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# Lectures on Preface of Islamic Law

من إعداد: الدكتورة الفحلة مديحة

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# Concept Map

*The Preface of Islamic Law*

*Chapter 3 & 4*

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*The Sources of Islamic Law*

*The Characteristics of Islamic Law*

*Définition of Islamic Law and Jurisprudenc*

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*Rabbaniyah*  
*Comprehensiveness-*  
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*Moderation*  
*Global.*

*The Connection between Islamic Law and Jurispruden*

*Chapter 05: The Major Jurisprudential*

## **Prerequisite Knowledge**

To make the most of this course, students should be familiar with the following:

1. **Basic concepts related to legal (Sharia) terminology.**
2. **A foundational understanding of Islamic law (Sharia),** enabling the student to grasp legal concepts tied to Islamic jurisprudence (Fiqh), the sources of Islamic legislation, and the objectives (Maqasid) of Sharia.

The *Introduction to Islamic Law* course covers essential topics for law students, particularly the **sources of legal rules in Islam**, their purposes, and objectives. It also introduces the **major principles of Islamic jurisprudence**, equipping students with knowledge of Islamic legal rules—considered a **complete and flawless system** due to their divine origin. Islamic law comprehensively regulates all aspects of human life, both religious and secular, providing a framework for various spheres of life.

## **Learning Objectives**

The learning objectives of this course revolve around acquiring a **sound and essential understanding of Islamic law (Sharia)**, which is crucial for correctly comprehending the religion. Islamic Sharia is an **independent system** that remains

unchanged across time and circumstances—a **divine, precise, and flexible law** applicable in all eras and places.

Thus, studying *Introduction to Islamic Law* plays a vital role in a student's academic formation by:

- Introducing the concept of **Islamic Sharia** and enabling students to distinguish it from **Fiqh (Islamic jurisprudence)** as a standalone discipline.
- Highlighting key aspects of Sharia, such as its **characteristics, primary and secondary sources, objectives (Maqasid), and the major principles of Islamic jurisprudence.**

Accordingly, this course aims to achieve the following educational goals:

- **Recognizing the Greatest Legal System in History:** Students will become acquainted with the **most profound legal system humanity has ever known**, gaining the ability to distinguish between **man-made legal rules** and **Islamic law**, which is free from gaps and errors.
- **Emphasizing the Importance of Sharia for Law Students:**  
The course underscores the significance of studying Islamic law by focusing on key concepts related to **legal rules in Islamic legislation.**

- **Understanding Sharia’s Universality and Flexibility:**  
Students will learn that Islamic law is **eternally valid**, characterized by its **divine origin, adaptability, moderation, and universality**—unlike secular laws, which change according to legislators' whims.
- **Exploring the Historical Development of Law:**  
The study of **legal history** helps students grasp the origins, evolution, and necessity of legal rules, which arise from societies' need for **order and governance**—not mere coincidence.
- **Appreciating the Guidance of Sharia:**  
Through this course, students will recognize the **mercy of Islamic law**, which brings humanity **from darkness into light**, regulating **all aspects of life—both worldly and hereafter**, leaving no domain unaddressed.

### **Pedagogical Alignment**

The targeted competency is built on three pillars: **Knowledge, Experience, and Skills**. These foundations help assess and test comprehension levels according to the learning objectives framework.

- **Knowledge:**  
The adopted method involves delivering **detailed theoretical content** to students, compiling key course-related information while ensuring a **gradual progression**

**from basic to advanced concepts.** Understanding and retention are then evaluated through targeted **questioning and assessments.**

- **Experience:**

Students examine **legislative case studies** relevant to the course, analyzing them and proposing solutions to **bridge theory and practice.** This approach encourages **collaborative work** and helps students transition from **abstract concepts to practical application.**

- **Skills:**

Students refine their **theoretical knowledge** by applying it in practical contexts, enabling them to:

- **Interpret and comprehend Islamic legal texts** with depth.
- **Engage in critical discussions** on jurisprudential matters.
- **Articulate the objectives and reasoning** behind legal rulings.

This structured approach ensures a **comprehensive learning process**, equipping students with both **theoretical mastery and practical proficiency** in Islamic law.

### **Study Plan:**

To master the topics of Introduction to Islamic Sharia, students must study the theoretical framework of Islamic law by:

1. Exploring key terminology and concepts related to the subject
2. Examining the characteristics of Islamic legislation
3. Understanding its sources and objectives (maqasid)
4. Focusing on major principles of Islamic jurisprudence

The course will progress from foundational concepts to more advanced topics, ensuring comprehensive coverage of:

- Core definitions and distinctions
- Unique features of Islamic legal system
- Primary and secondary sources of legislation
- Higher objectives of Sharia
- Essential jurisprudential rules

### **Study Plan Structure:**

Based on this framework, we have designed the study plan as follows:

### **Chapter One: The Concepts of Islamic Sharia and Jurisprudence (Fiqh)**

- **Requirement 1:** Definition of Islamic Sharia
- **Requirement 2:** Definition of Fiqh

- **Requirement 3:** The Relationship between Islamic Sharia and Fiqh

## **Chapter Two: Characteristics of Islamic Sharia**

- **Requirement 1:** Divine Origin and Comprehensiveness
- **Requirement 2:** Flexibility and Moderation
- **Requirement 3:** Universality

## **Chapter Three: Sources of Islamic Sharia**

- **Requirement 1:** Primary Sources
- **Requirement 2:** Secondary Sources

## **Chapter Four: Objectives (Maqasid) of Islamic Sharia**

- **Requirement 1:** Hierarchy of Objectives
- **Requirement 2:** The Five Major Objectives

## **Chapter Five: Major Principles of Islamic Jurisprudence**

- **Requirement 1:** “Matters are judged by their intentions”
- **Requirement 2:** “Certainty is not overruled by doubt”
- **Requirement 3:** “The Principle of Continuity”

## General Introduction

All praise is to Allah, Lord of the Worlds, and the good end is for the righteous. There is no aggression except against the oppressors. There is no god but Allah alone, without partner, Lord of the first and the last.

Islam is one of the three Abrahamic monotheistic religions and one of the most widely followed religions in the world. The literal translation of the word Islam means surrender or submission, 1 in this case to God. Followers of the religion believe in prophet Muḥammad, whose message was received in the seventh century in the form of scripture, compiled the holy book Qur'an. After the prophet's death, there was debate over the mode of governance. Most of the leaders of the early Muslim community met in *Ṣaqifat Banī Sā'da* in Medina to settle the future of the Muslim nation. It was agreed that Abū Bakr would lead the Muslim community as the Caliph. Abū Bakr was succeeded by 'Umar who upheld earlier ordinances by Abū Bakr and 'promulgated a number of ordinances and regulations pertaining to state administration, family, crime and ritual.'<sup>2</sup> In addition to these instrumental steps, Umar insisted on adherence to the Qur'an, which '[a]t this early period...combined with the policies of the new order,

represented the sole modification to the customary laws prevailing among the Peninsular Arabs.<sup>1</sup>

Islamic Sharia represents Allah's justice among His servants, His mercy to His creation, His shade on His earth, and His wisdom that perfectly testifies to Him and to the truth of His Messenger (peace be upon him). It is His light by which the enlightened see, and His guidance by which the guided find their way.<sup>2</sup>

Given this profound significance, we must study the most sublime legal system known to humanity - Islamic legislation. This legislation marked a qualitative leap for Arab society, transforming many pre-Islamic customs and traditions. Islamic law remains universally applicable across all times and places, comprehensively regulating both religious and worldly aspects of human life as a complete way of living.

The Muhammadan message systematically organized worship, ethics, and transactions, leaving no aspect of human life unaddressed through its primary sources: the Quran and Prophetic Sunnah. This comprehensiveness is logical, being

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<sup>1</sup> Nesrine Badawi, Introduction of Islamic Law, Program on Humanitarian Policy and Conflict Research, Harvard University, February 2009, p. 01.

<sup>2</sup> Ibn Qayyim al-Jawziyya, I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn, ed. by Muḥammad 'Abd al-Salām Ibrāhīm, Vol. 3, 1st edition, 1991 CE, Dār al-Kutub al-'Ilmiyyah, Beirut, Lebanon, p. 11.

divine legislation free from the imperfections inherent in human work.

As Imam Al-Shatibi stated: "This infallible Sharia does not impose obligations arbitrarily merely to subject people to religious authority. Rather, they were established to achieve the Lawgiver's purposes in securing human interests in both religious and worldly matters. Every ruling considers either: preserving the five necessities (religion, life, intellect, lineage, and property) - the foundations of civilization recognized by all religions, without which worldly affairs would not function properly and salvation in the Hereafter would be lost; or maintaining complementary needs like various transactions whose absence would cause hardship; or observing refinements relating to noble character and good customs."<sup>3</sup>

Islam unified Arab nations spiritually, creating an Arab-Islamic civilization whose influence reached the East and West. This civilization represents the enormous heritage that distinguished the Arab nation during the Middle Ages, contributed to by diverse nations and races united by Islam into

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<sup>3</sup> Imam al-Shatibi, al-Muwafaqat, tahqiq Abu Ubaydah Al Sulaiman, muqaddimah, al-Tab'ah al-ula, 1997 CE, Dar Ibn 'Affan, p. 5.

a virtuous society, producing remarkable intellectual achievements with unified purpose.<sup>4</sup>

As Dr. Ali Hasan Al-Kharbutli notes in his work "Arab-Islamic Civilization," studying this civilization requires numerous volumes to cover its vast domains and intricate aspects. It's impossible to encompass all details of this rich civilization in a single work or study segment<sup>5</sup>. Therefore, our examination of this eternal divine legislation will address:

1. The linguistic and technical definitions of Islamic Sharia and jurisprudence (Fiqh)
2. The relationship between Islamic Sharia and Fiqh

This introduction establishes the comprehensive nature of Islamic law as both a divine revelation and practical legal system that transformed societies while maintaining timeless relevance through its balanced approach to human needs and spiritual fulfillment.

