

PART - II

Q3.

Introduction

The justice system in Islam also called Shariah law is complex framework that is based on teachings of Islamic law given by Almighty Allah and Prophet (PBUH) being his mediator. The primary sources are Quran and Sunnah and other sources are ijma (consensus) and ijtihad and qiyas (logical reasoning).

The judicial system of Islam emphasizes justice, morality, social rights of individuals, rights of property, guiding personal conduct and social relations. It ensures accountability of judges as well, giving the concept of equality before law. Islamic justice system protects rights of minorities, right of women, rights of poor, it provides law related to inheritance as well. As a whole it promotes protection of social right and prevents the harmful actions providing a more comprehensive and sacred system. Islamic justice system encourages independence of judiciary and impartiality of all before law.

Sources of Islamic law

Almighty Allah has revealed system in Quran and Sunnah, which are primary sources of Islamic law. In Quran, Allah has emphasized on Justice,

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ،

Allah commands justice, the doing of good
(Al-Nahl- 90)

The Holy Quran and Sunnah have clearly emphasized of doing administrative justice. If any issue is not explicitly discussed in Quran and Sunnah then Allah has encouraged Ijma and Ijtihad and Qiyas (logical reasoning) as secondary sources of Islamic judicial system.

Ordainments for judges

In Islamic law judges are ordained to judge without any hesitation with justice and transparent means. If anyone is above law in any state, that will not be regarded as Islamic law. When Hazrat Ali (R.A)

was produced before court, he came in the court without any excuses and defended himself. It proved that even ruler of the state is not above the law. As Allah said, in Quran,

.... And if you judge, judge between them with justice, Allah loves those who act justly!!!

(Al-maida : 42)

Prophet (PBUH) gave great examples for his followers

Prophet (PBUH) was known for his just, fair and impartial decisions. Not only Muslims, but non-Muslims also used to come before him for settlement of their disputes because they were satisfied and aware with his just decisions. Prophet (PBUH) once said regarding theft that if my beloved daughter Hadrat Fatima conduct theft, he would cut her hands also, it proved his conduct about law. He said no one is immune from law and he never made distinctions based on religion, caste, ethnicity or relations.

Basic Philosophies of Islamic Judicial System

i) Law of Divine Origin

Islamic law is divinely revealed from Almighty Allah, which is its unique feature. This divine belief instills sense of accountability and ultimate guidance for human beings.

The Quran and Hadith, being primary sources of Islamic law. Any action that is against Quran or Sunnah will never be considered Islamic and will remain out of spheres of Islam.

ii) Justice (Adal)

The core principle of Islamic judicial system is justice. The Quran has emphasized importance of justice, fairness in legal matters, encouraging judges and individuals to practise fairly, even they are against their own interest.

It encourages social equity before law. According to Islamic law no one is above the law except Almighty Allah. As Allah says in Quran,

....And if you judge, judge between them with justice and Allah loves those who act justly....

(Al-Maid 9:42)

iii) Equality before law

All individuals, regardless of their social status, religion, ethnicity, color, nation, background, are considered equal before law. The Quran states that all human beings are descendants of Adam and Eve, ~~re~~ reinforcing the idea of inherent equality. Prophet (PBUH) said in his last sermon,

An Arab has no superiority before non-Arab, nor a non-Arab has any superiority over non-Arab, white has no superiority before black or black has no superiority over white except by piety and righteousness.

iv) Purpose of Law

The purpose of Islamic law is to ~~the~~ ensure the rights of individuals, preservation of life, property, inheritance regardless of their social status. The Islamic law ensures that everyone is equal and acquired their rights irrespective of their religion.

Islamic Justice System Ensures Social Justice

It has been emphasized in Quran and Sunnah that everyone is equal before law, it has also ensured protection of rights of citizens in society. Islam is a complete code of life that teaches us at every aspect of our life. It has ensured, rights of women, rights of minorities, neighbours, relatives, inheritance, property, marriage, parents, children, rights of orphans, rights of poor, should be protected irrespective of difference of religion, culture, caste, color, social status, or sex. Allah Almighty has said in Quran that All human beings are equal because they are born of the same male and female couple (Adam and Eve) so it expect us to recognize each human being equal and on account of equality, their rights are protected in the society. Islamic judicial system is a holistic approach to law and justice that ensures accountability, equality, social welfare, harmony, fostering a sense reconciliation and equality within the community.

Q4.

Ans.

