

ANSWER # 02

PROPHETHOOD :

A INTRODUCTION :

Human being have been created to be God's Khalifah on earth. This lofty position demands that humans be granted the necessary free will to act. According to the terms of this Khalifa, humans are required to establish a moral discipline in the inner kingdom of their own selves, and to undertake a collective efforts to fashion this world in harmony with the ethical vision given by God. This vision has been communicated to humankind through a number of chosen human beings who, under divine guidance. These were the Prophets and messenger of God whom He commissioned from time to time.

B MEANING :

Prophet is an Arabic word which means "transmitting the commandment of Allah revealed on His chosen persons".

C NATURE OF PROPHETHOOD :

Prophethood is something which can not be acquired by efforts. It is bestowed by Allah and is His special blessing on chosen ones,

the Prophets. It is bestowed upon them only whom Allah chooses for this divinely mission. Allah himself chooses the best out of person for this office. In Quranic terminology, it is called Istaba which means "to choose the best out of a large number of things."

D QUALITIES OF PROPHETS :

i MUST BE HUMAN :

Prophet must be a Human being. In Quran Allah says "I am only a man like you" (33:21)

ii KNOWLEDGE BESTOWED BY ALLAH :

Whatever Prophets present in the form of faith or law emanates from God. The personal wishes of the messenger and their personal will do not interfere with their message, and they speak and act according to the commandments of Allah.

"He does not speak according to personal desires but say only what is revealed to him." (An-Najam: 3-4)

iii BOUNTY OF ALLAH:

Man cannot achieve Prophethood by his efforts since it is a blessing of Allah, bestowed on those whom Allah desires to bestow without regard of human efforts and struggles.
"Allah knows best on whom to bestow Prophethood." (Al-Anaam 6:124)

iv FINALITY OF PROPHETHOOD:

Prophet (PBUH) is the last Prophet. There will be no Prophet ^{coming} after Muhammad (PBUH).
"I am the last ~~prophet~~ prophet and there will be no prophet after me!"
(Hadith)

v FOR EVERY NATION:

The Prophethood of all Prophets before Prophet Muhammad (PBUH) used to be for a specific nation and for a specific time. The Prophethood of Muhammad (PBUH) is for all times and for all nations.

"Say (oh! Muhammad (PBUH)) people! I am a prophet sent for all of you".

vi NATURE OF PROPHETHOOD :

Prophethood is something which cannot be achieved by effort. It is bestowed by Allah and is His special blessing on chosen ones, Prophet. "Allah had assigned Nabi and Rasool his man." (Al-Quran 6:124)

vii ROLE MODEL :

Allah has ordained Prophets to be the leader and guides whose purpose is to guide people, prevent them from straying and lead them to their salvation. "Holy Prophet is the perfect model for mankind." (Al-Quran 33:21)

ANSWER# 03

JUDICIAL SYSTEM OF ISLAM :

A INTRODUCTION :

Islam accords complete judicial autonomy to the various sections of the community in order to protect and preserve their own personal and religious affairs. It allows every community to have its own judicial institutions for judging its civil as well as criminal cases.

"If they come to you, judge between them or turn aside from them, and if you turn aside from them, they shall not harm you in any way; and if you judge, judge between them with equity; surely Allah love those who judge equitably."

B IMPORTANT OF JUSTICE IN QURAN :

Justice is one of the fundamental value and no distinction is allowed in this respect between friend and foe, for, says the Quran:

"And do not mix up the truth with the falsehood, nor hide the truth while you know it." (al-Baqarah 2:42)

"And be ye not an advocate for the fraudulent". (an-Nisa 4:105)

C IMPORTANT OF JUSTICE IN HADITH :

The Holy Prophet (PBUH) also highlighted the importance of justice.

-> Abdullah ibn Amr ibn AS relates that the messenger

of Allah (PBUH) said: "The just will be placed in columns of light in the presence of Allah. They will be those who act justly in their decisions, their families and the affairs committed to them (Muslim)."

→ Iyad ibn Himar (R.A) relates that he heard the messenger of Allah (PBUH) say: The dwellers of paradise ~~are~~ will be of three types: a just ruler, a man merciful and of tender heart, and a pious man with a family (Muslim)."