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<sup>4</sup> Rahim Kazem Muhammad Al-Hashimi and Awatif Muhammad Al-Arabi Shanqaro, Al-Hadarah Al-Arabiyyah Al-Islamiyyah "Dirasah fi Tarikh Al-Nizam", op. cit., p. 5.

<sup>5</sup> Ali Hasan Al-Kharbutli, Al-Hadarah Al-Arabiyyah Al-Islamiyyah, al-Tab'ah al-thaniyah, 1994 CE, Dar Al-Khanji lil-Nashr, Cairo, Egypt, p. 4.

# *Chapter one : Definition of Islamic Law and Jurisprudence*

## **First: Definition of Islamic Sharia and Fiqh**

This section examines the definition of Islamic Sharia and Fiqh in both linguistic and technical terms, and clarifies the relationship between them.

### **1. The Concept of Islamic Sharia:**

Islamic Sharia refers to the rulings that Allah has legislated for His servants, whether related to creed, ethics, or regulating human speech, actions, and transactions. Muslim scholars often use the terms "religion" (al-Dīn) and "way" (al-Millah) as synonyms for Islamic Sharia, as Islam represents a comprehensive system governing all aspects of worldly life.<sup>6</sup>

To provide a comprehensive definition of Islamic Sharia, we will first examine its linguistic meaning, followed by its technical definition according to jurists.

#### **A. Linguistic Definition of Islamic Sharia:**

Linguistically, "Sharia" (al-Sharī'ah) or "Shir'ah" refers to a watering place where people and animals come to drink. In a

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<sup>6</sup> Sufi Hasan Abu Talib, *Tatbiq Al-Shari'ah Al-Islamiyyah fi Al-Bilad Al-Arabiyyah*, al-Tab'ah al-khamisah, 2006 CE, Dar Al-Nahdah Al-Arabiyyah, Cairo, Egypt, pp. 13-15.

religious context, it denotes what Allah has legislated for His servants as their way of life. This is derived from the Quranic verse: *"For each [religious following] We have appointed a divine law and a method."* (Quran 5:48)<sup>7</sup>

This indicates that Allah Almighty has established for us a clear and straight path to follow in this life—a path of guidance and righteousness.

## **B. Technical Definition of Islamic Sharia:**

Technically, Islamic Sharia encompasses all the rulings that Allah the Exalted has legislated for His servants, whether revealed in the Quran or the Sunnah.<sup>8</sup> It constitutes a complete and perfect divine system that comprehensively regulates human life in all its aspects—spiritual, moral, social, and legal—derived from Allah's infinite wisdom and knowledge.

The Sharia represents Allah's eternal guidance that addresses both the constant and changing needs of humanity, balancing between fixed principles and flexible applications to suit all times and places. Its rulings aim to preserve human

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<sup>7</sup> Abu Nasr Ismail Al-Farabi, *Al-Sihah: Taj Al-Lughah wa Sihah Al-Arabiyyah*, tahqiq: Ahmad Abd Al-Ghafur Attar, al-Juz' 3, al-Tab'ah al-rabi'ah, 1987 CE, Dar Al-Malayin, Beirut, Lebanon, p. 1236. See also: Ahmad Ibn Faris Al-Razi, *Mujmal Al-Lughah li Ibn Faris*, tahqiq: Zuhair Abd Al-Muhsin Sultan, al-Tab'ah al-thaniyah, 1986 CE, Mu'assasat Al-Risalah, Beirut, Lebanon, p. 526.

<sup>8</sup> Wahbah Al-Zuhayli, *Al-Fiqh Al-Islami wa Adillatuh*, al-Juz' 1, al-Tab'ah al-rabi'ah, Dar Al-Fikr, Damascus, Syria, p. 31.

interests (maṣāliḥ) and prevent harms (mafāsīd) in this life and the hereafter.

### **Definition of Fiqh:**

The term *fiqh* (or *fiḳ h*) refers to juristic efforts aiming at coming up with rules that are compliant with *sharīa*<sup>9</sup>. After the death of the prophet, the early Muslim community was confronted with the issue of regulating life in accordance with Islamic law. While, as mentioned earlier, the Qur'an's centrality was evident from the beginning, the social, political and economic matters that the early Muslim nation faced required development of a legal system. The human process of development of such a legal system in which rules were extrapolated from the various different authorities and applied to the various hypothetical and real case scenarios is referred to as *fiqh*. But the term *fiqh*, which literally means understanding or knowledge, took some time to evolve into the earlier stated definition.<sup>9</sup>

Islamic jurisprudence (Fiqh) has been - and remains - a source of immense pride, honor, and reverence, as it has effectively addressed people's needs in regulating their statements, actions, and transactions while organizing all aspects of their lives. Through Fiqh, the rulings of the Quran and

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<sup>9</sup>Nesrine Badawi, Introduction of Islamic Law, Program on Humanitarian Policy and Conflict Research, Harvard University, February 2009, p. 02.

Prophetic Sunnah have been genuinely crystallized and actualized.<sup>10</sup>

### **A. Linguistic Definition of Fiqh:**

The term *Fiqh* linguistically means comprehensive understanding and profound comprehension. Allah says: "*They have hearts with which they do not understand*" (Quran 7:179). Fiqh denotes grasping the intended meaning behind speech,<sup>11</sup> going beyond superficial understanding to achieve depth.<sup>12</sup> It represents:

- Penetrative knowledge that reaches the core of matters
- Subtle discernment of intricate realities
- Contextual understanding that transcends literal meanings

### **B. Technical Definition of Fiqh:**

In Islamic terminology, Fiqh is defined as: "*The science of practical Sharia rulings derived from their*

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<sup>10</sup> Wahbah Al-Zuhayli, *Al-Fiqh Al-Islami wa Adillatuh*, al-Juz' 1, op. cit., p. 20.

<sup>11</sup> Muhammad Ibn Al-Hassan Al-Fasi, *Al-Fikr Al-Sami fi Tarikh Al-Fiqh Al-Islami*, al-Juz' 1, al-Tab'ah al-ula, 1995 CE, Dar Al-Kutub Al-Ilmiyyah, Beirut, Lebanon, p. 61.

<sup>12</sup> Iyad bin Awad Al-Sulami, *Usul Al-Fiqh Alladhi La Yasa' Al-Faqih Jahluh*, al-Tab'ah al-ula, 2005 CE, Dar Al-Tadmiriyyah, Riyadh, Kingdom of Saudi Arabia, p. 11.

*detailed evidences" Or alternatively: "The corpus of practical legal rulings extracted from their specific textual sources".<sup>13</sup>*

## **Second: The Relationship Between Islamic Sharia and Jurisprudence (Fiqh)**

After examining the definitions of Islamic Sharia and Islamic jurisprudence (Fiqh), we will now present the points of connection between them:

1/ Islamic Sharia encompasses all the rulings that Allah has legislated for His servants, while Fiqh represents the practical application of Islamic Sharia.<sup>14</sup>

2/ Islamic Sharia is a divine system revealed by Allah to His Prophet to convey to people. As for Fiqh, it is a scholarly methodology in which the jurist relies on researching practical Sharia rulings derived from their detailed evidence.<sup>15</sup>

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<sup>13</sup> Abd Al-Wahhab Khallaf, 'Ilm Usul Al-Fiqh, al-Tab'ah al-thaminah, Maktabat Al-Da'wah (Dar Al-Qalam), p. 11. See also: Iyad bin Awad Al-Sulami, Usul Al-Fiqh Alladhi La Yasa' Al-Faqih Jahluh, op. cit., p. 11. See also: Abu Al-Mundhir Al-Minyawi, Sharh Mukhtasar Al-Usul min 'Ilm Al-Usul, al-Tab'ah al-ula, 2011 CE, Al-Maktabah Al-Shamilah, Egypt, p. 4.

<sup>14</sup> Wahbah al-Zuhayli, al-Fiqh al-Islami wa-adillatuh, al-juz' 1, op. cit., p. 31.

<sup>15</sup> Abd al-Wahhab Khallaf, 'Ilm usul al-fiqh wa-khulashat tarikh al-tashri', Matba'at al-Madani (al-Mu'assasah al-Saudiyyah bi-Misr), p. 14.

