

**Dr. Karam Hussain Wadho**

Associat Prof/ Visiting Faculty Member  
Shah Abdul Latif University, Khairpur, Sindh, Pakistan.

## **Legal reasoning within the realm of Islamic Law**

### **ABSTRACT**

The Islamic Law is depending on the reasoning because it is view of Religious scholars that ' everything orders sharih such commands intelligence and wisdom. The juristic nature of Islamic law was derived from the fluidity and ambiguity of legal Arabic. Islamic law, inscribed in a language unable to establish absolute bounds, sought legal certainty in its juristic authorities. This study aims at estimating the Islamic laws reasoning to understand the accurate object of Divine law Islam mean to submission to the will of Allah (God) alone is the fundamental tenet of Islam: Islamic law is therefore the expression of Allah's command for Muslim society and, in application, constitutes a system of duties that are incumbent upon a Muslim by virtue of his religious belief. Known as the ideology of Islam the law constitutes a divinely ordained path of conduct that guides Muslims toward a practical expression of religious conviction in this world and the goal of divine favor in the world to come. We believe on the Holy sky Book as well as guided principles of Last Prophet for seeking desired result in this point it will be discussed in fully article and data will be analyzed to make it qualitative.

### **Islamic law an Introduction**

Islamic law means Islamic shariah , which binds all Muslims in single community. Another name for Islamic law is **fiqh** which means understanding and broad mind ness in religion.it is a law through which we understand the facts of all commandments of Allah and acting according to them. Islamic law contains all the principles which are necessary for the progress and development of the society. It is a law whose writer is Allah almighty and the Holy prophet (P.B.U.H) is its interpreter. Islamic law is a source through which a Muslims identifies his responsibilities, duties and his rights.it is a law through which Muslims finds solutions for his religious problems in the light of Quran and Sunnah. Islamic law is most comprehensive because it is for every one and for all times, and it is made for the necessities of men .This law is implemented through revelation, so it is perfect and without any kind of doubt.

Islamic shariah is totally based upon message of Allah so it is complete and comprehensive. Everyone who believes in Allah almighty and Prophet (P.B.U.H) respects the Islamic law. Islamic states show strictness to implement this law in the state. As Islam is complete code of life, it fulfills all necessities of a man.Islamic law is not name of revelation, but is proved from revelation, as Methodology Sunnah, consensus ijma and striving Ijtehad are proved by Holy Quran so their commandment will be considered the commandment of Quran. The Islamic shariah is unique and constant; Jurisprudence means to know or to get wisdom. Word Fiqh is also described in the Holy Quran in various verses. “And is not possible for the Muslims that all of them go out; so it should be that a party from each group goes forth in order to gain knowledge in religion, and upon returning they warn their people in the hope that they may avoid.”(1)

In surah Hood it describes as:

They said,”O shuaib! We do not understand most of what you say,” (2) In surah Munafiqoon it describes as “ that because they accepted faith with their tongues then disbelieved with their hearts , therefore their hearts were sealed , so now they do not understand anything”(63:3).

Islamic law is a source to guide all human actions its purpose is to show the right path to men

The whole life of man consist many problems about worship , daily matters and beliefs and everyone wants to get solution of their problems themselves from Quran and Sunnah, but it is impossible for a

common man to find solution of his problem himself because all the commandments of Islamic shariah are described in Arabic language and everyone is not familiar with Arabic language as scholars , so due to different meaning of each word cause difficulties for common man to solve his religious problems himself, so that common man needs help of religious scholar or religious experts who give better solution of our problems in the light of Quran and Sunnah .

There are four sources of Islamic law.

Primary sources are **QURAN** and **Sunnah** , Consensus, **Ijma** and **Guess** are secondary or independent sources.

### **1. HOLY QURAN:**

The Holy Quran is the fundamental and basic source of Islamic law. It is revealed by Allah Almighty to His beloved prophet Muhammad (P.B.U.H). It is complete code of life regarding all beliefs, worships, matters, social dealings, morality, rights and duties.it guides us regarding life death, marriage and tread etc.

