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## A-level New Curriculum IRE

### SENIOR Six term 1

### TOPIC 2/5: Islamic Law (Sharia)

**Competency:** The learner analyses the major source of Islamic law and explains the significance in the development and application of Islamic legal principles.

**Objective 1:** Analyse the Qur'an as the primary source of Islamic law and evaluate how other sources support its teachings in formulating legal principles. (Qur'an verses 4:59, 2:2, 5:48,4:105, 5:44,7:157,24:51,9:31,42:10 and 17:9)

Below is a comprehensive analysis of the **Qur'an as the primary source of Islamic law**, how other sources support it, and how the selected verses can be applied to modern legal systems and ethical dilemmas:

#### 1. The Qur'an as the Primary Source of Islamic Law

- The Qur'an is regarded as the **ultimate authority** in Islamic law (*Shari'ah*).
- It provides **foundational principles**: justice, equality, accountability, mercy, and guidance for worship, ethics, and social relations.
- While it contains explicit rulings (e.g., inheritance, contracts, punishments), it also lays down **general values** that guide jurists in interpreting new situations.

#### 2. Supporting Sources of Islamic Law

- **Sunnah (Hadith)**: Explains and details Qur'anic rulings (e.g., prayer methods, zakat).
- **Ijma' (Consensus)**: Agreement of scholars ensures unity and continuity.
- **Qiyas (Analogy)**: Extends rulings to new cases by analogy (e.g., applying prohibition of wine to drugs).
- **Istihsan (Juristic Preference)** and **Maslahah (Public Interest)**: Ensure flexibility and welfare in law.

Together, these sources **support and elaborate** Qur'anic principles, ensuring law remains relevant across time and cultures.

### 3. Analysis of Selected Verses

#### Qur'an 4:59 – Obey Allah, His Messenger, and those in authority

- **Principle:** Legitimacy of governance rests on obedience to divine law.
- **Modern Application:** Encourages rule of law and accountability of leaders.
- **Ethical dilemma:** balancing obedience to authority with resistance to unjust laws.

#### Qur'an 2:2 – This is the Book, no doubt, guidance for the God-conscious

- **Principle:** Qur'an is the ultimate source of guidance.
- **Modern Application:** In legal systems, it emphasizes moral conscience and integrity as foundations of justice.

#### Qur'an 5:48 – To each community We gave a law and a way... compete in good deeds

- **Principle:** Diversity of legal traditions is acknowledged.
- **Modern Application:** Promotes pluralism and coexistence in multi-faith societies.
- **Ethical dilemma:** respecting religious laws while maintaining universal justice.

#### Qur'an 4:105 – We revealed the Book with truth so you may judge between people

- **Principle:** Justice must be based on divine truth.
- **Modern Application:** Judges must uphold fairness, resisting corruption or bias.

#### Qur'an 5:44 – Those who do not judge by what Allah revealed are disbelievers

- **Principle:** Divine law is the ultimate measure of justice.
- **Modern Application:** Raises questions about secular law vs. religious law.
- **Ethical dilemma:** reconciling divine principles with modern constitutional frameworks.

#### Qur'an 7:157 – The Prophet enjoins good, forbids evil, makes lawful the pure and forbids the impure

- **Principle:** Law promotes welfare and prevents harm.
- **Modern Application:** Basis for consumer protection, public health, and ethical governance.

#### Qur'an 24:51 – True believers say: we hear and obey

- **Principle:** Submission to divine law is essential.
- **Modern Application:** Encourages respect for legal systems rooted in justice.
- **Ethical dilemma:** obedience vs. civil disobedience when laws are unjust.

### Qur'an 9:31 – Do not take scholars and monks as lords besides Allah

- **Principle:** Reject blind authority; ultimate sovereignty belongs to God.
- **Modern Application:** Warns against misuse of religious authority.
- **Ethical dilemma:** balancing respect for scholars with critical thinking.

### Qur'an 42:10 – Judgment belongs to Allah alone

- **Principle:** Ultimate authority in disputes is divine law.
- **Modern Application:** Encourages impartial arbitration and fairness in conflict resolution.

### Qur'an 17:9 – This Qur'an guides to what is most just

- **Principle:** Qur'an is the standard of justice.
- **Modern Application:** Promotes ethical frameworks in law, emphasizing fairness, equality, and human dignity.