D FEATURES OF ISLAMIC JUDICIAL SYSTEM :

i RULE OF LAW :

In Islamic judicial system everybody including the Head of state is equal in the eye of law. This system forecast complete rule of law.

ii PRODUCTION OF WITNESS :

According to Verse 283 of Surah Al-Baqarah, giving Shahadah is a trust. It has been ordained not to conceal evidence. Islam acknowledges the principle of "Audi alteram partem" that no one can be condemned unheard.

iii QUALIFICATION OF JUDGES :

Al-Mawardi gives the following criteria set for the appointment of judges in his book 'Al-Ahkam-ul-Sultania': integrity,

academic excellence, impartiality; and suitability of character. The judges should be sober. They should not deliver judgement when they are angry.

-> WOMEN AS QAZI :

A muslim woman qualifies as qazi according to Imam Malik, Imam Shafi, and Imam Ahmed bin Hanbal whereas Imam Abu Hanifa says she cannot be appointed qazi in Hudud and Tazir cases.

iv WALAYAT AL-MAZALIM :

Grunebaum in his book 'Islam, Essays in Nature and Growth of a Cultural Tradition' termed Mazalim courts as Courts of Tort which the Holy Prophet introduced. It was an excellent institution which provided prompt justice to the people. The following procedures were also introduced:

-> QASAMAH :

It was a system of compensation in cases of homicide.

-> AQILAH :

It was a group of male relations in a tribe to pay blood money.

v OTHER JUDICIAL INSTITUTIONS :

The other judicial institutions includes:

-> ADALAT FAUQ AL-ADAH :

It was a special tribunal which worked even in the day of the Holy Prophet (PBUH).

→ Ibta :

Caliph Umar established the Department of Ibta. It proposed free legal aid.

→ LAW OF EVIDENCE :

In Islamic law of Evidence, the system of screening of witnesses was introduced. It was of two kinds: Secret system and Open system.

vi ISLAMIC PENAL SYSTEM : (HUDUD AND TAZIR)

Hadd means to check or stop. The word 'Haddad' means chamberlain. Hududullah means things prohibited by Allah. Punishments by way of hadd are of the following forms.

- | | | |
|---------------|---------------|---------------------|
| 1 Whoredom | 2 - Theft | 3 - Highway robbery |
| 4 Drunkenness | 5 - Rebellion | 6 - Slander |

vii AGENTS IN SUITS :

According to Al-Maughinani in his book Al-Hidaya, in Islamic judicial system, agents in suits or attorney in litigation is permissible eg. Caliph Ali appointed Hazrat Aqeel and Abdullah bin Jaber as attorneys.

viii SEPERATION OF JUDICIARY FROM EXECUTIVE :

Caliph Umar separation of judiciary from the executive and ensure independence of judiciary and rule of law.

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Q ZAKAT :

Zakat is the third pillar of Islam. It is one of the obligatory worship. It obligated in 2 Hijri. The meaning of Zakat is to clean, to purify. The contextual meaning of Zakat is purification of wealth and belongings. Zakat can be collected by force. Hazrat Abu Bakar did jihad against who did not give Zakat. which means that it is that much important that if someone is not giving Zakat you can collect from them by force.

PURPOSE OF ZAKAT :

In the muslim mind, Zakat validate the concept of property ownership. This is due to the muslim belief in the following

a ownership is of two type: real and figurative. Real ownership is God's because He is the owner and creator of everything. Property is one of the thing God created. Of this real ownership Quran says: "and bestow upon them the wealth of God which he hath bestowed upon you" (an-Nur 24:33)

- b The man also believes that it is forbidden to hoard money and property. Quran says: "They who hoard up gold and silver and so did not spend in the way of God, upto them give tidings (O Muhammad) of a painful doom" (at-Twabah 9:34).

CONDITION OF ZAKAT :

Condition of Zakat

are as follows:

- He/She must be a muslim.
- He/She must be an adult
- He/She must be stable mentally
- He/She must be a free person
- He/She must be financially capable. Financial capable mean who fulfill their domestic need, family need, due credits. Zakat is obligatory on surplus wealth.

AMOUNT OF ZAKAT :

Type of Possession	Amount	Time
a wealth	2.5%	yearly
b Precious Stone	7.5 Tola gold 52.5 Tola silver	yearly yearly
c Trade in Stock	running Stock - 2.5%	yearly
d Agriculture production/usba	Arid land - 10% Irigated land - 5%	every yield every yield
e live stock	5 camel - 1 goat 30 cows - 1 goat 40 goat - 1 goat	yearly yearly yearly
f Buried wealth mineral (state)	20%	every Production

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MASARIF ZAKAT :