Introduction

Zakat is one of the obligatory pillars of Islam that one has to practice whereas Sadqah (charity) is not obligatory act that depends on will of individual. Zakat and Sadqah both are concepts of spending in the way of Allah with the faith that everything belongs to Him. It is made obligatory when one individual attains a particular threshold of wealth. Then, Islam has discouraged hoarding and Allah Almighty has ordered to spend in the way of Allah. It purifies the wealth as well as soul of an individual. The beneficiaries of Zakat are poor, needy, those who have recently accepted Islam, stressors in travel, those in debt, for liberation of slaves. It ensures that zakat is given to those who are in need. The purpose of Zakat is circulation of wealth between rich and poor so that wealth doesn't accumulate in the hands of few. It produces a sense of humbleness, humility, satisfaction in an individual and a feeling of goodwill in the heart of poor against those who are rich and give of zakat. So it removes hatred from those who don't possess wealth against those who possess wealth and give zakat. It reduces poverty, social crimes, and increases economic prosperity in the state.

System Of zakat In Islam

Spending in the way of Allah

In Holy Quran, Allah has ordered His believers to spend in the way of Allah from whatever he has given to you. It emphasized two kinds of spending, one that is zakat, an obligatory spending from portion of wealth, another is not obligatory that depends on will of individual if he wishes to give in the way of Allah that is charity. Allah says in Quran,

And those if we given them authority in land, spend in the way of Allah and establish prayer and give zakat and enjoin what is right and forbid what is wrong and to Allah belongs the outcome of all matters.

Procedure Of Zakat

Zakat is one of the five pillars of Islam that is paid once a year on silver, gold, money and wealth, cattle, trade in stock and minerals gained

and agricultural production. It is given when a threshold of wealth is attained or concentrated to an individual. The purpose of zakaat is basically circulation of wealth between rich and the poor. It is paid either directly to deserving individuals or ^{through} institutions which are especially set up for this purpose.

Nature	Percentage	Time	Threshold
Wealth and Precious metals	2.5%	every year	7.5 Tola Gold 58.5 Tola Silver
Agricultural Production	10% on Arid 5% on self irrigated	every year	no minimum threshold
Livestock	1 Goat / 40 Goats 1 Goat / 30 Cows 1 Goat / 5 camels	Annual	40 Goats 5 camels 30 Cows
Trade in Stock	2.5%	annual	52000 Rs and more

This table shows how zakaat is given. Islam has fixed a particular threshold of wealth on which zakaat is mandatory. It purify one's wealth when given in the way of Allah and ensured that wealth is ~~not~~ not hoarded but it should be

be circulated between rich and poor. The Quran has identified those individuals on which amount of Zakat should be spent. These include poor, needy, those who collect and administer zakat (their salaries), those who have recently embraced Islam, in liberation of slaves, those in debt, and travellers in distress. This ensures that funds are ~~directed~~ directed towards those who are in need.

Sadaqah

Whereas Sadaqah is the voluntary charity, which can be given at any time and in any amount. There is no obligation in Sadaqah. It is the amount that is spent in the way of Allah with individuals' own will to gain mercy of Allah. Allah pleases with those individuals because whatever Allah has provided to his creature belongs to Him. As Allah says in Quran,

"To Allah belongs whatever is in heavens and whatever is in the earth"

(Surah Baqarah: 284)

Benefits of System of Zakat

The act of zakat ensures equitable circulation of wealth among individuals, it prevents hoarding as Allah Almighty has discouraged act of concentration of wealth rather Allah pleases with those who spend in the way of Allah. It produces a sense of goodwill within hearts of those who receive zakat against those who are given. It reduces sense of hatred among individuals who possess wealth and it reduces poverty and crimes as well. Zakat has its impacts on social, moral and spiritual grounds.

Social Impacts of Zakat

- Zakat ensures distribution of wealth within the society that promote concept of equality in the society.
- It produces a sense of goodwill in the recipients against the giver.
- It encourage and prove unity among muslim Ummah in every aspect.
- It reduces poverty and crimes in the society because root cause of crime is poverty and hunger.

Moral Impacts of Zakat

- It produces sense of humility and humbleness in an individual when one spends in the way of Allah.
- It works as a shield against crime and produces a sense of humanitarian spirit in an individual.

Spiritual Impacts of Zakat

- It produces a sense of satisfaction of soul when one spends in the way of Allah.
- It purifies the soul as well as purifies wealth of the individual.
- It removes a sense of materialism giving a concept that everything belongs to Allah Almighty and everything has to return to Him one day.