## 4. Application to Modern Legal Systems and Ethical Dilemmas

- **Rule of Law:** Qur'an emphasizes obedience to just authority (4:59), relevant to constitutional governance.
- **Pluralism:** Recognition of diverse communities (5:48) supports coexistence in multicultural societies.
- **Judicial Integrity:** Judges must resist corruption (4:105, 5:44).
- **Human Rights:** Qur'an promotes welfare, forbids exploitation (7:157).
- **Ethical Leadership:** Leaders must serve justice, not personal gain (9:31).
- **Civil Obedience vs. Resistance:** Qur'an balances obedience (24:51) with rejection of unjust authority (42:10).
- **Universal Justice:** Qur'an as a guide to fairness (17:9) resonates with modern human rights frameworks.

## Summary

The Qur'an is the **primary source of Islamic law**, laying down principles of justice, accountability, and mercy. Other sources—Sunnah, consensus, analogy—support and elaborate its teachings. The selected verses highlight values like obedience to just authority, pluralism, judicial integrity, and universal justice. Applied to modern contexts, they guide ethical dilemmas such as balancing secular and religious law, resisting corruption, respecting diversity, and upholding human dignity.

**Objective 1.1:** Explain how Hadith support the Qur'an as a primary source of Sharia and discuss how Hadith complements the Qur'an.

Here's a clear and structured explanation of how **Hadith support the Qur'an as the primary source of Sharī'ah** and how they **complement the Qur'an** in Islamic law and practice:

## 1. The Qur'an as the Primary Source

- The Qur'an is the **foundation of Sharī'ah**, containing divine revelation and principles of worship, morality, and law.
- It provides **general guidance** and some specific rulings (e.g., inheritance, contracts, punishments).
- However, many aspects of practice are outlined only in principle, requiring further elaboration.

## 2. Role of Hadith in Supporting the Qur'an

- **Explanation and Clarification:** Hadith explain verses that are general or brief.
  - Example: Qur'an commands prayer (*ṣalāh*) but does not detail its form; Hadith describe how the Prophet ﷺ prayed.
- **Practical Implementation:** Hadith show how the Prophet applied Qur'anic principles in daily life.
  - Example: Qur'an commands zakat; Hadith specify rates, categories, and methods.
- **Contextualization:** Hadith provide historical and situational context for certain verses.
  - Example: Qur'an 2:187 mentions fasting; Hadith explain its circumstances and rulings.
- **Expansion:** Hadith address issues not explicitly mentioned in the Qur'an.
  - Example: Qur'an forbids intoxicants; Hadith extend this to all substances that impair judgment.

## 3. How Hadith Complement the Qur'an

- **Detailing Worship:** Qur'an gives the command, Hadith give the method.
  - Prayer, fasting, pilgrimage, zakat are all clarified through Hadith.

- **Ethical Guidance:** Qur'an emphasizes values (justice, mercy, honesty); Hadith provide practical examples from the Prophet's life.
- **Legal Principles:** Qur'an sets foundations; Hadith provide case law and precedents.
  - Example: Qur'an permits trade; Hadith regulate fairness in contracts and prohibit fraud.
- **Spiritual Inspiration:** Qur'an is divine revelation; Hadith show the Prophet's lived example, making guidance relatable.

#### 4. Integrated Significance in Sharī'ah

- **Qur'an:** Primary source, divine revelation, general principles.
- **Hadith:** Secondary source, Prophetic tradition, practical elaboration.
- Together, they form a **complete system:** Qur'an provides the framework, Hadith fills in the details.

#### 5. Illustrative Example

- **Qur'an (2:43):** *"Establish prayer and give zakat."*
- **Hadith:** The Prophet ﷺ said, *"Pray as you have seen me pray."* (Sahih al-Bukhari).
  - Qur'an commands prayer; Hadith shows its exact form.
- This demonstrates how Hadith **support and complement** Qur'anic injunctions.

**Summary:** Hadith support the Qur'an by clarifying, contextualizing, and implementing its teachings. They complement the Qur'an by providing details of worship, ethical conduct, and legal rulings. Together, they safeguard the Prophet's ﷺ traditions, ensuring Sharī'ah is both divinely rooted and practically applicable in daily life.