Ibn rushd says “ the Holy Quran is full of characteristics and best qualities as compared to other revealed books because at a time it is a book of beliefs ,and at the same time it is complete law for every one”. The Holy Quran revealed for the guidance of mankind. It is a first law which guides us about worships, social dealings and good manners. As in the Holy Quran: “And sent down the judgment (criteria to judge between right and wrong); indeed for those who disbelieved in the verses of Allah, is a severe punishment; and Allah is the Almighty, the avenger (of the wrong).”(3)

### **(2) The Sunnah and Hadiths:**

The sayings (Hadiths) and the action (Sunnah) is the 2<sup>nd</sup> source of Islamic law. Sunnah is what the Holy prophet practiced and hadiths is the record of that practice. Sunnah and Hadiths provide the explanation of the all commandments of the Holy Quran, Regarding Prayer, fast, zakat hajj, nikkah , Divorce , trade, limitations and hudood-o-taazeerat etc.

Islam is not only a religion of principles but it is also a religion of practice, and for a Muslim the life of the Holy prophet is the best example to follow. As Allah says in the Quran:

“Indeed following the noble messenger of Allah is better for you- for one who is confident of Allah and the last day, and remembers Allah much.

When the Islamic state Madina was established the Prophet PBUH was not only the head of the Muslim community, but also he became a law giver. Many cases were brought to him for judgment. If the Quran was silent in any case the messenger of Allah would be the authority to decide himself in the light of Quran, means the decision would not be against of Holy Quran. We have to follow perfectly Quran in all aspects because it is fully of benefits and According to Islamic law.

**(3) Ijma: Consensus (agreeing upon).**

The 3<sup>rd</sup> source of Islamic shariah is Ijma. The literal meaning of ijma is agreeing upon or consensus or uniting in opinion.

Ijma is applicable when Quran and Sunnah are silent for certain issue.

It describes as “the agreeing upon the opinion of the companions of the Holy Prophet (P.B.U.H) or agreeing of all the Muslim jurists on the question of law.

Its importance can be shown from the sayings of the Holy Prophet (P.B.U.H)

“It is incumbent upon you to follow the most numerous bodies.”

On the other place the Holy prophet said,

“My community will never agree upon an error.”

Importance of ijma is also described in the Holy Quran, as:

“You are the best among all the nations that were raised among mankind – you enjoin good deeds and forbid immorality and you believe in Allah.”(4)

Ijma has been practiced since early stage of Islam at the time of battle of uhad, on the uniting of majority the Holy Prophet decided to fight outside the city. In the time of hazrat Abu Bakr (R.A) the Quran was compiled in the book form with the consensus of all sahabas. In the time of Hazrat Umar (R.A) , with the consultation of many sahabas it was decided to offer taraveeh prayer in congregation.

Ijma is also practiced now adays during sighting the moon of every Islamic month with the consensus of all members of Appearance of Moon (Rohiyat e Hilal) committee. It is considered to bind all Muslims of Pakistan to observe all religious festivals according to those decisions.

The decision that is taken by all jurists or the companions or the majority of them agreed upon, is called ijma.

**(4) Qiyas: Apology or Guess**

Qiyas is the 4<sup>th</sup> important source of Islamic shariah which means comparing with or personal opinion.

Qiyas is applicable when Quran and sunnah is silent for specific issue.

Reported from Abu Musa Ashari, the prophet (PBUH) said

“Judge upon the book of Allah, if you do not find in it what you need, upon the sunnah of Prophet, and if you do not find in that also, then use your personal opinion.”

When the holy Prophet PBUH dispatching hazrat Maaz bin Jabbal (R.A) as the governor of Yemen he asked Hazrat Maaz bin jabbal if a new problem arose, what he will do?

He replied, he will follow the Quran.

The Holy prophet asked: if it is not described clear in the Quran, he said he will follow the Sunnah of the holy prophet, he again was asked: if he would not find answer in sunnah also, Hazrat Muaaz bin Jabbal (R.A) replied he would use his own judgment.”

The Qiyas is an analogical deduction from the other three sources of Islamic Shariah. Quran, Sunnah and Ijma. So it is necessary for every Muslim to follow Islamic law for betterment of himself as well as for Muslim ummah.

### **What is Shariah?**

**Shariah**, has also spelled **Sharia**, the fundamental religious concept of Islam, namely its law, systematized during the 2nd and 3rd centuries of the Muslim era (8th–9th centuries).