Q5.

Ans.

Introduction

Ijtihad is a concept that Islam is provided to ensure practicality of religion in this rapidly changing world. It is extraction of solution regarding complex modern issue about which explicit guidance is not present in Holy Quran and Sunnah.

It is allowed only to those Islamic scholars who have deep and comprehensive understanding of Holy Quran, Sunnah, Hadith, Arabic language and Ijtihad and Ijma (consensus). Those scholars are called Mujtahid that provide guidance within Islam. If it is against the teaching of Almighty Allah, it is not Ijtihad.

Main purpose of Ijtihad is to address the complex issues and challenges that are faced by Muslim community. It provides legal rulings by a qualified scholar. Its principles of flexibility proves practicability of Islam, as a religion that is complete code of life.

Concept of Ijtihad

Ijtihad is an arabic word that means "independent reasoning". It is extraction of rightful knowledge about the issues that are not explicitly mentioned in Quran and sunnah. It is an act that is performed by religious scholars who has knowledge of Quran, sunnah, comprehensive knowledge of Arab language and Hadith. Those Islamic scholars have right to do ijtihad. As Islam is a universal religion that will exist till day of judgement. It is a complete code of life that has provided guidance for every aspect of life. In the contemporary world, if guidance for some issue is not clearly mentioned in Holy Quran and sunnah then ijtihad is practised to extract knowledge from vast sea of Holy Quran and sunnah according to its teaching.

Principles of Ijtihad

Primary sources of Ijtihad

Primary sources of ijtihad are Holy Quran and sunnah and secondary sources

are ijma (consensus) and qiyas (logical reasoning). The religious scholars deeply understand these sources to engage in effective reasoning.

Qualifications Of A Mujtahid

The one who performs ijtihad is called mujtahid. Mujtahid is an Islamic scholar that who should have deep knowledge of:

Arabic language
Holy Quran
Sunnah
Ijma and Qiyas

i Knowledge Of Arabic language

A mujtahid should have comprehensive knowledge of Arabic grammar / syntax, lexicology, and the reason of revelations. It is a divine language that is revealed by Allah. Mujtahid should have complete command over Arabic language.

ii Knowledge Of Holy Quran

A mujtahid should be high calibre scholar of Holy Quran that understands

Quran verses, words, reasons of revelations, time of revelations, implicit and explicit verses, stories and symbols.

iii) Knowledge of Sunnah

A mujtahid should have great knowledge of Sunnah. Whatever Prophet Muhammad (PBUH) said, his actions, his commands on different matters of life. He should have great command over Hadith and life of Holy Prophet.

iv) Knowledge of Ijma and Qiyas

After Holy Quran and Sunnah, he should have knowledge and significance and understanding of Ijma (consensus) and Qiyas (logical reasoning). As Imam Shafe'i gave his opinion,

"One can not be a Fiqh, unless he has knowledge of Qiyas"

Significance Of Ijtihad In Contemporary Times

Addressing contemporary issues

Modernity produces several issues in daily life such as in-vitro fertilization, blood transfusion, oral-sex, transplantation of organs etc. There are many contemporary issues that have arisen in modern times and many will emerge till day of judgement. As Almighty Allah has declared Islam as final religion and Prophet Muhammad (PBUH) as final prophet and after Prophet (PBUH) there will be no prophet for guidance till day of judgement. ~~But~~ Almighty Allah was aware of these issues so he gave concept of Ijtihad to address new ethical, legal, environmental, technology and financial issues. Ijtihad allows Islamic scholars to provide guidance and respond to these issues in a manner that is in accordance with Holy Quran and Sunnah.

Providence Of A Flexible Approach

By promoting a dynamic and contextual understanding of Islamic law,

Ijtihad can counter issues of extremism and their interpretive interpretations that may arise from various resources. It provides a flexible approach to understand and implement orders of Almighty Allah that are not clearly described. It promotes a deeper understanding of Islam in practical life that is relevant to today's world.

Conclusion

In a nutshell, Ijtihad is a basic concept of Islamic jurisprudence that provides concept of legal interpretation within Islam according to Holy Quran and Sunnah with respect to practical life and contemporary issues of modern world. It ensures that faith remains vibrant and applicable in a rapidly changing world and provides a flexibility in addressing complex challenges faced by Muslim community in today's world.