired by Ibn Taymiyyah 's *Fatāwa*. Similarly, Shāh Walī Allah's campaign against *bid'āt*, emphasis on ijtihad and involvement in the political struggles of the time are not unrelated to Ibn Taymiyyah's teachings. His defense of Ibn Taymiyyah's ideological position had an impact on contemporary religious thought in subcontinent.