## *Chapter two: The Carracteristic of Islamic Law*

### **Introduction**

Islamic legislation is considered a global human civilizational phenomenon, given the superiority of its higher values that elevate it to the level of universal humanity. It is based on equality, absolute justice for humankind, and seeks human unity regardless of differences in race, color, language, or religion. By establishing the principle of mandatory solidarity and containing legislative standards and frameworks for juristic reasoning in matters without explicit texts, it has acquired remarkable practicality and extraordinary fertility that responds to legitimate interests.<sup>16</sup>

Accordingly, we will clarify in the following elements the most important characteristics of Islamic legislation:

#### **1. Divine Origin:**

Islamic Sharia derives from Allah - meaning it is a divine revelation conveyed to the Prophet (peace be upon him) through inspiration, which he transmitted to people both in wording and meaning in the Noble Quran, or in meaning alone in the Prophetic Sunnah. Consequently, the principles and rulings of

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<sup>16</sup> Fathī al-Duraynī, *Mafāhīm ‘āmmah fī al-siyāsah wa-al-ḥukm*, al-Ṭab‘ah al-thānīyah, 2013, Mu’assasat al-Risālah, Bayrūt, Lubnān, p. 219.

Sharia are free from injustice, deficiency, and human whims, as their source is Allah, the Perfect.<sup>17</sup>

Islamic Sharia is light from Allah's light, with divine-source rulings and systems, as evidenced by Allah's saying: "Allah's coloring - and who colors better than Allah?" (Quran 2:138). In His wisdom, Allah has preserved His law by safeguarding its source, as He says: "Indeed, it is We who sent down the Reminder and indeed, We will preserve it." (Quran 15:9).<sup>18</sup>

This characteristic of divine origin, unique to Islam's legislation and systems, is not shared by any other religion or system on earth. All known and unknown religions and systems are either man-made from the outset, or initially had some connection to divine law but were soon subjected to distorting alterations that turned them upside down, introducing unauthorized legislation until they became indistinguishable from man-made systems and philosophies.<sup>19</sup>

## **2. Comprehensiveness:**

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<sup>17</sup> Mundhir al-Faḍl, *Tārīkh al-qānūn*, op. cit., p. 174.

<sup>18</sup> Ismā'īl 'Alī Muḥammad, *Khaṣā'ish al-Islām alladhī nad'ū ilayh*, al-Ṭab'ah al-ūlā, 2013 CE, Dār al-Kalimah, al-Qāhirah, Miṣr, p. 10.

<sup>19</sup> Ismail Ali Muhammad, *Characteristics of the Islam We Call To*, 1st Edition, 2013, Dar Al-Kalimah, Cairo, Egypt, p. 11.

The comprehensiveness of Islamic Sharia means its rulings are not limited to specific areas but encompass all aspects of life. It provides guidance from before birth until after death, covering both the individual's relationship with the Creator (worship) and human interactions (transactions).

Worship includes prayer, fasting, pilgrimage, and all matters concerning the Creator-creation relationship. Transactions include:

- Personal status laws
- Financial dealings
- Judicial procedures
- Rules for interacting with non-Muslims (protected residents)
- Regulations governing the Islamic state's foreign relations
- Governance systems
- Criminal laws and punishments.<sup>20</sup>

The Quran and Prophetic Sunnah address all worldly matters and human interactions, establishing their foundations. This includes:

- Marriage, inheritance, divorce and neighborly relations
- Food and drink regulations
- Judiciary and governance

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<sup>20</sup> Munthir al-Faḍl, *Tārīkh al-qānūn* [History of Law], op. cit., pp. 175-176.

- Consultation and prescribed penalties
- Treaties and warfare
- Compensation and retribution
- Prohibition of usury and commercial regulations
- Environmental considerations.<sup>21</sup>

These exist alongside worship-related matters like prayer, purification, fasting and pilgrimage. Thus, Sharia's teachings comprehensively cover all worldly and hereafter aspects of life. It provides an integrated system addressing:

- Human existence
- Cosmic order
- Divine-human relations
- Interpersonal relations in:
  - Economics
  - Politics
  - Social affairs
  - Judicial matters
  - Criminal justice
  - Education
  - Conflict and peace
  - Environmental stewardship

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<sup>21</sup> Ismail Ali Muhammad, *Khasais al-Islam alladhi nad'u ilayh* [Characteristics of the Islam We Call To], 1st edition, 2013 CE, Dar al-Kalimah, Cairo, Egypt, p. 23.

This holistic approach ensures the proper organization of all aspects of cosmic existence.<sup>22</sup>

### **3. Flexibility:**

Islamic Sharia is characterized by its suitability for all times and places due to its flexibility. It contains two types of rulings:

1. **Fixed rulings** with definitive evidence, such as inheritance shares, which are permanent and unchangeable.
2. **Flexible rulings** that can be adapted, following the principle that "rulings may change with changing times" within Sharia's general framework.<sup>23</sup>

This combination of stability and flexibility is a unique legislative miracle found only in Islamic Sharia, being divine revelation from Allah, the All-Wise, All-Knowing, who perfectly understands human nature.

Sharia includes matters that Allah ordained as eternally suitable for humanity, remaining unchanged in text, spirit, form and essence regardless of time or place. Examples include:

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<sup>22</sup> Ismail Ali Muhammad, *Khasais al-Islam alladhi nad'u ilayh* [Characteristics of the Islam We Call To], op. cit., p. 20.

<sup>23</sup> Sufi Hasan Abu Talib, *Tarikh al-Nuzum al-Qanuniyya wa al-Ijtima'iyya* [History of Legal and Social Systems], op. cit., p. 187.

- Fundamentals of faith (belief in Allah, His angels, His books, His messengers, the Last Day, and divine decree)
- Core acts of worship (prayer, fasting, zakat, hajj)
- Moral virtues (patience, honesty, trustworthiness, modesty, mercy)
- Legal principles (hudud punishments, retribution, blood money, marriage, divorce, inheritance, prohibition of usury and adultery)

These fixed elements coexist with flexible aspects that accommodate societal development and changing circumstances.<sup>24</sup>

#### **4. Moderation (Al-Wasatiyyah):**

One of the signs of the perfection of Islam—the religion chosen and approved by Allah for His servants—is its balanced nature. Its legislation and systems avoid both negligence and extremism, making it timeless and adaptable across different eras and environments.

The Quran establishes the principle of moderation in Islamic life, as Allah says: "And do not keep your hand chained to your neck [refusing to spend], nor stretch it forth to its utmost

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<sup>24</sup> Ismail Ali Muhammad, *Khasais al-Islam alladhi nad'u ilayh* [Characteristics of the Islam We Call To], op. cit., pp. 58-59.

reach [being extravagant], so that you become blameworthy and regretful." (Surah Al-Isra 17:29).<sup>25</sup>

This verse exemplifies Islam's balanced approach in all aspects—whether in worship, morality, economics, or social conduct—ensuring that Muslims follow a moderate path, free from excess or deficiency.

## **5. Universality:**

Islam is a universal religion, and its Sharia is applicable to all of humanity. Consequently, the systems it has established—whether directly ordained by Allah or derived from its fundamental principles—share this universal characteristic. These systems are designed for all people, without distinction between nations, intellects, or societies; they encompass all civilizations and communities.

History bears witness that Islamic systems, founded upon the noble Sharia and guided by its benevolent principles, established a great and advanced civilization that stood as a beacon for centuries. Its influence extended across diverse nations and ethnicities, never failing to meet the needs of those under its governance. It consistently addressed human challenges with sound and appropriate solutions, offering

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<sup>25</sup> Ismail Ali Muhammad, *Khasais al-Islam alladhi nad'u ilayh* [Characteristics of the Islam We Call To], op. cit., pp. 43-44.

security to the fearful, remedy to the afflicted, and healing to the distressed. Under its guidance—both Muslims and non-Muslims alike—people lived in a state of righteous and prosperous life.<sup>26</sup>

This universality confirms that Islamic legislation is not confined by time or place but remains a comprehensive and enduring system for all of humanity.

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<sup>26</sup> Ismail Ali Muhammad, *Khasais al-Islam alladhi nad'u ilayh* [Characteristics of the Islam We Call To], op. cit., pp. 39-40.

## ***Chapter three : The Sources of Islamic Law***

### **Introduction:**

Every legal system - whether divine or man-made - has sources from which it derives its rulings, giving it binding authority and flexibility to address new circumstances during implementation. The sources of Islamic rulings may be:

### **Primary sources** unanimously agreed upon by Muslim jurists:

- The Quran
- The Sunnah
- Consensus (Ijma)
- Analogical reasoning (Qiyas)

### **Secondary sources** where juristic disagreement exists:

- Juristic preference (Istihsan)
- Presumption of continuity (Istishab)
- Consideration of public interest (Maslahah Mursalah)
- Customary practice (Urf)
- Previous divine laws (Sharia of prior nations)
- Opinions of the Companions (Qawl al-Sahabi)

## **Agreed-Upon (Primary) Sources:**

Scholars have determined through induction that the evidences for deriving Islamic legal rulings return to four sources: the Quran, the Sunnah, consensus (Ijma'), and analogy (Qiyas). The foundation of these evidences is the first source - the Quran - followed by the Sunnah, which explains its generalities, specifies its universal rulings, restricts its absolute statements, and serves as its clarification and completion.<sup>27</sup>

### **A. The Noble Quran:**

Mustafa al-Rafi'i, the great literary scholar of Islam, described the Quran as: *"The secret of the heavens and the light of Allah on the horizon of the world until its end, the meaning of eternity in the dominion of the earth until it passes away"*.<sup>28</sup>

The Quran is the last of Allah's revealed books, sent down to the final Prophet, Muhammad (peace be upon him), guiding humanity from darkness to light. Allah has referred to it by fifty-five names, the first and most famous being "Al-Quran."

