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الحرفاء

Islamic Jurisprudence and Its Social Influence on Human Life

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ABSTRACT

As an inspired religion the quality of Islamic thought is distinguished by its laws. Its importance increases even more, when we say its main sources are divine commandment. This knowledge is derived by knowing the wisdom of excerpts of the Quran and Hadith. It is unparalleled in the world perception and consciousness. Islamic jurisprudence not only discusses every aspect of life in pursuit of the teachings of the Holy Quran, but also makes sufficient arrangements for its purification and prove to be driving force in making the civilization and culture purposeful. Quran is a divine gift of “Hadaya”. So the avenues of research on the Quran through consensus and ijthihad are also open until the Day of Judgment. But the right to infer from them has been given only to the best scholars of the Quran and Sunnah. Islamic jurisprudence is more detailed than other laws. In which there is a description of worship, marriage, judgment and beliefs in the hereafter. It may be inferred every aspect of life - formal laws are arranged on the basis of social needs and experiences. The purpose of Islamic jurisprudence is the spiritual training of an individual, the fulfillment of social peace, tranquility, high morals and also to prepare him for the hereafter. In this article the comprehensiveness and social impacts of Islamic jurisprudence will be reviewed in the light of Quranic teaching by using analytical method of research.

Keywords:

Divine commands, Hadaya, Spiritual Training, Jurisprudence, Consensus, Social Impact, Formal Laws.

Introduction:

Laws and regulations are implemented in the light of different ideas, needs and experiences for the continuity, peace and order and survival of civil system. Which is called constitution or law. Individual is the unit of social system. Laws are enforced to protect his sanctity, respect, needs and self-respect. So that if another person violates his rights, he can be punished. There are generally two types of rules. Statutory laws are the result of human experiences and future considerations, while religious laws provide the means of peace of nature, soul, heart and mind. Jurisprudence is a living and shining example of Islamic religious laws based on divine revelation and Muhammadan Shari'ah, the two sources whose aim is the welfare of humanity. The punishments commands by the Holy Qur'an for the protection of human rights are called "Haddood", while the detailed solution of many cases and crimes, we see the determination of these punishments in the blessed hadiths. While the solution of the problems that occurred in every epoch has been given by Islamic scholars in the light of Quran and Sunnah, which is called Islamic jurisprudence. In this research, we will review the comprehensiveness of Islamic jurisprudence and its social effectiveness in the light of Quranic teachings.

Literal definition of the word "law".

A "Law refers to the regulation and general rule of outward human action which is enforced by a supreme ruler and binding on his subjects.(1)

b. "Law" means the law or customary rule, the violation of which is punishable. "(2)

Literal definition of the word "jurisprudence".

C. "Jurisprudence refers to the Islamic knowledge of law, the rules derived from the Shari'ah."(3)

D. "Fiqh or Jurisprudence means philosophy of law."(4)

The above definitions explain the difference between the two laws as the law developed as a result of personal intellect and Islamic jurisprudence which is the law brought into existence under the principles of the philosophy of law after receiving information from the Islamic Shari'ah.

Nature and types of law

The law is enforced for the survival, prosperity, peace and tranquility of the individual and society, equal treatment, equal opportunities for living, access to better employment and sanctity of humanity. Two types of law are generally discussed.

1-StatutoryLaw

Statutory law is formulated keeping in mind various ideological objectives to improve the domestic and social system and establishing peace. It is based on a nation's

preferences, past experiences, needs and societal values. For the implementation of which, the most competent people of the country or society collect the information and organize it. But a law formulated in the context of environment, geographical conditions, political system, customs and ancient values of a region cannot be fully applied to another region nor can it provide sufficient results.

Islamic jurisprudence

Islamic jurisprudence is prevalent in the Islamic state, i.e. the system based on Islamic laws, the main sources of which are the Divine Revelation (Quran) and the Muhammadan Shari'ah (Hadith of the Prophet). Islamic jurisprudence, which has its source in such universally revealed laws, is inevitably in accordance with human nature. This system also provides clear rules on the broad spheres like protection of humanity, life and property, lineage, state and faith. It is stated in the Quran:

وَيَوْمَ نَبْعَثُ فِي كُلِّ أُمَّةٍ شَهِيدًا عَلَيْهِمْ مِّنْ أَنْفُسِهِمْ وَجِئْنَا بِكَ شَهِيدًا عَلَىٰ هَٰؤُلَاءِ ۖ وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَىٰ لِلْمُسْلِمِينَ (1)

"And (this) will be the day (when) We will raise a witness against them from among themselves in every nation, and (O Habib-e-Mukram!) We will bring you as a witness against them all (nations and prophets), and We have sent down upon you the Great Book which is a clear explanation of everything and a guidance and mercy and glad

tidings for the Muslims".

And then he said:

"We have not left any aspect unturned (about any aspect of life) in this book.

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ وَلَا طَائِفٍ يَطِيرُ بِجَنَاحَيْهِ إِلَّا أَمَمٌ أَمْثَلُكُمْ ۖ مَا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ ثُمَّ إِلَىٰ رَبِّهِمْ يُحْشَرُونَ (2)

"And (O mankind!) there is no moving (animal) or bird that flies with its two wings (like this) except that (in many attributes) they are all similar classes to you. We have in the Book Nothing has been left out (which has not been expressly or impliedly stated) then all (people) will be gathered to their Lord."