Masarak

Description

a Fugara

Those living without means of livelihood

b Masakin

Those who cannot meet their basic needs

c Amilina alaiha

To zakat collector and the personnel of zakat collection and distribution department

d Muallafat al-Qulub

To persuade those sympathetic to or expected to convert to Islam/recent convert to Islam, and potential allies in the cause of Islam

e Fis Riqab

To free from slavery

f Ghasimeen

Those who are under debt

g Fi Sabilillah

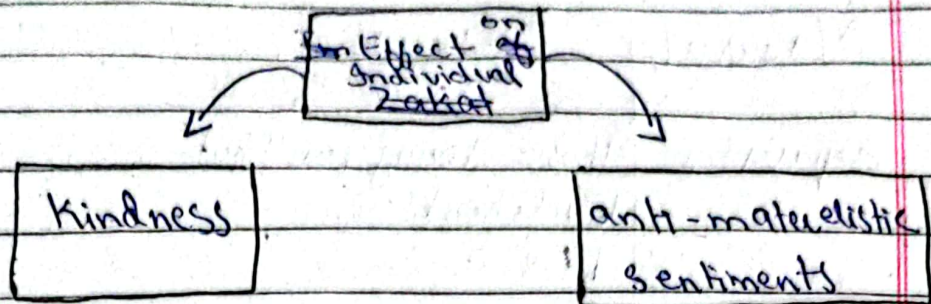
Those ~~who~~ fighting for religious cause

h Ibn al-Sabil

Those who are travelling with a worthy goals.

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EFFECT OF ZAKAT ON INDIVIDUAL :



ANTI-MATERIALISTIC SENTIMENTS :
Through Zakat, an individual can free from

a ANTI-MATERIALISTIC SENTIMENTS :

Zakat generated humility in individuals and diminishes the lust for money. Through Zakat, an individual can free from real enemy of a man that is wealth.

"The love of this world is the mother of all evils" (Hadith).

Zakat purifies the heart of an individual from the evils of this world.

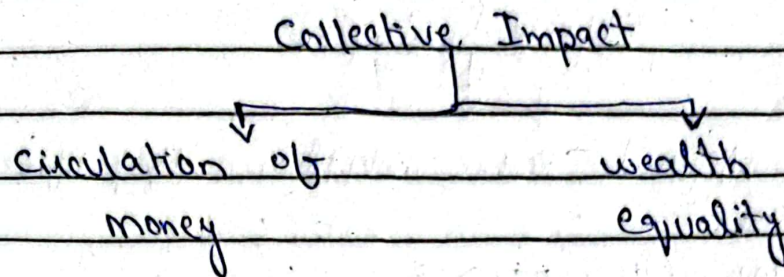
b KINDNESS :

Zakat creates the sense of affection for poor in the wealthy class of society. Zakat motivates to create affiliation with the poor.

"and give the kinsman his due".

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COLLECTIVE IMPACT OF ZAKAT :



a CIRCULATION OF MONEY :

Zakat ensures the tickle down of money in the society. Through the Zakat system, money circulates from the hands of rich to the poor.

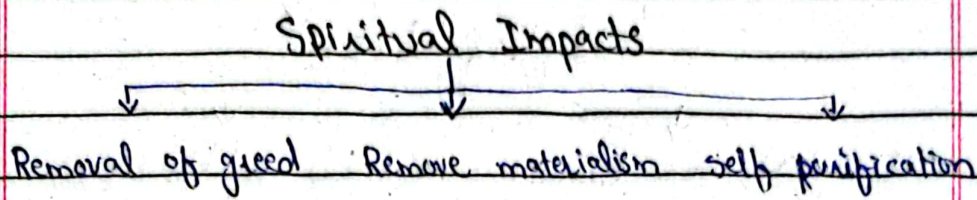
"And Spend in the way of Allah" (AL-Quran).

b WEALTH EQUALITY :

Zakat upgrade the wealth condition of the poor class of society. Zakat diminishes the differences of wealth between the rich and the poor.

"Zakat increases one wealth, it does not decreases it" (Haidth).

SPIRITUAL IMPACTS :



a REMOVAL OF GREED :

Zakat remove the greed from the heart of believers. It creates Taqwa among the believers.

"And the person will be kept away from the Hell who is mutaqi and gives money to make it clean" (al-lail 92:17-18)

b REMOVE MATERIALISM :

The real enemy of the man which keep him away from religion is the love of this world.