First Revelation: *"Read in the name of your Lord who created—created man from a clinging clot. Read, and your Lord*

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<sup>27</sup> Abd al-Wahhāb Khallāf, 'Ilm uşūl al-fiqh, al-ṭab'ah al-thāminah, Maktabat al-Da'wah (Dār al-Qalam), p. 12.

<sup>28</sup> Muşṭafā Şādiq al-Rāfi'ī, I'jāz al-Qur'ān wa al-Balāghah al-Nabawiyyah, al-Ṭab'ah al-Thāminah, 2005 CE, Dār al-Kitāb al-'Arabī, Lubnān, p. 24.

*is the Most Generous—Who taught by the pen—taught man that which he knew not." (Surah Al-Alaq 96:1-5) (Revealed on the 17th night of Ramadan).*

Final Revelation: *"This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion." (Surah Al-Ma'idah 5:3) (Revealed on the 9th of Dhul-Hijjah, 10 A.H.).*

The Quran consists of 114 surahs and 6,342 verses, serving as the eternal miracle and primary source of Islamic legislation.<sup>29</sup>

### **Definition of the Quran:**

*Linguistic definition:* The word "Quran" is synonymous with "reading".<sup>30</sup>

*Technical definition:* It is the miraculous speech revealed to the Prophet (peace be upon him), written in the Mus'hafs (codices), transmitted through continuous narration (tawatur), and whose recitation is an act of worship.<sup>31</sup>

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<sup>29</sup> Abd Allāh Mabruk al-Najjār, Uṣūl al-qawā'id al-qānūniyyah "Dirāsah muqāranah bi-al-fiqh al-Islāmī", op. cit., pp. 432-433.

<sup>30</sup> Muḥammad 'Abd al-Salām Kaffāfī wa-'Abd Allāh al-Sharīf, Fī 'ulūm al-Qur'ān: Dirāsāt wa-muḥāḍarāt, Dār al-Nahḍah al-'Arabiyyah, Bayrūt, Lubnān, p. 19.

<sup>31</sup> Muḥammad 'Abd al-Salām Kaffāfī wa-'Abd Allāh al-Sharīf, Fī 'ulūm al-Qur'ān: Dirāsāt wa-muḥāḍarāt, op. cit., p. 22.

It is also defined as: "The Arabic speech revealed to our Master Muhammad (peace be upon him), transmitted to us through continuous narration, whose recitation is an act of worship, and whose shortest chapter constitutes a challenge (to produce something like it)".<sup>32</sup>

### **Characteristics of the Quran:**

The Quran possesses several distinguishing characteristics, including:

- **Arabic Revelation:** The Quran was revealed in Arabic, as stated in the verse: "*We have made it an Arabic Quran*" (Surah Az-Zukhruf: 4). It was revealed to Prophet Muhammad (peace be upon him) in both wording and meaning in the Arabic language. Therefore, translations into other languages do not constitute the Quran itself, as the linguistic miracle and inimitability are lost in translation.<sup>33</sup>
- **Prophetic Miracle:** The Quran is the everlasting miracle of the Prophet (peace be upon him). Doubting its divine authorship—both in wording and meaning—undermines Islamic creed. While previous prophets were granted tangible miracles (e.g., healing the sick or raising the

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<sup>32</sup> Ḥasan Muḥammad Ayyūb, *Tabsīṭ al-‘aqa’id al-Islāmiyyah, al-Ṭab‘ah al-khāmisah*, 1983 CE, Dār al-Nadwah al-Jadīdah, Bayrūt, Lubnān, p. 153.

<sup>33</sup> Munthir al-Faḍl, *Tārīkh al-qānūn [History of Law]*, op. cit., p. 182.

dead), the Quran remains Muhammad's eternal miracle, renewed through its recitation. Its inimitability lies in:

- Eloquence and linguistic excellence
- Accounts of past nations (e.g., 'Ād, Thamūd, and the birth of Jesus)
- Predictions of future events (e.g., Roman victory over Persia): *"The Romans have been defeated in a nearby land, yet after their defeat they will triumph within a few years"* (Surah Ar-Rūm: 2–4).<sup>34</sup>
- The challenge to produce even a single comparable chapter: *"If you doubt what We have revealed to Our servant, produce one chapter like it... You will never do so!"* (Surah Al-Baqarah: 23).
- **Gradual Revelation:** The Quran was revealed piecemeal over ~23 years (in Makkah and Madinah) to facilitate the Prophet's (peace be upon him) memorization—especially as he was unlettered—and to ease implementation for believers: *"The disbelievers ask, 'Why was the Quran not revealed all at once?' We revealed it gradually to strengthen your heart and recited it distinctly"* (Surah Al-

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<sup>34</sup> Sufi Hasan Abu Talib, *Tatbiq al-Shari'ah al-Islamiyyah fi al-Bilad al-'Arabiyyah* [The Application of Islamic Law in Arab Countries], op. cit., p. 40.

Furqān: 32). A single, abrupt revelation would have overwhelmed the community.<sup>35</sup>

- **Mass-Transmitted (Tawātur):** The Quran has been transmitted through successive generations by vast, reliable chains of narrators, making collective fabrication impossible. This is rooted in the divine command: "*O Messenger, proclaim what has been revealed to you...*" (Surah Al-Mā'idah: 67).<sup>36</sup> Every verse's authenticity is established via indisputable mass transmission (tawātur).<sup>37</sup>

Non-mass-transmitted (āhād) reports cannot be considered Quranic. The Companions meticulously preserved it through this method<sup>38</sup>, ensuring its unaltered survival—as guaranteed by Allah: "*We have sent down the Reminder, and We will certainly preserve it*" (Surah Al-Hijr: 9).<sup>39</sup>

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<sup>35</sup> Abdullah Mabrouk Al-Najjar, *Usul al-qawa'id al-qanuniyyah "Dirasah muqaranah bi-al-fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., pp. 431-432.

<sup>36</sup> Group of Professors and Specialized Scholars, *Al-Mawsū'ah al-Qur'āniyyah al-Mutakhaṣṣiṣah* [The Specialized Quranic Encyclopedia], 2002 CE, Supreme Council for Islamic Affairs, Egypt, p. 310.

<sup>37</sup> Shams al-Din al-Hanbali, *Lawaami' al-Anwaar al-Bahiyyah wa Sawaati' al-Asraar al-Athariyyah li Sharh al-Durrah al-Mudiyyah fi 'Aqd al-Firqah al-Mardiyyah* [The Gleaming Lights and Radiant Secrets: An Explanatory Commentary on "The Brilliant Pearl Concerning the Covenant of the Approved Sect"], 2nd Edition, 1982 CE, Volume 2, Mu'assasat al-Khafaqin wa Maktabatoha, Damascus, p. 5.

<sup>38</sup> *Al-Mawsū'ah al-Fiqhiyyah al-Kuwaytiyyah* [Kuwaiti Encyclopedia of Islamic Jurisprudence], 1427 AH, Volume 33, Issued by the Ministry of Awqaf and Islamic Affairs, Kuwait, pp. 31-32.

<sup>39</sup> Hasan Muhammad Ayyub, *Tabsit al-'Aqa'id al-Islamiyyah* [Simplifying Islamic Beliefs], op. cit., p. 160.

- **Gradual Legislation:** Islam introduced societal reforms by:
  - Abolishing harmful pre-Islamic practices
  - Retaining compatible customs
  - Instituting new laws (e.g., charity regulations, prohibition of alcohol).  
This phased approach allowed gradual adaptation—from recommendation to obligation (e.g., charity) or from discouragement to prohibition (e.g., alcohol)—ensuring smooth transitions and occasional abrogation (naskh) of earlier rulings.<sup>40</sup>
  
- **Varied Legal Indication:** The Quran’s authenticity is definitive (qat‘ī al-thubūt), requiring absolute adherence. However, its legal implications may be:
  - **Definitive (qat‘ī al-dalālah):** Unambiguous terms (e.g., "half" in inheritance laws: *"You inherit half of what your wives leave"*).
  - **Probable (ẓannī al-dalālah):** Terms with multiple interpretations (e.g., "qurū'" [waiting periods for divorced women]: could mean menstruation or purity).

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<sup>40</sup> Sufi Hasan Abu Talib, *Tatbiq al-Shari'ah al-Islamiyyah fi al-Bilad al-'Arabiyyah* [The Application of Islamic Law in Arab Countries], op. cit., p. 45.

This structured framework ensures the Quran's timeless relevance as the primary source of Islamic law.<sup>41</sup>

## **B. The Sunnah:**

### **Definition of the Prophetic Sunnah:**

*Linguistic Definition:* Sunnah means "way" or "habit," whether good or bad.<sup>42</sup> It also refers to what contrasts with obligation (wājib) or innovation (bid'ah), and to the practices of the Companions based on established traditions or scholarly consensus.<sup>43</sup>

*Technical Definition:* The Prophetic Sunnah includes everything attributed to the Prophet (peace be upon him) as:

#### **1. Verbal (Qawliyyah):** His sayings, like:

- "There is no harm or reciprocation of harm."
- "Seawater is pure, and its dead (animals) are lawful."

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<sup>41</sup> Abdullah Mabrouk Al-Najjar, *Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., p. 434.

<sup>42</sup> Arabic Language Academy in Cairo, *Al-Mu'jam al-Wasīṭ* [The Intermediate Dictionary], Volume 1, Dar Al-Da'wah, Cairo, Egypt, p. 456.

