Department of L. L. B

Lahore lead university

Course title: islamic jurisprudenc

Assignment Topic: why power is

important in islam, Explain difference

Of prompt and deffered Dower of

islamic personal law -1

Submitted by **submitted to**

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Q#1 why is power in important islam?

The Importance of Power and Authority in Islamic Personal Law :

In Islamic Personal Law (Sharia), power is not seen as a tool for oppression, but as a sacred trust (Amanah) and a means to establish justice ('Adl). It provides a structured framework where authority is balanced with responsibility.

1. Ultimate Sovereignty (Allah's Power)
In Islam, all legal and personal authority originates from Allah. No human has absolute power; they must act within the limits set by Divine Law.

Quranic Verse:

قُلِ اللَّهُمَّ مَالِكَ الْمُلْكِ تُؤْتِي الْمُلْكَ مَن تَشَاءُ وَتَنزِعُ الْمُلْكَ مِمَّن تَشَاءُ

ترجمہ: آپ کہئے کہ اے اللہ! اے تمام جہان کے مالک! تو جسے چاہے بادشاہی دے اور جس سے چاہے بادشاہی چھین لے۔
(Surah Ali 'Imran, 3:26)

Explanation:

This verse establishes that power is a gift and a test from Allah. In personal law, this means parents, spouses, and guardians must exercise their authority knowing they are answerable to the True Sovereign.

2. Authority within the Family (Qiwamah)
Islamic :

Law designates the husband as the head of the family. This "power" is specifically for the purpose of protection, financial maintenance, and leadership.

Quranic Verse:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاء بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَا أَنفَقُوا مِنْ أَمْوَالِهِمْ
ترجمہ: مرد عورتوں پر حاکم (نگران) ہیں اس وجہ سے کہ اللہ نے ایک کو دوسرے پر فضیلت دی ہے اور اس وجہ سے کہ مردوں نے اپنے مال خرچ کیے ہیں۔
(Surah An-Nisa, 4:34)

Explanation:

This verse defines the "power" of a man not as a right to dominate, but as a duty to provide and protect. It ensures the family unit has a clear leader to maintain stability.

3. Power as Responsibility (Hadith)

The Prophet (PBUH) explained that power in personal or social matters is synonymous with "guardianship" or "responsibility."

Hadith:

كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ
ترجمہ: تم میں سے ہر ایک نگہبان ہے اور تم میں سے ہر ایک سے اس کی رعیت (ماتحتوں) کے بارے میں سوال کیا جائے گا۔
(Sahih Bukhari)

Explanation:

This Hadith is the backbone of Islamic Personal Law. It warns that anyone holding power—whether a father over his children or a husband over his home—will be held accountable on the Day of Judgment for how they treated those under their care.

4. Key Reasons for Power in Personal Law

Enforcement of Rights:

Power is necessary to ensure that the rights of the weak (like the Mahr of a wife or the property of an orphan) are enforced.

Conflict Resolution:

In matters of divorce or custody, the Qadi (Judge) uses legal power to prevent injustice and settle disputes.

Protection of Lineage:

Authority in marriage laws ensures that the family lineage (Nasab) is protected and correctly identified.

Economic Justice:

Through the power of the Law of Inheritance, wealth is distributed among all legal heirs, preventing the concentration of wealth in one hand.

5. Conclusion

Power in Islamic Personal Law is a functional necessity. It is restricted by the principle of "La Darar wa la Dirar" (No harm shall be inflicted or reciprocated). If a person abuses their power, the Islamic legal system provides the right for the oppressed to seek justice and even strip that person of their authority.

Q#2 explain difference of prompt and deffered and dower?

Differences Between Prompt Dower (Mu'ajjal) and Deferred Dower (Mu'wajjal)

In Islamic Jurisprudence, Mahr (Dower) is a legal right of the wife and a mandatory obligation upon the husband at the time of marriage. It is classified into two primary types based on the timing of the payment.

1. Prompt Dower (Mahr al-Mu'ajjal)

Prompt Dower is the portion of the Mahr that is payable immediately after the marriage contract (Nikah) is signed or upon the wife's demand.

Payment Timing:

Due immediately at the time of the wedding or whenever the wife asks for it.

Legal Right:

The wife has the legal right to refuse to live with her husband or consummate the marriage until this portion is paid.

Limitation Period:

The period for filing a legal claim for prompt dower starts from the date of the demand and refusal.

2. Deferred Dower (Mahr al-Mu'wajjal)

Deferred Dower is the portion of the Mahr that is payable upon a specified event or a fixed period.

Payment Timing:

It is usually paid upon the dissolution of the marriage, either by the death of one of the parties or by divorce (Talaq).

Condition:

It cannot be demanded by the wife immediately unless a specific date was agreed upon in the Nikah Nama.

Nature of Debt:

It remains a debt upon the husband (or his estate) until it is cleared.

Quranic Evidence (Ayyat)

The obligation of Dower is established in the Holy Quran:

Arabic:

وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً
(Surah An-Nisa, 4:4)

Urdu Translation:

اور عورتوں کو ان کے مہر خوش دلی کے ساتھ ادا کرو۔

Hadith Evidence

The Prophet Muhammad (Peace Be Upon Him) emphasized that a marriage is not complete without the consideration of Mahr, regardless of its form.

Arabic:

أَنْ تَنْكِحَهَا عَلَى مَا قَلَّ مِنَ الْمَالِ أَوْ كَثُرَ
(Sunan Abi Dawood)

Urdu Translation:

تم اس (عورت) سے نکاح کرو خواہ مال (مہر) تھوڑا ہو یا زیادہ۔