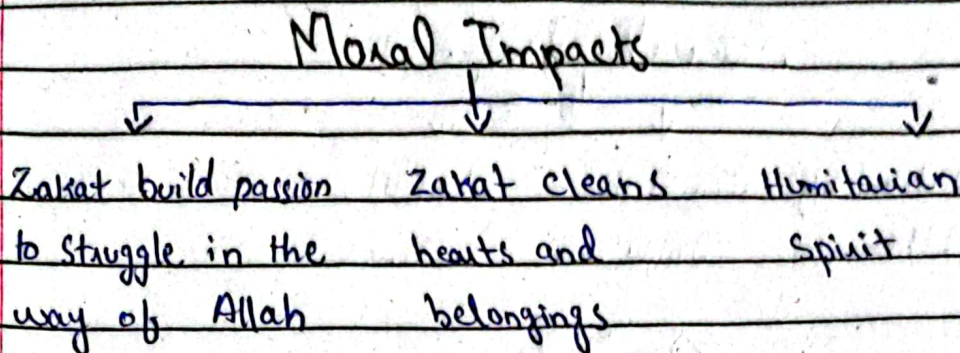
"The love of this world is the mother of all evils" (Hadith).

c SELF-PURIFICATION :

Zakat relates to a person's individual capacity. The alm gives clear his heart from greed and acquires fear of God.

"He shall be saved from the Hell who is mutaqi and give money to other for the purification of his soul" (al-lail 92:17-18).

MORAL IMPACTS :



a ZAKAT BUILD PASSION TO STRUGGLE IN THE WAY OF ALLAH :

The muslim have been repeatedly exhorted in the Quran to spend in the way of Allah and spending in the way of Allah is greatly ~~appiat~~ appreciated act.

"And spend in the way of Allah and Allah surely love the doer of good" context of Ayat Al-Baqarah 2:195.

b ZAKAT CLEANS HEARTS AND BELONGINGS :

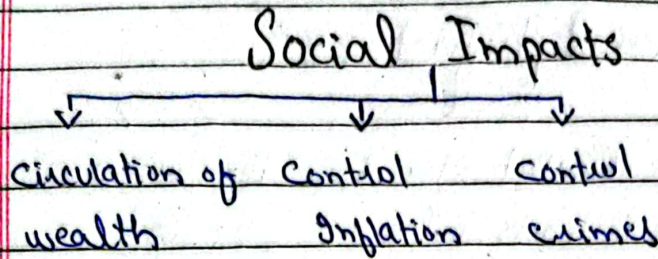
Zakat not only cleans the belongings but also the hearts.

c HUMANITARIAN SPIRIT :

Zakat is an effective weapon against selfish greed and sound illustration of humanitarian spirit.

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SOCIAL IMPACTS :



a CIRCULATION OF WEALTH :

Zakat ensure the tackle down of wealth in the society. Through the zakat system wealth circulates from the hand of rich to poor. "And spend in the way of Allah" (Al-Quran).

b CONTROL INFLATION :

Due to the circulation of wealth from one person to another Inflation is control in the country.

c CONTROL CRIME :

Due to circulation of money and low Inflation crime rate will automatically control.

ANSWER# 05

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IJTIHAD :

INTRODUCTION :

Ijtihad (Striving) is defined as the intellectual activity and effort of a qualified religious scholar to infer the directive of the Shariah from the sources of law. A scholar involved in such activities is called mujtahid. Ijtihad is an essential part of Islamic law and legislation. There are no two opinions about the fact that the revealed principles of the Quran have superiority over human reason.

DEFINATION OF IJTIHAD :

Literally, Ijtihad means striving, the individual opinion; or judgment of a person who has considered all facts in the light of reason and revelation.

According to A History of Islamic Law by Prof. N.J. Coulson "Ijtihad is the general process of juristic endeavour to ascertain the tenets of Shariah Law. The person thus engaged is known as a Mujtahid".

IJTIHAD FROM QURAN AND SUNNAH :

Ijtihad as an essential element of law and legislation is supported both by the Quran and Hadith. The Quran has recognized the necessity of independent judgment to arrive at decision.

There is famous 'hadith of Holy Prophet (PBUH) which is generally considered to be an authentic source of Ijtihad. It reads as follows:

● On being appointed Governor of Yemen, Muadh Bin Jabal was asked by the Holy Prophet (PBUH) as to the rule by which he would adjudicate. He ~~replied~~ replied, "by the law of Quran". But if you do not find any direction in the Quran how would you decide" Asked the Prophet (PBUH). He replied "I will apply the Haidth and Sunnah". But you dont find in haidth and Sunnah as well" he replied "I will than exercise my judgment and act on that".

SCOPE OF IJTIHAD :

The Scope of Ijtihad is unlimited. It is used in two main ^{areas} ~~reason~~ :

- 1 In understand the wording and meaning of the text in determining the generalise and particularities of the text in deciding whether the application of the text is restricted or unrestricted and what its various possible meanings are.
- 2 when the Quran and Sunnah are silent on an issue and there is no consensus (Ijma) among the jurists.