<sup>43</sup> Abdullah Mabrouk Al-Najjar, *Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., p. 446.

- "Deeds are judged by intentions".<sup>44</sup>
2. **Practical (Fi'liyyah):** His actions, such as how he performed prayer.
  3. **Approval-Based (Taqrīriyyah):** His tacit consent, like when he approved Mu'ādh ibn Jabal's method of judgment:
    - "By Allah's Book."
    - "If not found, by the Prophet's Sunnah."
    - "If not found, I will exercise independent reasoning (ijtihād)."

The Prophet (peace be upon him) praised this approach.<sup>45</sup>

The Sunnah is Islam's second primary legal source, clarifying and supplementing the Quran. Its authority stems from the Quranic command: "Whatever the Messenger gives you, take it; whatever he forbids, avoid it." (59:7)

### **Categories of Sunnah:**

The Sunnah is divided based on its transmission into:

#### **1. Mutawatir Sunnah (Mass-Transmitted) :**

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<sup>44</sup> Abdullah Mabrouk Al-Najjar, *Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., pp. 446-447.

<sup>45</sup> Sufi Hasan Abu Talib, *Tatbiq al-Shari'ah al-Islamiyyah fi al-Bilad al-'Arabiyyah* [The Application of Islamic Law in Arab Countries], op. cit., pp. 49-50.

- Narrated by such a large number of Companions that their collective agreement on falsehood is impossible.
- Transmitted through successive reliable chains until reaching us.
- Provides absolute certainty (yaqeen) in its authenticity.

## **2. Mashhur Sunnah (Well-Known) :**

- Initially reported by a limited number of Companions (below tawatur level).
- Later transmitted by a large number of narrators (reaching tawatur level in subsequent generations).
- Considered an intermediate category by Hanafi scholars.

## **3. Ahad Sunnah (Isolated Reports) :**

- Narrated by one or a few individuals without reaching tawatur or mashhur status.
- Provides probable knowledge (dhann) rather than certainty.
- Most hadiths fall under this classification.<sup>46</sup>

## **Key Differences :**

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<sup>46</sup> Abdullah Mabrouk Al-Najjar, Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami" [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., pp. 453-455.

- **Mutawatir**: Highest authenticity level - yields definitive knowledge.
- **Mashhur**: Strong reliability but not reaching mutawatir certainty.
- **Ahad**: Accepted in jurisprudence but requires additional verification.

### **The Status of the Sunnah in Relation to the Quran:**

The Sunnah is the second source of Islamic legislation. As Ibn al-Qayyim stated, the Sunnah relates to the Quran in three ways. First, it may agree with the Quran completely, where both sources converge on the same ruling, serving as corroborating evidence. Second, it may explain and clarify the Quran by detailing its general statements, specifying its universal rulings, restricting its absolute terms, or expanding its brief mentions. Third, it may establish rulings on matters not explicitly mentioned in the Quran, such as prohibiting marriage to both a woman and her paternal or maternal aunt simultaneously.<sup>47</sup>

The Sunnah serves three essential functions in relation to the Quran: it confirms and reinforces Quranic rulings, elaborates upon them by detailing general statements, expanding concise texts, specifying universal principles, and qualifying absolute

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<sup>47</sup> Ibn Qayyim al-Jawziyya, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* [Informing the Signers About the Lord of the Worlds], ed. by Muhammad 'Abd al-Salām Ibrāhīm, Vol. 2, 1st Edition, 1991 CE, Dār al-Kutub al-'Ilmiyya, Beirut, Lebanon, p. 220.

injunctions, and complements them by establishing rulings on matters not explicitly addressed in the Quran, such as prohibiting marriage to both a woman and her paternal or maternal aunt simultaneously.<sup>48</sup>

### **C. Ijmaa:**

Is the consensus of Muslim scholars on a legal ruling regarding an incident that occurred after the death of the Prophet (peace be upon him) and for which there is no explicit text determining its ruling. Scholars thus exercise independent reasoning (Ijtihad) and ultimately reach a unanimous agreement on the outcome and ruling.

#### **Definition of Ijmā' (Consensus) in Language:**

It refers to firm determination, as in the phrase: "He resolved (ajma'a) to do such-and-such," meaning he was determined to do it.<sup>49</sup>

#### **Definition of Ijmā' in Terminology:**

It is the unanimous agreement of all Muslim jurists (mujtahidīn) on a legal ruling regarding an incident that

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<sup>48</sup> Sufi Hasan Abu Talib, *Tatbiq al-Shari'ah al-Islamiyyah fi al-Bilad al-'Arabiyyah* [The Application of Islamic Law in Arab Countries], op. cit., pp. 57-58.

<sup>49</sup> Iyad Al-Sulami, *Usul Al-Fiqh Alladhi La Yasa' Al-Faqih Jahluh* [The Fundamentals of Jurisprudence That a Jurist Cannot Afford to Ignore], 1st Edition, 2005 CE, Dar Al-Tadmiriyyah, Riyadh, Kingdom of Saudi Arabia, p. 124.

occurred after the death of the Prophet (peace be upon him).<sup>50</sup> This means when an incident arises after the Prophet's era with no explicit textual ruling, all qualified jurists—whether gathered in one place or not—deliberate and ultimately concur on the same legal judgment.<sup>51</sup> Examples include the prohibition of marrying one's grandmother based on the Quranic verse: "Forbidden to you are your mothers..." and the consensus that a grandmother inherits one-sixth of the estate based on the Sunnah.

Ijmā' is a source of Islamic law, ranked after the Quran and Sunnah. Once a ruling is established by consensus, it becomes definitive and incontrovertible, no longer open to reinterpretation or denial by any jurist.

Evidence for Ijmā' is from the Quran and Sunnah. The Quran states: "O you who believe, obey Allah and obey the Messenger and those in authority among you" (4:59), where "those in authority" includes jurists as religious authorities.<sup>52</sup>

The Prophet (peace be upon him) also commanded adherence to the Muslim community (jamā'ah): "Three things

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<sup>50</sup> Abdullah Mabrouk Al-Najjar, *Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., p. 461.

<sup>51</sup> Sahib Ubaid Al-Fatlawi, *Tarikh Al-Qanun* [History of Law], op. cit., p. 235.

<sup>52</sup> Mahmoud Naguib Husni, *Al-Fiqh Al-Jina'i Al-Islami* [Islamic Criminal Jurisprudence], 1st Edition, Dar Al-Nahda Al-Arabiya, Egypt, pp. 78-80.

prevent a believer's heart from malice: sincere devotion to Allah, advising rulers, and adhering to the community of Muslims".<sup>53</sup>

Imam al-Shāfi'ī's explanation stated that the command to adhere to the community refers not to physical unity but to unity in legal rulings—what the consensus permits, forbids, and obligates.

Whoever follows the consensus has adhered to the community, while whoever opposes it has deviated. Error arises in division, but the collective consensus cannot neglect the Quran, Sunnah, or sound analogy.<sup>54</sup>

#### **D. Qiyas (analogical reasoning):**

This refers to attaching a matter not explicitly mentioned in the Qur'an or Sunnah to another matter that has a ruling in the texts, and applying the same ruling to it due to their shared underlying reason.

#### **Definition of Qiyas (Analogical Reasoning)**

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<sup>53</sup> Al-Qāḍī Abū Ya'ālā Ibn al-Farrā', *Al-'Uddah fī Uṣūl al-Fiqh* [The Provisions in the Fundamentals of Jurisprudence], Vol. 4, 2nd Edition, 1990 CE, ed. by Aḥmad ibn 'Alī al-Mubārakī, Imam Muhammad Ibn Saud Islamic University, p. 1080.

<sup>54</sup> Muhammad Nabil Ghanaim, *Taqrib al-Turath: Al-Risalah lil-Imam al-Shafi'i* [Approaching the Heritage: The Epistle of Imam al-Shafi'i], 1st Edition, 1988 CE, Al-Ahram Center for Translation and Publishing, Cairo, p. 266.

**Linguistic Definition:** Qiyas means estimation or measurement, as in the phrase: "The doctor measured (qāsa) the wound," meaning he assessed its depth.<sup>55</sup>

**Technical Definition:** Qiyas is the process of applying the ruling of an established case (with textual evidence) to a new case (without explicit text) due to their shared underlying legal cause (‘illah).<sup>56</sup> It involves extending the ruling from the original case (aṣl) to the new case (far‘) based on a common, regulated rationale that is not purely linguistic.<sup>57</sup>

Jurists examine the effective cause (‘illah) or legislative purpose behind rulings in textual sources. Once they identify the ‘illah of a ruling in one case,<sup>58</sup> they can analogically apply it to another case sharing the same ‘illah, thereby assigning it the same ruling.<sup>59</sup>

### **Quranic Examples of Qiyas:**

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<sup>55</sup> Iyad Al-Sulami, *Usul Al-Fiqh Alladhi La Yasa' Al-Faqih Jahluh* [The Fundamentals of Jurisprudence That a Jurist Cannot Afford to Ignore], op. cit., p. 142.

<sup>56</sup> Hasan Muhammad Ayyub, *Tabsit al-'Aqa'id al-Islamiyyah* [Simplifying Islamic Beliefs], op. cit., p. 14.