**Objective 2:** Examine the role of Hadith in interpreting the Qur'an to appreciate its guidance in Islamic law and practice. (Qur'an verses 4:59,33:31,33:21,53:34,16:44,5:47,6:38,4:80,4:170,59:7,4:64 and 33:36)

#### 1. The Qur'an and Hadith Relationship

- The **Qur'an** is the primary source of Sharī'ah, laying down divine principles.
- The **Hadith** (Prophet's sayings, actions, approvals) serve as the second source, clarifying, detailing, and contextualizing Qur'anic rulings.
- Without Hadith, many Qur'anic commands would remain general or abstract; Hadith makes them practical and applicable.

## 2. Analysis of Selected Verses and Hadith's Role

### *Qur'an 4:59 – Obey Allah, His Messenger, and those in authority*

- **Role of Hadith:** Explains obedience to the Prophet ﷺ as obedience to Allah. Hadith shows how the Prophet guided companions in governance, justice, and dispute resolution.
- **Application:** Establishes the Prophet's Sunnah as binding in law.

### *Qur'an 33:31 – Those who obey Allah and His Messenger will be granted double reward*

- **Role of Hadith:** Demonstrates how obedience to the Prophet's teachings leads to spiritual and moral elevation.
- **Application:** Hadith clarifies ethical conduct, showing obedience is not just ritual but moral practice.

### *Qur'an 33:21 – In the Messenger of Allah you have an excellent example*

- **Role of Hadith:** Preserves the Prophet's actions as a model for worship, ethics, and leadership.
- **Application:** Hadith provides practical examples—how he prayed, fasted, judged disputes, and treated people.

### *Qur'an 53:34 – He does not speak from desire; it is revelation*

- **Role of Hadith:** Validates the Prophet's sayings as divinely guided, making Hadith a source of law.
- **Application:** Ensures Hadith is respected as guidance, not mere opinion.

### *Qur'an 16:44 – We revealed the Reminder so you may explain to people what was sent to them*

- **Role of Hadith:** The Prophet's explanations of Qur'anic verses are preserved in Hadith.
- **Application:** Hadith clarifies ambiguous verses (e.g., details of zakat, prayer, fasting).

### *Qur'an 5:47 – Let the people of the Gospel judge by what Allah revealed*

- **Role of Hadith:** Shows continuity of divine law across revelations, with Hadith guiding Muslims in applying Qur'an.
- **Application:** Hadith ensures Muslims judge by Qur'an and Sunnah, not personal whims.

#### *Qur'an 6:38 – Nothing have We omitted from the Book*

- **Role of Hadith:** Complements the Qur'an by explaining its comprehensive guidance.
- **Application:** Hadith ensures no aspect of life is left without guidance.

#### *Qur'an 4:80 – Whoever obeys the Messenger has obeyed Allah*

- **Role of Hadith:** Establishes Hadith as binding, since obeying the Prophet's instructions equals obeying Allah.
- **Application:** Hadith is indispensable in law and practice.

#### *Qur'an 4:170 – Believe in Allah and His Messenger*

- **Role of Hadith:** Shows belief in the Prophet includes following his Sunnah.
- **Application:** Hadith preserves the Prophet's teachings as part of faith.

#### *Qur'an 59:7 – Whatever the Messenger gives you, take it; whatever he forbids, abstain*

- **Role of Hadith:** Directs Muslims to follow the Prophet's commands preserved in Hadith.
- **Application:** Hadith provides rulings on lawful and unlawful actions.

#### *Qur'an 4:64 – If they had come to you and sought forgiveness, the Messenger would have prayed for them*

- **Role of Hadith:** Shows the Prophet's intercessory role, preserved in Hadith.
- **Application:** Hadith guides repentance, forgiveness, and reconciliation.

#### *Qur'an 33:36 – It is not for a believer to have a choice when Allah and His Messenger decide a matter*

- **Role of Hadith:** Establishes the Prophet's decisions as binding.
- **Application:** Hadith ensures Muslims submit to divine and Prophetic rulings without resistance.