Islam mean to submission to the will of Allah (God) alone is the fundamental tenet of Islam: Islamic law is therefore the expression of Allah’s command for Muslim society and, in application, constitutes a system of duties that are incumbent upon a Muslim by virtue of his religious belief. Known as the Shari’ah (literally, “the path leading to the watering place”), the law constitutes a divinely ordained path of conduct that guides Muslims toward a practical expression of religious conviction in this world and the goal of divine favor in the world to come.

Shariah provides the way or guidelines to the people. This is an Arabic word which means “path”, it helps in every aspect of life to the Muslims, in their daily life, family dealings, Religious obligations, Financial dealings, distributions of wealth and inheritance, marriages, celebration of Happiness etc. It is derived primarily from the Quran and the Sunna--the

sayings, practices, and teachings of the Prophet Mohammed. Precedents and analogy applied by Muslim scholars are used to address new issues.

When Holy Prophet Muhammad (SAW) was appointed hazrat Muaz bin jabal as A governor of Yemen.

“ The Holy Prophet (SAW) reported to have asked him, how are you going to decide the cases, Hazrat Muaz bin jabal replied I will take help from the Quran then again Holy Prophet said if you could not find the solution from Quran then what you have to do, Hazrat Muaz bin Jabal replied I will take help from Hadith and Sunnah of the Holy Prophet (SWA), then again Holy Prophet (SWA) asked to the Muaz bin Jabal that if you could not find the solution of the problem from Hadith and Sunnah then what you have to do? “I will do my best by exercising my judgment” Muaz replied. The Prophet (SWA) exclaimed “praise is to Allah” who has so disposed the delegate of His Prophet as to be able to satisfy him”(5)

There are four sources in which our Shariah law is based, two of them are considered as basic sources of Islam and two of them are considered as supplementary sources of Islam.

**Basic sources of Islam:**

- **Quran**
- **Hadith and Sunnah**
- 1 **Ijma (consensus)**
- 2 **Qiyas ( Analogy)**

***QURAN as a basic source***

The Holy Quran is the sacred and pure scripture sent by Almighty Allah, Quran are the words of Allah which were revealed to Holy Prophet (SWA) through the Angel of Jibrail (A.S) Quran is the first basic sources of shariah, Quran is the complete code. It is not the ordinary book it's a book of warning, directives and instructions for the betterment and the guidance for the whole mankind for all times under the conditions and requirements.

The Quran says:

**“Blessed is He who sent down the criterion to His servant, that it may be an admonition to all creatures” (6)**

The central theme and subject of the Quran is Man. Man is vicegerent means Khalifa of Allah in the earth; everything has mention in the Quran it tells us about past, present and future.

The Holy Quran also provides the solutions of the different problems of the life, it answers all the questions which depends the happiness and advancement of the mankind. On social matters Quran deals with institutions like marriage and divorce, family law, fair distribution of inheritance.

It emphasis on behaviors how the deal with parents, servant, orphans, relatives, wife, slaves and dependents.

The Quran lays down regulations on how to proceed with regard to the state of the deceased person. Theft is completely prohibited in Islam and punishment of this commit is cutting the hand according to the Islamic Shariah. Drinking, gambling, wine and interest charging are fully prohibited. Injustice even to an enemy is also not allowing, rights and properties of others also be protected and human dignity is to be respected.

The Quran is the basically book for guidance. Guidance means people read, understand and act in their lives according to the injunctions of the Holy Quran. And who follows the path of Quran who defiantly gets the reward not only in this world as well AKHIRAT.

**“Verily this Quran doth guide to that which is most right  
“(or stable)...”(7)**

#### **Hadith and Sunnah of the Holy Prophet (SAW)**

Hadith are the sayings of the Holy Prophet (SAW) whereas Sunnah is the based on actions. The Holy Quran and Hadith are the primary sources whereas Ijma, Qiyas( analogy), Istihsaan and Istidlal etc are considering secondary sources of Islam

The life of the Holy prophet (S.A.W) is the role model for the Muslims, Quran is the theory and Holy Prophet( SAW) was the practical implementation of the Quran .**For you is the best example in the life of the Holy Prophet (SA.W.W)."** Similarly, once the companions inquired from the mother of believers Hazrat Aisha (may Allah be pleased with her) about the life/character of Holy Prophet (SAWW); she replied, **“The life/character of the Holy Prophet (S.A.W.W) is the Holy Quran.”.**

**There are four different types of Prophet (SAW) sayings and conduct:**

- Verbal Teaching
- Teaching through practical demonstration
- Teaching by the Holy prophet (S.A.W) through the letters that he sent to various kings and rulers.
- These contents instructions about tax, alms and worship to

Allah.