<sup>57</sup> Abdullah Mabrouk Al-Najjar, *Usul al-Qawa'id al-Qanuniyyah "Dirasah Muqaranah bil-Fiqh al-Islami"* [Foundations of Legal Rules: "A Comparative Study with Islamic Jurisprudence"], op. cit., p. 474.

<sup>58</sup> Sahib Ubaid Al-Fatlawi, *Tarikh Al-Qanun* [History of Law], op. cit., pp. 237-238.

<sup>59</sup> Mahmoud Naguib Husni, *Al-Fiqh Al-Jina'i Al-Islami* [Islamic Criminal Jurisprudence], op. cit., p. 85.

- *"O believers! When the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off trade."* (Quran 62:9)
- The prohibition of trade during the Friday call is not about trade itself but about its distraction from prayer.
- By qiyas, other contracts (e.g., leases, pledges) during the call are similarly discouraged, as they share the same 'illah: distraction from prayer.

### **Prophetic Example of Qiyas:**

- The Prophet (peace be upon him) said: *"A killer cannot inherit."*
- The 'illah is the killer's haste to obtain inheritance prematurely.
- By qiyas, this ruling extends to a beneficiary who kills the testator, as both share the same 'illah: hastening inheritance unlawfully.<sup>60</sup>

### **Key Conditions for Valid Qiyas:**

- The original case (aṣl) must have a clear textual ruling.
- The 'illah must be:
  - Consistent (munḍabit)
  - Relevant to the ruling

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<sup>60</sup> Sahib Ubaid Al-Fatlawi, Tarikh Al-Qanun [History of Law], op. cit., pp. 237-238.

- Applicable to the new case
- The new case (far‘) must lack direct textual evidence.

This method ensures Islamic law’s adaptability to new scenarios while maintaining its textual foundations.

### **Secondary Disputed Sources:**

Istihsan, Istishab, Maslahah Mursalah, 'Urf, Shara' man qablana, Qawl al-Sahabi. We will mention some as follows:

#### **A. Istihsan (Juristic Preference):**

- **Linguistic Definition:** Considering something good.
- **Technical Definition:** A jurist's departure from a general ruling to an exceptional one due to evidence that becomes clear to him, favoring this shift.<sup>61</sup>

Istihsan does not mean opposing Sharia with reason but falls under juristic rulings derived from scriptural texts. In matters of creed, there is no concept of Istihsan regarding definitive beliefs, principles, or rules.<sup>62</sup>

As example: It is permissible to look at a prospective bride, an exception to the general prohibition of looking at non-mahram

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<sup>61</sup> Abd al-Wahhāb Khallāf, ‘Ilm uṣūl al-fiqh [The Science of Islamic Jurisprudence Fundamentals], op. cit., p. 79.

<sup>62</sup> Nasser bin Ali Al-Aql, Sharh Al-Tahawiyyah [Explanation of Al-Tahawi's Creed], Vol. 54, p. 17.

women. Two evidences exist: First, a general prohibition on looking at women. Second, a permission for looking when proposing, based on the Prophet's (peace be upon him) saying: *"Go and look at her, for it is more likely to foster affection between you"*.<sup>63</sup>

## **B. Istishab (Presumption of Continuity):**

Istishab, in the terminology of Islamic legal theorists, means maintaining a previous ruling until evidence emerges to change it. It is the principle of continuing what was established in the past unless proven otherwise.

Among the legal principles established by scholars based on istishab (presumption of continuity) is that "the default ruling for all matters is permissibility." Therefore, any matter for which no ruling exists in the Qur'an, Sunnah, or other sources is judged permissible based on the principle of maintaining the original ruling of permissibility. This is the foundational principle.<sup>64</sup>

It is also defined as: maintaining a ruling on something based on its established status as long as no evidence arises to

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<sup>63</sup> Nur al-Din bin Mukhtar al-Khadimi, 'Ilm al-Maqasid al-Shar'iyyah [The Science of Shari'ah Objectives], 1st Edition, 2001 CE, Maktabat al-'Abikan, p. 40.

<sup>64</sup> Ismail Ali Muhammad, Khasais al-Islam alladhi nad'u ilayh [Characteristics of the Islam We Call To], op. cit., p. 66.

change it, and it serves as the final basis for legal rulings.<sup>65</sup>

Istishab (presumption of continuity) operates on the principle of maintaining original non-existence until proven otherwise, and is considered by legal theorists as rational evidence, since reason dictates innocence of obligation until proven otherwise.

An example of this is when the Prophet (pbuh) sought forgiveness for his uncle Abu Talib who died as a polytheist, and when Muslims sought forgiveness for their deceased polytheist relatives. Their justification was the presumption of continuity regarding the absence of prohibition against seeking forgiveness for them until evidence of prohibition came. After this incident, the prohibition was revealed in Allah's saying: "It is not for the Prophet and those who believe to ask forgiveness for the polytheists, even if they were relatives" (9:113). However, their previous seeking of forgiveness before the revelation of the prohibition - based on the presumption of original permissibility - incurred no blame upon them.<sup>66</sup>

### **C. The Opinion of the Companion (Qawl al-Sahābi):**

After the death of the Prophet (peace be upon him), a group of Companions—known for their deep understanding of

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<sup>65</sup> Abd al-Wahhāb Khallāf, *‘Ilm uṣūl al-fiqh* [The Science of the Principles of Islamic Jurisprudence], op. cit., p. 92.

<sup>66</sup> Muḥammad al-Amīn al-Shinqīṭī, *Manhaj al-tashrīṭ al-Islāmī wa-ḥikmatuh* [The Islamic Legislative Method and Its Wisdom], *al-Ṭab‘ah al-thānīyah*, *al-Jāmi‘ah al-Islāmiyyah*, al-Madīnah al-Munawwarah, pp. 25-26.

jurisprudence, their prolonged companionship with the Prophet (peace be upon him), and their knowledge of the Quran and its rulings—took on the responsibility of issuing legal verdicts (fatāwā) and formulating legislation for the Muslims. When the Companions unanimously agreed that grandmothers inherit one-sixth of the estate, this ruling became obligatory to follow, as their collective agreement carries authoritative weight.<sup>67</sup>

#### **D. Custom ('Urf):**

Customs are basically practices that people follow continuously for a long period of time. In fact, they follow them for so long that they obtain the status of law in some cases. Muslim law contains various customs regulating practices of people.

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<sup>67</sup> Abd al-Wahhāb Khallāf, 'Ilm uṣūl al-fiqh [The Science of the Principles of Islamic Jurisprudence], op. cit., pp. 94-95.

## *Chapter four : The Purposes of Islamic Law*

### **Introduction**

The objectives of Islamic law (Maqāṣid al-Sharī‘ah) refer to the purposes and wisdom behind each ruling established by the Divine Legislator.<sup>68</sup> As defined by Yusuf al-‘Ālim: "By the objectives of Sharia, we mean the purposes for which rulings were legislated - these being the benefits intended for people in both this life and the hereafter, whether achieved through securing benefits or preventing harms. The objectives represent the ultimate aims of legislation and the underlying wisdom the Wise Legislator embedded in every legal ruling".<sup>69</sup>

The term "Maqāṣid al-Sharī‘ah al-Islāmiyyah" (Objectives of Islamic Law) refers both to the general objectives that Islamic law aims to achieve in people's lives and to the specific objectives underlying particular legal rulings. The general objectives represent the broad goals of the Sharia, while the specific objectives relate to the particular purposes for which individual rulings were established. This dual classification reflects the comprehensive nature of Islamic legislation,

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<sup>68</sup> Nur al-Din bin Mukhtar al-Khadimi, 'Ilm al-Maqasid al-Shar'iyyah [The Science of Shari'ah Objectives], op. cit., p. 16.

<sup>69</sup> Yūsuf Ḥāmid al-‘Ālam, Al-Maqāṣid al-‘āmmah lil-sharī‘ah al-Islāmiyyah [The General Objectives of Islamic Law], al-Ṭab‘ah al-thāniyah, 1993, al-Ma‘had al-‘Ālamī lil-Fikr al-Islāmī, al-Rabāṭ, al-Maghrib, p. 31.

addressing both universal human welfare and detailed legal applications.

The overarching objective of Sharia is to secure comprehensive welfare for all creation in both worldly and spiritual realms, achieved through Islamic legal rulings that safeguard essential necessities (daruriyyat), fulfill complementary needs (hajiyyat), and refine living conditions (tahsiniyyat).<sup>70</sup> As scholar Muhammad Tahir Ibn Ashour articulated, this general legislative purpose encompasses Sharia's universal principles and specific rulings aimed at preserving social order by perfecting humanity through intellectual, behavioral, and environmental refinement.<sup>71</sup>

As for the specific objectives (al-maqāṣid al-khāṣṣah), these represent the targeted goals that Sharia seeks to accomplish within particular domains of life - such as those pertaining to family matters, financial transactions, judicial procedures, testimony, and other specialized fields - through

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<sup>70</sup> Abd al-Wahhāb Khallāf, 'Ilm uṣūl al-fiqh [The Science of the Principles of Islamic Jurisprudence], op. cit., p. 197.

<sup>71</sup> Muḥammad al-Ṭāhir ibn 'Āshūr, Maqāṣid al-sharī'ah al-Islāmiyyah [The Objectives of Islamic Law], ed. by Muḥammad al-Ṭāhir al-Maysawī, al-Ṭab'ah al-thāniyah, 2001 CE, Dār al-Nafā'is, al-Urdun, p. 148.

detailed rulings specifically legislated for each respective area.