### **3. Integrated Significance**

- **Law:** Hadith provides details for Qur'anic commands (e.g., prayer, fasting, zakat).
- **Ethics:** Hadith illustrates Qur'anic values in action (justice, mercy, humility).
- **Practice:** Hadith makes Qur'anic guidance practical in daily life.
- **Theology:** Hadith confirms the Prophet's authority and divine guidance.

**Summary:** The Qur'an establishes the Prophet's authority and commands obedience to him. Hadith preserves his explanations, actions, and rulings, making Qur'anic guidance practical and comprehensive. Verses like 4:59, 33:21, 16:44, and 59:7 show that Hadith is indispensable in interpreting the Qur'an, safeguarding Islamic law, ethics, and practice from misinterpretation.

**Objective 3:** Examine the role of Ijma (consensus) in Islamic law including arguments for and against its application and demonstrate its significance in the development of legal rulings. (Qur'an verses 4:59, 4:115, 3:103, and 16:44)

### 1. Definition of Ijma'

- **Ijma'** means the unanimous agreement of qualified Muslim scholars (*mujtahidūn*) on a legal ruling after the death of the Prophet Muhammad ﷺ.
- It is considered the **third source of Islamic law** after the Qur'an and Sunnah, ensuring continuity and unity in the Muslim community.

### 2. Qur'anic Basis for Ijma'

Several verses emphasize unity, obedience, and collective guidance, which scholars interpret as supporting consensus:

- **Qur'an 4:59:** "Obey Allah, obey the Messenger, and those in authority among you." → Justifies following the collective authority of scholars when they agree on a ruling.
- **Qur'an 4:115:** "Whoever opposes the Messenger after guidance has become clear and follows other than the way of the believers, We will turn him to what he has chosen..." → Indicates that following the path of the believers (consensus) is binding.
- **Qur'an 3:103:** "Hold fast to the rope of Allah all together and do not be divided." → Encourages unity, which Ijma' preserves in legal and theological matters.
- **Qur'an 16:44:** "We revealed the Reminder to you so that you may explain to people what was sent to them." → The Prophet explained revelation, and after him, scholars collectively safeguard and interpret it through consensus.

### 3. Arguments For Ijma'

- **Preservation of Unity:** Prevents fragmentation of the Muslim community.
- **Safeguard Against Error:** The collective agreement of scholars reduces the risk of misinterpretation.
- **Continuity of Guidance:** Ensures the law remains relevant after the Prophet's death.
- **Legitimacy:** Qur'anic verses (4:115, 3:103) and Hadith (e.g., "My community will never agree upon error" – Sunan Ibn Majah) support consensus.
- **Flexibility:** Allows adaptation to new circumstances while remaining faithful to Qur'anic principles.

#### 4. Arguments Against Ijma‘

- **Practical Difficulty:** Achieving unanimous consensus among all scholars is nearly impossible.
- **Risk of Stagnation:** Over-reliance on consensus may discourage independent reasoning (*ijtihad*).
- **Ambiguity of Scope:** Debate exists on whether consensus must be universal (all scholars) or regional/majority.
- **Potential for Abuse:** Political or social pressures could influence what is claimed as “consensus.”

#### 5. Significance in Development of Legal Rulings

- **Codification of Law:** Ijma‘ helped establish foundational rulings in areas like inheritance, marriage, and contracts.
- **Stability:** Provided certainty in law by closing debate once consensus was reached.
- **Adaptation:** Allowed scholars to address new issues (e.g., financial transactions, medical ethics) by building on Qur’an and Sunnah.
- **Unity of Practice:** Prevented divisions by standardizing rulings across the Muslim world.
- **Authority:** Elevated scholarly consensus to a binding source, ensuring continuity of divine guidance.

#### 6. Application to Modern Legal Systems and Ethical Dilemmas

- **Collective Decision-Making:** Ijma‘ parallels modern legislative consensus, emphasizing consultation and unity.
- **Ethical Governance:** Prevents arbitrary rulings by requiring broad scholarly agreement.
- **Human Rights & Social Justice:** Consensus can be used to address contemporary issues (e.g., bioethics, finance, environmental law) in light of Qur’anic principles.
- **Checks and Balances:** Like constitutional law, Ijma‘ ensures rulings are not based on individual opinion but collective wisdom.

