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Islamic Legislative System (Shari'ah System)

1. Introduction

The Islamic legislative system refers to the laws derived from Shari'ah, which is the divine guidance given by Allah for regulating human life. It covers all aspects of life—religious, social, economic, political, and moral. Unlike man-made laws, Islamic law is based on divine revelation and aims at justice, welfare, and balance.

2. Sources of Islamic Law

Primary Sources

- Qur'an

The holy book of Islam and the first source of law. It provides fundamental principles and commandments.

- 2. Sunnah (Hadith)

The sayings, actions, and approvals of Prophet Muhammad (PBUH). It explains and elaborates the Qur'an.

Secondary Sources

- 3. Ijma (Consensus)

Agreement of Islamic scholars on a particular issue.

- 4. Qiyas (Analogy)
- Applying principles from existing rulings to new situations.

Other Sources

Istihsan (Juristic preference)

Istislah (Public interest)

Urf (Custom)

3. Characteristics of Islamic Legislative System

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- Divine Origin: Based on revelation from Allah.
- Comprehensive: Covers all aspects of life.
- Universal: Applicable to all times and places.
- Flexible: Allows interpretation (Ijtihad) for new issues.
- Moral and Ethical: Focuses on justice, equality, and morality.

4. Objectives of Islamic Law (Maqasid al-Shari'ah)

The main objectives are to protect:

- Religion (Deen)
- 2. Life (Nafs)
- 3. Intellect (Aql)
- 4. Lineage (Nasl)
- 5. Property (Maal)

These ensure human welfare and social harmony.

5. Law-Making Process in Islam

- Laws originate from Qur'an and Sunnah.
- Scholars interpret these sources through Ijtihad.
- When no direct ruling exists, Ijma and Qiyas are applied.

6. Types of Laws in Islam

- Ibadat – Acts of worship (prayer, fasting, zakat).
- Muamalat – Social and economic dealings.
- Hudood – Fixed punishments.
- Tazirat – Discretionary punishments.
- Qisas – Retaliation laws.

7. Importance of Islamic Legislative System

- Ensures justice and equality.
- Promotes moral values.
- Maintains social order.
- Protects human rights.
- Provides a complete code of life.

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