



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Sources of Muslim Law

1. Sources of Muslim Law • The sources of Islamic law mainly consist of primary and secondary sources. • Primary sources are the sources that the Prophet Mohammad has directed. These are to be followed in their respective order of priority. They are also called formal sources. They deal with the needs of the Islamic society in the modern era. Some of the personal rules may find places in the sources.
2. Quran(Holy Book) • Sunnah & Hadith(Traditions) • Ijma (Consensus of opinion) • Qiyas (It is only accepted form Ijtihad independent decision making) • Customs • Judicial Decision • Legislation • Equity, Justice & Good Conscience.

Qur'an

The Qur'an is the first and most important source of Islamic law. Believed to be the direct word of God as revealed to Muhammad through angel Gabriel in Mecca and Medina, the scripture specifies the moral, philosophical, social, political and economic basis on which a society should be constructed. The verses revealed in Mecca deal with philosophical and theological issues, whereas those revealed in Medina are concerned with socio-economic laws. The Qur'an was written and preserved during the life of Muhammad, and compiled soon after his death.

Sunnah

The Sunnah is the next important source, and is commonly defined as "the traditions and customs of Muhammad" or "the words, actions and silent assertions of him". It includes the everyday sayings and utterances of Muhammad, his acts, his tacit consent, and acknowledgments of statements and activities. According to Shi'ite jurists, the sunnah also includes the words, deeds and acknowledgments of the twelve Imams and Fatimah, Muhammad's daughter, who are believed to be infallible.

IJMA

After Prophet Mohammed's demise, there was a consensus in the Muslim world that opinions of religious jurists will prevail. In other words, the Mujtahids (jurists with knowledge of Islam) will interpret the Quran, Sunna, and Hadis.

The common opinions of the jurists on aspects that the Quran did not explain became Ijma. This source of law is very expansive and covers many topics. In fact, it gets almost as much importance as the Quran and the Sunna themselves.

Qiya

The term 'Qiya' basically means an analogical deduction from the existing sources. Whenever the other sources do not explain something, Qiya helps in deducting interpretations that seem to be the most obvious.

Qiya, however, can only explain or interpret the law but it cannot change the law or its essence. This source of Muslim personal law ranks below other sources because of its deductive nature.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()