- Salient approval by the Prophet (S.A.W) of the action and practice of someone else.

#### **Relationship between Quran and Sunnah**

There are some matters of life where Quran gives the injunction but the way out of that thing is mention in the Quran.

For example:

In Quran 700 times talks about Prayer (salaat) but the correct way out is not mention in the Qura as well as the units of parayer are not manifestly discussed in Quran, here we take the help of the Holy Prophet (S.A.W) sunnah, means we follow the way which Holy Prophet (S.A.W) used in his life to offer the prayers.

Another example is related to the zakaat , in Quran 32 times talk about zakaat but the quantity of zakaat is not mention in the Quran so here we also follow the way of Prophet( S.A.W).

Many of the verses of Quran deal with question of law not all the injunctions of shariah are clearly mention on it. There are many places which need further explanation for the easy understanding of the human being.

#### **Ijma (Consensus)**

The legal terminology Ijma means “consensus of opinion of the learned in Islamic jurisprudence”. In Ijma different jurist give the answers of particular question within the limits laid down by the Quran and the Sunnah.

#### **The Quranic text:**

#### **“This Day have I perfected your religion for you” (8)**

It means Allah has completed the religion of Islam, because Holy prophet is the last messenger of Allah and Holy Quran is the last book which was sent by Allah Almighty. There were different places in the life of Holy Prophet (S.A.W) where Holy Prophet did consensus with the group of Companions

For Example:

Ijma example related to the life of Holy Prophet when in the battle of khandaq Madina was saved from three sides only one side was unsaved so Holy Prophet (S.A.W) took consensus of sahaba, where hazrat salaman farsi gave this idea of trench which was liked by Holy Prophet (S.A.W) and after the discussion on sahaba the idea had been accepted.

After the battle of Yamamah, most of the Hafizay Quran was martyred in the battle, so Hazrat Umar(R, A) suggested to Hazrat Abu

bakr (R.A) for the compilation of the Holy Quran, Hazrat Abu Bakr was reluctant to do this work but when Hazrat Umar discussed will all pros and cones then Hazrat Abu bakr was agreed on that, so here they also took consensus of Sahaba to do this work.

There are a lot of examples which were taken in the life of Holy Prophet (S.A.W) and the lives of true different sahabas.

Hazrat Usman (R.A) added two; Azans in the Friday prayers and added dialect in the Quran, these decisions were also taken with the help of consensus.

Hence it is compulsory for us to know that Ijtehad is against the clear communication and proof is not permissible otherwise adding anything in Islam is Bidaat. In the present time period Ijma of the people (general body of the Muslim community) take the steps to sort out the issues of country and related to the citizens of the country through the consensus.

### **Qiyas (Analogy)**

The knowledge which is deduced from the principles laid down in the Quran and sunnah by use of analogical deductions is known as Qiyas, which would be considered as fourth source of Islamic law.

The literal meaning of the Qiyas is measuring and equality. It takes from a verb which means to measure things or compare one thing to another thing, which are very much similar to each other.

The companions of the Holy Prophet (S.A.W) also used analogy for the different legal purpose and no one doubted its legality.

For Example: Holy Prophet (S.A.W) said “Every intoxicant has wine khumar so every intoxicant is haram in Islam, in the time of Holy [Prophet (S.A.W) the drugs like cocaine and opium were not knowing, so using the analogy these things would be considered as a haram in Islam.

### **Conclusion**

The outcome of above discussion is that Almighty Allah has made law for human being through HIS authentic Book Quran commands revealed on the Holy Prophet exposed these tenets under the instructions of Lord. The first source of law Quran is free from all kinds of Mistakes while the interpreter of it is spotless career in his entire life we have to follow his sunnah then other sources which are consensus and intelligence with wisdom and guess.

## **References**

1. *Al Quran, 9/ 122*
2. *Al Quran, 11/91*
3. *Al Quran, 3/4*
4. *Al Quran, 3/110*
5. *Abu Daud, Tirmizī*
6. *Al Quran, 25/1*
7. *Al Quran, 17/9*
8. *Al Quran, 5/3*