In this regards Dr. Hameed-ullah says:
"The Prophet (PBUH) would use his own

independent reasoning when the Quran and Sunnah had was silent on a matter and permitted his companions to do the same when the Quran and Sunnah had nothing to say on an issue."

Scholars of the classical period as well as contemporary jurists have written at great length on this subject. The reason for these differences may be summarized as follows:

- 1 A legal text is liable to be interpreted in more than one way.
- 2 There are various kinds of analogical reasoning.
- 3 The conflicting text have been reconciled by scholars in different ways.
- 4 There are different view on the authority and reliability of certain tradition. Some traditions are considered 'sound' by some but 'weak' by others.

PROCEDURE OF IJTIHAD :

The Sphere of Ijtihad was also very wide and so the mujtahids used several methods in the use of individual reason. The well known methods were Qiyas, Istihsan, Istislah and Istidlal.

CLOSURE OF THE GATES OF IJTIHAD : CAUSES AND CONSEQUENCES :

1 CAUSES OF CLOSURE OF THE GATE OF IJTIHAD :

The late Muhammad Abu Zahra in his book titled "Tarikh al-Madhahid al-Islamiyyah" cites three factors that led the jurist to interdict the exercise of independent ijtihad.

i EXTREME RIVALRY OF SCHOOL OF LAW :

After the four schools of law had been established in various countries and regions, the followers of each school of law developed an extreme attachment to their own school and were wont to disparage the followers of the other schools, believing that their own school of law was the only one that represent the true version of shariah.

ii JURISDICTION OF JUDICIARY :

The first caliph would choose judges in the first place from among the mujtahids. In the course of time, caliph and rulers started selecting judges from among those who "imitated" one of the schools in order to restrict them to a particular school as they were prohibited from judging on the basis of any other school of law.

iii) COMPILATION OF JURISPRUDENCE OF SCHOOLS OF LAW :

Successive generations of students compiled the jurisprudence of different schools of law by systematically classifying and organizing legal issues. They documented rulings for both real and hypothetical cases. As these sources grew in number, a sense of completeness emerged, making it easier for future students to access the necessary legal provisions.

2) CONSEQUENCES CLOSURE OF THE GATE OF IJTIHAD :

i) STAGNATION OF LEGISLATIVE DEVELOPMENT :

The closure of the "gate of Ijtihad" led to stagnation in Islamic law, as scholars failed to address new issues, making sharia seem outdated. As a result, rulers created their own laws, bypassing scholars who blindly followed tradition. Ibn-al-Qayyim criticized this narrow-mindedness, believing Islamic law was capable of handling modern challenges.

ii) ADOPTION OF FOREIGN LAW :

As time went on, Muslim countries began adopting foreign laws, especially during the 19th century. This trend increased under colonial rule, with nations like Egypt

adopting French civil code and the British. Imposing their laws in places like Sudan and India. Even the Ottoman Empire borrowed laws from Europe, despite not being colonized.

PROPOSED MODERN PROCEDURE FOR CARRYING OUT IJTIHAD :

1 PARLIAMENT AS IJTIHADI LEGISLATIVE BODY :

Iqbal watched the religious and political development in Turkey during the early twentieth century with great interest and anxiety. The Turkish experiment made him evolve a thesis that a National Legislative Assembly is a competent body to exercise Ijtihad in matters of religion and politics in a Muslim society.

2 WORLD ISLAMIC IJTIHAD :

Stressing the need of establishing an institutional mechanism for carrying out Ijtihad regarding changing requirement of time. Dr. Hamidullah proposed formation of a world Ijtihad council represented by muslim scholars from across the globe. He also suggested that the council may be assisted by various professional committees on economic, scientific, business etc.

3 | ACADEMY OF ISLAMIC JURISPRUDENCE 8

Breathing new life into Ijtihad after the 'gate' of ijtihad was closed in the fifth / eleventh century is therefore necessary. In the earlier years of ijtihad as exercised by individual jurists necessitated the preventive measures of ~~closure~~ closing its 'gate' the remedy lies in transferring responsibility for ijtihad from individuals to the group. Thus ijtihad become a collective act of the authoritative jurists.

4 | SAYING NO TO BLIND FOLLOWING :

The best course in Iqbal view would be to accord frank and unqualified recognition to ijtihad even though it would entail repudiation of the binding and sanctified influence of the great jurists of the past. As per Iqbal there is no room for Taqlid (blind following) which is contrary to religion. Ijtihad he believed was an integral part of movement.