**Summary:** Ijma‘ plays a crucial role in Islamic law by safeguarding unity, ensuring continuity of guidance, and preventing misinterpretation of the Qur’an and Sunnah. While challenges exist in achieving consensus, its significance lies in stabilizing legal rulings, adapting to new circumstances, and preserving the integrity of Shari‘ah. The Qur’anic verses (4:59, 4:115, 3:103, 16:44) highlight obedience, unity, and collective guidance, making Ijma‘ a vital mechanism for safeguarding authenticity and relevance in Islamic law.

**Objective 4:** Examine the basis, development, and application of Qiyas to understand its role in Islamic legal processes. (Qur'an verses 4:59, 4:115,3:103, 2:39, and 16:44)

Here's a structured examination of **Qiyās (analogical reasoning)** in Islamic law, showing its **basis, development, and application**, and how it relates to the Qur'anic verses you highlighted:

## 1. Basis of Qiyās in Islamic Law

- **Definition:** Qiyās is the process of deriving a ruling for a new case by analogy with an established ruling in the Qur'an, Sunnah, or Ijmā', based on a shared underlying cause ('illah).
- **Qur'anic Support:**
  - **4:59** – *Obey Allah, His Messenger, and those in authority:* legitimizes scholarly reasoning when Qur'an and Sunnah are silent.
  - **4:115** – *Follow the way of the believers:* consensus and analogy safeguard unity.
  - **3:103** – *Hold fast to the rope of Allah and do not be divided:* Qiyās prevents fragmentation by extending divine law consistently.
  - **2:39** – *Those who reject Our signs will be companions of the Fire:* warns against ignoring divine guidance, encouraging scholars to apply it to new cases.
  - **16:44** – *We revealed the Reminder so you may explain:* the Prophet explained revelation, and scholars continue this through analogy.

**Justification:** Since the Qur'an and Sunnah cannot explicitly cover every future issue, Qiyās ensures divine principles remain applicable to evolving circumstances.

## 2. Development of Qiyās

- **Early Use:** Practiced by the Companions (e.g., Caliph Umar applied Qur'anic principles to new social issues).
- **Formalization:** Systematized by early jurists like Imam Abu Hanifa (Hanafi school), who emphasized analogy in expanding law.
- **Codification:** By the 8th–10th centuries, Qiyās was recognized as a formal source of law alongside Qur'an, Sunnah, and Ijmā'.
- **Debates:** Some scholars (e.g., Zahiri school) rejected Qiyās, arguing it risked human speculation. Majority accepted it as necessary for practical law.

## 3. Application of Qiyās

- **Examples:**
  - Qur'an prohibits wine due to intoxication → by Qiyās, drugs are also prohibited because they share the same 'illah (intoxication).
  - Qur'an prescribes zakat on crops → by Qiyās, modern agricultural produce is included.

- Qur'an forbids riba (usury) in trade → by Qiyās, interest in modern banking is prohibited.

- **Process:**

1. Identify the original ruling (*asl*) in Qur'an/Sunnah.
2. Determine the effective cause (*'illah*).
3. Apply the ruling to the new case (*far'*) with the same cause.

#### 4. Arguments For and Against Qiyās

- **For:**

- Ensures adaptability of Sharī'ah.
- Keeps law relevant to new contexts.
- Upholds consistency by extending divine principles.

- **Against:**

- Risk of human error or speculation.
- Some argue Qur'an and Sunnah are sufficient without analogy.
- Zahiri school rejected Qiyās, preferring literal interpretation.

#### 5. Significance in Islamic Legal Processes

- **Adaptability:** Qiyās allows Sharī'ah to address new issues (finance, medicine, technology).
- **Continuity:** Extends Qur'anic and Prophetic rulings into new contexts.
- **Unity:** Prevents fragmentation by providing a systematic method of reasoning.
- **Ethical Guidance:** Ensures rulings remain faithful to divine values of justice, mercy, and welfare.

**Summary:** Qiyās is a vital tool in Islamic law, rooted in Qur'anic principles of obedience, unity, and explanation (4:59, 4:115, 3:103, 2:39, 16:44). It developed from the Companions' reasoning to formal juristic methodology, allowing scholars to extend divine rulings to new circumstances. Its application ensures Sharī'ah remains adaptable, consistent, and ethically grounded, while debates about its use highlight the balance between divine revelation and human reasoning.

**Thank you**

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