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## **1. Hierarchy of Objectives:**

The objectives of Sharia are classified according to their importance in serving human interests, organized in three levels:

Essential Necessities (al-Ḍarūriyyāt), Complementary Needs (al-Ḥājiyyāt), Enhancements (al-Taḥsīniyyāt).

### **Essential Necessities:**

These are the fundamental objectives that must be secured to establish proper order in both religious and worldly affairs.<sup>73</sup>

They represent indispensable needs that people cannot do without under any circumstances. Foremost among them are the five universal necessities (which will be explained subsequently).

### **Complementary Needs:**

These refer to interests whose fulfillment Islamic legislation has facilitated through permissible means, enabling individuals to lawfully secure mutual benefits. This category

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<sup>72</sup> Nūr al-Dīn ibn Mukhtār al-Khādimī, ‘Ilm al-maqāṣid al-shar‘iyyah [The Science of Sharī‘ah Objectives], op. cit., p. 72.

<sup>73</sup> Nūr al-Dīn ibn Mukhtār al-Khādimī, ‘Ilm al-maqāṣid al-shar‘iyyah [The Science of Sharī‘ah Objectives], op. cit., p. 79.

includes rulings on marriage, commercial transactions (buying/selling), and other social contracts - all designed to help people achieve their legitimate needs without undue hardship.

### **Refinements:**

Represent the highest level of Sharia's objectives, encompassing all that perfects and beautifies human life - from personal grooming and elegant dress to wholesome nutrition, refined etiquette, noble character cultivation, and superior social interactions. These elements elevate basic compliance into a comprehensive lifestyle of excellence, embodying the Prophetic principle that "Allah is beautiful and loves beauty" while fulfilling the Quranic injunction to "strive for perfection in all things." As the crowning tier of Islamic values, they transform mere legal observance into holistic spiritual, aesthetic and ethical refinement, completing Sharia's vision for human perfection by integrating outward propriety with inward nobility.<sup>74</sup>

## **2. The Five Universal Objectives (al-Maqāṣid al-Kubrā) in Islamic Law are:**

- Preservation of Religion (Ḥifẓ al-Dīn),
  
- Preservation of Life (Ḥifẓ al-Nafs)

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<sup>74</sup> Muḥammad al-Amīn al-Shinqīṭī, *Manhaj al-tashrī'ī al-Islāmī wa-ḥikmatuh* [The Islamic Legislative Method and Its Wisdom], op. cit., p. 24.

- Preservation of Intellect (Ḥifẓ al-‘Aql)
- Preservation of Lineage/Progeny (Ḥifẓ al-Nasl)
- Preservation of Property/Wealth (Ḥifẓ al-Māl)

### **Preservation of Religion:**

Islam recognizes the fundamental importance of religion in human life by fulfilling the innate human inclination to worship Allah, nurturing moral conscience, strengthening virtues, and bestowing spiritual tranquility. As Allah states: *"So devote yourself to the true religion—the natural way of Allah upon which He has created humanity. There is no altering Allah’s creation. This is the upright religion, but most people do not know"* (Quran 30:30).

Among the means of preserving religion is guaranteeing the freedom of belief and religious practice and protecting it, as well as legislating jihad to empower religion, repel aggression, and safeguard faith. Allah the Almighty has said: *"Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors."* (Quran 2:190). It is also essential to adhere to the teachings of religion and implement them after being convinced of them, thereby maintaining the vitality of religion in souls and its impact on conscience.

Additionally, the legislation of the punishment for apostasy ensures that a person is serious in embracing Islam and does so only with full conviction. Thus, the penalty for apostasy is prescribed to safeguard the sincerity of belief and the sanctity of religion. This is supported by the words of Allah the Almighty: *"And whoever seeks a religion other than Islam, it will never be accepted of him, and in the Hereafter he will be one of the losers."* (Quran 3:85). And the saying of the Prophet (peace be upon him): *"Whoever changes his religion, kill him."* (Reported by Al-Bukhari).

These texts indicate that the punishment for apostasy is death. However, before applying the penalty, the apostate is given an opportunity to repent, known as *istitabah* (a period for reconsideration and repentance).

### **Preservation of Life:**

The Preservation of Soul is the most fundamental principle, Islam has not only protected the soul from being killed or wasted, but also established a set of rules to ensure its welfare spiritually and humanly, that is to secure surviving needs such as the food, marriage, shelter, drinks, clothing.

Among the necessities of human life is the inviolability of the soul and the preservation of the right to life. For this reason,

Islam has legislated marriage for the purpose of procreation and multiplication, bringing forth souls to populate the world.

Islam has established several means to protect life, including the prohibition of aggression against oneself. Numerous Quranic verses and prophetic hadiths explicitly forbid killing, whether a person kills themselves or others. Among these is the verse:

*"And whoever kills a believer intentionally, his recompense is Hell—wherein he will abide eternally. And the wrath of Allah is upon him, and His curse, and He has prepared for him a great punishment."* (Quran 4:93)

Islam also mandates retribution (*qisas*) for intentional killing, as stated in the verse:

*"O you who have believed, prescribed for you is legal retribution for those murdered—the free for the free, the slave for the slave, and the female for the female."* (Quran 2:178)

This reflects Islam's strict stance on safeguarding human life and ensuring justice.

### **Preservation of Intellect:**

The mind holds great importance as it is the basis of accountability and the reason for human dignity and superiority over other creatures. Therefore, Islam prohibits anything that

harms or impairs the mind, such as alcohol, hashish, and other intoxicants.

In Islam, the intellect holds immense significance as it is the basis of accountability and the reason for mankind's honor and superiority over other creatures. Due to this importance, Islam has safeguarded the mind and enacted legislation to ensure its well-being and vitality.

Islam prohibits anything that impairs or harms the intellect, such as alcohol, cannabis, and other intoxicants. Allah the Almighty says: *"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."* (Quran 5:90).

The Prophet (peace be upon him) said: *"Every intoxicant is Khamr (wine), and every intoxicant is unlawful. Whoever drinks wine in this world and dies addicted to it without repenting will not drink it in the Hereafter."* (Reported by Muslim)

To deter such acts, Islam prescribes a severe punishment for consuming intoxicants—flogging. Mu'awiyah ibn Abi Sufyan reported that the Messenger of Allah (peace be upon him) said: *"If anyone drinks wine, flog him; if he does it again,*

*flog him; if he does it again, flog him; if he does it a fourth time, kill him.*" (Reported by At-Tirmidhi).

This strict stance underscores Islam's commitment to protecting human reason and maintaining a sound and responsible society.

### **Preservation of Lineage/Progeny :**

This refers to the preservation of the human species on earth through procreation to ensure the continuity of human existence. To achieve this objective, Islam has legislated marriage and called for the proper upbringing of offspring while strengthening bonds of affection. It mandates that every child be raised by their parents, ensuring guardianship and protection for the child.<sup>75</sup>

Islam has also surrounded the relationship between men and women with a set of principles and moral guidelines. For this reason, it has prohibited adultery, as stated in the Quran: *"And do not approach unlawful sexual intercourse. Indeed, it is an outrage and an evil way."* (Quran 17:32).

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<sup>75</sup> Muhammad Fahmi Abu al-Safa, *Al-Tashri' al-Islami Salih lil-Tatbiq fi Kull Zaman wa Makan* [Islamic Legislation Suitable for Application in All Times and Places], op. cit., p. 108.

The punishment for this crime varies depending on the marital status of the offender—whether they are unmarried (bikr) or previously married (thayyib).

### **Preservation of Property/Wealth:**

Islam considers wealth one of the essential necessities of human life. To encourage its acquisition, accumulation, and preservation, Islam has legislated work and elevated its status.<sup>76</sup>

The Prophet Muhammad (peace be upon him) said: *"No one has ever eaten a meal better than that earned by the labor of his own hands. Indeed, the Prophet of Allah, Dawud (David), used to eat from the work of his hands."*

Indeed, Islam prohibits any violation of property rights through theft or robbery and has prescribed strict punishments for such crimes. Allah the Almighty states: *"As for the thief—male or female—cut off their hands as a penalty for what they have committed, a deterrent from Allah. And Allah is Almighty, All-Wise."* (Quran 5:38).

This divine injunction underscores the gravity of violating another's wealth, emphasizing both justice and deterrence. The Prophet Muhammad (peace be upon him) further reinforced this principle with his unwavering stance on the rule of law,

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<sup>76</sup> Nūr al-Dīn ibn Mukhtār al-Khādimī, 'Ilm al-maqāṣid al-shar'īyyah [The Science of Sharī'ah Objectives], op. cit., p. 84.

declaring: *"If Fatimah, the daughter of Muhammad, were to steal, I would cut off her hand."* (Reported by Al-Bukhari).

## ***Chapter five : The Major Jurisprudential***

Islamic Sharia has established numerous fundamental legal principles, among which is the maxim:

### **"Matters are judged by their intentions"**

The term "*matters*" (الأمور) is a general expression encompassing both words and actions. This principle means that the legal ruling (حكم) attached to any matter is determined by the underlying purpose (مقصد) behind it.<sup>77</sup> In other words, actions—whether verbal or practical—are evaluated based on their intended objective and the doer's intention (نية).

