(Islamic Jurisprudence – II)

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Introduction

The Islamic Legislative System refers to the framework of laws derived from Islam, primarily based on divine guidance provided in the Qur'an and the teachings of the Prophet Muhammad (PBUH). Islamic jurisprudence (Fiqh) governs all aspects of a Muslim's life, including personal, social, economic, and political matters. It is a comprehensive system that ensures justice, morality, and social harmony.

Sources of Islamic Law

Islamic law is derived from four primary sources:

1. Qur'an

The Qur'an is the supreme source of Islamic law. It contains direct commandments from Allah covering various aspects of life such as worship, family law, criminal law, and financial dealings.

2. Sunnah (Hadith)

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

3. Ijma (Consensus)

Ijma is the consensus of Islamic scholars on a particular issue. It is used when there is no explicit guidance in the Qur'an or Sunnah.

4. Qiyas (Analogical Reasoning)

Qiyas involves deriving rulings for new situations by comparing them with established principles in the Qur'an and Sunnah.

Secondary Sources of Islamic Law

In addition to primary sources, jurists also use:

- **Istihsan (Juristic Preference)**
- **Maslahah (Public Interest)**
- **Urf (Custom)**
- **Istishab (Presumption of Continuity)**

These help address modern issues while staying within Islamic principles.

Principles of Islamic Legislation

The Islamic legislative system is based on key principles:

1. Justice (Adl)

Islam emphasizes fairness and justice in all matters.

2. Equality

All individuals are equal before the law regardless of status, race, or wealth.

3. Welfare (Maslahah)

The law aims to protect human welfare and prevent harm.

4. Flexibility

Islamic law adapts to changing circumstances through Ijtihad (independent reasoning).

Objectives of Islamic Law (Maqasid al-Shariah)

The primary objectives include the protection of:

1. **Religion (Deen)**

2. **Life (Nafs)**
3. **Intellect (Aql)**
4. **Lineage (Nasl)**
5. **Property (Mal)**

These objectives ensure a balanced and ethical society.

Categories of Islamic Law

Islamic rulings are classified into five categories:

1. **Fard (Obligatory)** – Must be performed
2. **Mustahabb (Recommended)** – Rewarded if done
3. **Mubah (Permissible)** – Neutral actions
4. **Makruh (Disliked)** – Better to avoid
5. **Haram (Forbidden)** – Strictly prohibited

Role of Ijtihad in Modern Times

Ijtihad plays a crucial role in addressing contemporary issues such as:

- Banking and finance
- Medical ethics
- Technology and digital transactions

Scholars apply Islamic principles to new situations to provide relevant rulings.

Importance of Islamic Legislative System

- Provides a complete code of life
- Ensures social justice and moral values
- Promotes economic fairness
- Maintains law and order
- Strengthens community bonds

Conclusion

The Islamic Legislative System is a comprehensive and dynamic framework that governs all aspects of human life. Rooted in divine guidance, it ensures justice, equality, and welfare for society. Through principles like Ijtihad, it remains relevant in modern times while preserving its core values.