The principle derives from the Prophet's (peace be upon him) definitive statement: "*Actions are but by intentions, and every person will have only what they intended.*" (Agreed upon by Al-Bukhari and Muslim).<sup>78</sup>

Thus, the actions of a legally responsible individual—whether verbal or practical—yield differing outcomes and legal

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<sup>77</sup> Aḥmad al-Zarqā, *Sharḥ al-qawā'id al-fiqhiyyah* [Explanation of Islamic Legal Maxims], al-Ṭab'ah al-thāniyah, 1989 CE, Dār al-Qalam, Dimashq, Sūriyā, p. 47.

<sup>78</sup> Abd al-Raḥmān al-Laṭīf, *Al-Qawā'id wa-al-ḍawābit al-fiqhiyyah al-mutaḍamminah al-taysīr* [Jurisprudential Rules and Regulations Incorporating Facilitation], al-Juz' 1, al-Ṭab'ah al-ūlā, 2003 CE, 'Imādat al-Baḥth al-'ilmī bi-al-Jāmi'ah al-Islāmiyyah, al-Madīnah al-Munawwarah, al-Mamlakah al-'Arabiyyah al-Sa'ūdiyyah, pp. 197-198.

rulings based on the person's underlying intent, purpose, and objective behind those actions.<sup>79</sup>

If a person shoots an arrow *intending to hunt* but it strikes and kills a human, he is not subject to execution for it. And the same thing may be deemed permissible or forbidden *depending on the intent behind it*.<sup>80</sup>

### **"Certainty is not overruled by doubt"**

Meaning of this Principle: A matter that is established with certainty (*yaqīn*) is not nullified except by decisive evidence (*dalīl qāṭi*). It cannot be ruled to be void based on mere doubt (*shakk*). Similarly, a matter that is certainly established as *not* existing cannot be ruled to exist based on mere doubt, because doubt is weaker than certainty and thus cannot oppose it—whether in affirmation or negation.<sup>81</sup>

An example of this is that a human being is born upon the fitrah (natural state of purity) - meaning innocence and freedom from faults. This original state of certainty regarding one's

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<sup>79</sup> Muḥammad Ṣidqī al-Ghazzī, *Al-Wajīz fī ʾidāḥ qawāʾid al-fiqh al-kulliyah* [The Concise Guide to Clarifying the General Principles of Jurisprudence], al-Ṭabʿah al-rābiʿah, 1996 CE, Muʾassasat al-Risālah, Bayrūt, Lubnān, p. 124.

<sup>80</sup> Maḥmūd al-Sharbīnī, *Al-Qaḍāʾ fī al-Islām* [The Judiciary in Islam], op. cit., pp. 63-64.

<sup>81</sup> "Certainty is the heart's tranquility about the truth of a matter, while doubt is the fluctuation of action between its occurrence and non-occurrence". See: Muḥammad Ṣidqī al-Ghazzī, *Al-Wajīz fī ʾidāḥ qawāʾid al-fiqh al-kulliyah* [The Concise Guide to Clarifying the General Principles of Jurisprudence], op. cit., pp. 168-169.

innocence (*bara'at al-dhimmah*) is not negated by mere suspicion or accusation. The person remains innocent and must be treated humanely until proven guilty by a final judicial ruling. For certainty is only negated by stronger certainty - not by doubt.

In application of the aforementioned principle, the burden of proof falls upon the claimant (*al-mudda'i*), because the presumption of innocence (*bara'at al-dhimmah*) is definitively established as the original state. This legal presumption cannot be overturned by mere doubt.<sup>82</sup> Thus, the default principle is the innocence of the defendant (*al-mudda 'alayh*), so his statement is accepted when accompanied by his oath. The burden falls upon whoever claims otherwise (the plaintiff) to prove his claim with evidence (*al-bayyinah*).

This legal principle states that individuals cannot be held accountable for their actions prior to the establishment of divine law prohibiting such acts. The foundation of this rule derives from Quranic verses stating, "We would never punish (a people) until We have sent a messenger" (17:15) and "Your Lord would never destroy cities without first raising a messenger in their

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<sup>82</sup> Muḥammad al-Amīn al-Shinqīṭī, *Manhaj al-tashrī'ī al-Islāmī wa-ḥikmatuh* [The Islamic Legislative Method and Its Wisdom], op. cit., p. 29.

midst" (28:59), which establish that no crime or punishment exists without prior divine warning and clarification.<sup>83</sup>

This means that the actions of a legally responsible individual cannot be deemed prohibited (haram) in the absence of a textual prohibition, and there is no blame upon such a person for performing or abstaining from these actions until an explicit prohibition is revealed. This principle is intrinsically linked to the fundamental legal maxim that "the default ruling regarding all matters is permissibility".<sup>84</sup>

The practical implication is that all actions occurring prior to the revelation of a prohibitive text are considered permissible by default, constituting a form of divine pardon for past conduct. When a prohibitive injunction is subsequently revealed, it takes immediate effect prospectively without retroactive application.

### **“The Principle of Continuity”**

The principle of legal continuity (al-istishāb) establishes that any established state of affairs remains valid and continues indefinitely unless and until definitive evidence emerges to alter

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<sup>83</sup> Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa-adillatuh*, al-juz' 4, al-ṭab'ah al-rābi'ah, Dār al-Fikr, Dimashq, Sūriyā, p. 3145. See also: Abū al-Ḥasan al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām*, ed. by 'Abd al-Razzāq 'Afifī, al-Maktab al-Islāmī, Bayrūt, mujallad 1, p. 91.

<sup>84</sup> Abd al-Qādir 'Awdah, *Al-Tashrī' al-jinā'ī al-Islāmī muqāranan bi-al-tashrī' al-waḍ'ī* [Islamic Criminal Legislation Compared to Positive Law], al-juz' 1, Dār al-Kātib al-'Arabī, Bayrūt, p. 115.

or terminate it.<sup>85</sup> This juristic concept, rooted in the broader maxim that "certainty is not invalidated by doubt," presumes the persistence of existing conditions - whether related to legal statuses, rights, or obligations - until proven otherwise through conclusive evidence.<sup>86</sup> It operates in conjunction with two fundamental Islamic legal axioms: first, that all human actions are inherently permissible unless specifically prohibited by divine text,<sup>87</sup> and second, that no legal liability attaches to acts committed prior to the revelation of prohibitive injunctions.

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<sup>85</sup> Maḥmūd al-Sharbīnī, *Al-Qaḍā' fī al-Islām* [The Judiciary in Islam], op. cit., p. 66.

<sup>86</sup> Abū al-Ḥasan al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām* [The Precision in the Fundamentals of Legal Rulings], op. cit., mujallad 1, p. 178.

<sup>87</sup> Al-Suyūṭī, *Al-Ashbāh wa-al-nazā'ir* [The Similarities and Analogues], *al-Ṭab'ah al-ūlā*, 1990 CE, Dār al-Kutub al-'Ilmiyyah, p. 60.

## Conclusion

This publication, titled *"Introduction to Islamic Sharia"*, examines the most elevated legal system known to humankind - Islamic legislation - from multiple perspectives relevant to law students. By exploring this material, students gain crucial knowledge connecting to their legal specialization while developing an understanding of Sharia's comprehensive nature. The text systematically presents Islamic law's theoretical foundations, sources, objectives, and key juristic principles to provide readers with structured comprehension of this divine legal tradition.

The publication begins by establishing the *theoretical framework*, clearly distinguishing between *Islamic Sharia* as the revealed divine law and *Fiqh* as the human scholarly effort to derive legal rulings from detailed scriptural evidence. This foundational differentiation helps students properly contextualize the relationship between immutable divine principles and their human interpretation and application across changing circumstances.

A dedicated section then analyzes the *defining characteristics of Islamic Sharia* that make it uniquely suited for universal application. These include its divine origin (*rabbaniyya*), balanced moderation (*wasatiyya*), inherent flexibility (*muruna*), comprehensive scope (*shumuliyya*), and

timeless universality (alamiyya). Together, these qualities demonstrate Sharia's capacity to address all human needs while maintaining core ethical principles.

The text provides detailed examination of Sharia's \*legal sources\*, categorized into primary and secondary classifications. The primary sources - the Quran, Prophetic Sunnah, scholarly consensus (ijma'), and analogical reasoning (qiyas) - form the undisputed foundation. The discussion then explores secondary sources like customary practice (urf), juristic preference (istihsan), presumption of continuity (istishab), and Companion opinions, noting where scholarly differences occur regarding their evidentiary weight.

Particular attention is given to the \*maqasid al-sharia\* (higher objectives of Islamic law), presented through their classical tripartite division: essentials (daruriyyat), needs (hajiyyat), and refinements (tahsiniyyat). The analysis emphasizes the five essential protections - of religion, life, intellect, progeny, and property - that form Sharia's core priorities and demonstrate its balanced approach to human welfare.

The concluding section focuses on \*major jurisprudential maxims\* that guide Islamic legal reasoning, such as "certainty is not overruled by doubt" and "hardship begets facilitation."

These principles equip students with methodological tools for understanding Islamic law's application to new scenarios.

Through this structured approach, the publication enables law students to grasp Islamic Sharia as a complete, coherent legal system - divinely revealed yet rationally structured, theoretically grounded yet practically adaptable. It demonstrates how Islamic law maintains consistent core values while accommodating evolving human circumstances, making it perpetually relevant across time and space. The material ultimately presents Sharia as an integrated legal paradigm that combines transcendent moral principles with systematic juristic methodology.

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