That is, there is a solution to every problem in the Holy Quran. Even if it is related to any field of life. The Messenger of Allah (peace be upon him) said in the context of instructing the believer to adhere to Islamic laws:

(1) النحل 89:16

(2) الانعام 38:6

Al-Dunya Sajn al-Mu'min

"The world is a prison for the believer."

Whatever time a believer spends in this world, he is bound by Islamic laws in the same way that he is in prison and deserves punishment if he does not follow them.

Arguments on the source and authority of Islamic jurisprudence

When Allah, the Exalted, sent Adam down to earth, He said:

فَاِمَّا يَأْتِيَنَّكُمْ مِّنِّي هُدًى فَمِن تَبِعَ هُدَايَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ (1)

" When the guidance is sent down to you and your descendants, there will be no fear for those who obey it."

Allah Ta'ala has explained the authority of Muhammadan Shari'ah, i.e. Prophethood, by explaining the sending of His laws imposed on humans by the Prophets. In Surah Al-Nisa, all the sources of jurisprudence are presented in a very beautiful paragraph:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ ۚ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (2)

"Oh peoples you who believe! Obey Allah and His Messenger (peace and blessings of Allah be upon him) and the Aula-al-Amr (the people of truth). Then if there is a difference of opinion in any matter, refer it to Allah and the Messenger (peace and blessings of Allah be upon him) if you believe in Allah and the Last Day. And it is better and good in the end."

The articles of this blessed verse clearly state that for the derivation of laws in an Islamic state, the first reference should be made to the Holy Qur'an and secondly to the Prophet's hadith. Obedience to Auli al-Amr (Ahl al-Haq) refers to the decision of the scholars of the Ummah, i.e. establishing consensus. Then, if there is a problem in which there is a mutual disagreement, i.e. there is no clear argument in the Qur'an and Sunnah, then the solution of this problem should be proposed by supposing on doubtful orders or it should be made a part of Islamic law.

Sources and defects of statutory law:

Every society, whether living in the jungle or part of a civilized urban population, whether it belongs to the ancient or modern era, whatever its customs, makes certain laws of its own, which must be followed by that society, the state or them. It is considered essential for those who have intercourse. The main purpose of law enforcement is to establish peace and order in the society and create a healthy economic and social system.

(1) البقرة: 38

(2) النساء: 59

For formal law, the word "law" is used, which is a Greek word meaning "rule." It means "rules and regulations" in Arabic. We can call these laws a collection of ethics, but we cannot prove them as a source of welfare.

Constitutional law is a set of economic and social regulations free from the shackles of religion. According to the reformists, the separation of law from religion is the guarantee of the survival of a moderate society because "the purpose of law is the reformation of social relations and human behavior, while religion is a personal matter of each person whose purpose is to make a follower his god." Reconciliation and purification of spiritual chaos.

If we examine the sources and comprehensiveness of Islamic jurisprudence and the laws of creation, then the non-comprehensiveness of the law of creation is the same as that of the creator and creation. Man's knowledge consists of apparent, accidental and experimental factors and their results. On the basis of which he arranges the next plan of his life, while the knowledge of the creator is from eternity to eternity and to the depths of invisibility and creation. Human laws are arranged by talking about the nature and social preferences of the individual, while the Creator's knowledge covers the creation of man, his needs and psychology beyond his self-purification, final destination and other areas.

The true meaning of the Islamic State:

For the full implementation of Islamic jurisprudence, the establishment of an Islamic state i.e. "Dar-ul-Salaam" is indispensable, whose government and style of government are both free to follow Islamic laws. The Islamic state will never be taken to mean that there will be a settlement of many Muslims living in a region, but in the region where the powers of government and enforcement of laws are under the control of non-Muslims, the Muslim population, even if it is in the number of millions, "Dar al Harb" and its inhabitants will be completely unable to meet the demands of an Islamic state. State laws fall into two major groups. (1) Personal laws (2) General laws. Fiqh in the context of Islamic teachings on these two fields provides such extensive and comprehensive information that cannot be found in any law of the world. Similarly, the implementation of these orders distinguishes the Islamic society from other societies.

1. Personal Laws and Islamic Jurisprudence:

Personal laws relate to the individual and the family system. The Lord has made three acts of worship obligatory for the individual to achieve self-improvement and self-purification. Prayer, Fasting and Hajj. The spirit and philosophy of these three acts of worship, together with self-improvement and purification, creates feelings of self-sacrifice, compassion, obedience to God, fear of God and following the law. He is the first to be mentioned in Islamic jurisprudence, its prevailing curriculum and written capital. The personal law of Islam also provides details on the protection, importance,

needs, and satisfactions of an individual in family matters. As in the discussions of marriage, mahr, financial and other household needs, khusant, talaq and its other kinds like khula, Tamleek, Takhyir and Tawakeel have been introduced for the convenience of the individual and to avoid complications in the legal process. For the protection of the individual in mutual social relations, dealing with the prohibition of fraud, for the flow of employment, the rights of property are discussed in the sub-topics of sale, hiba, inheritance, right of intercession and bequest, which is the property of another. All these are presented against impulse to eat unjustly others property.

i. Islam and the theory of worship:

Islam arranges a Jamia program in the form of worship for man's day and night, month and year. The purpose of all these is to achieve self-purification. In the Islamic society, the mosque can be considered as the first primary teaching place of the Muslims, not only it is used for the fivefold prayer, but the mosque is a manifestation of equality, brotherhood, Islamic unity and humility. A Muslim is reminded five times a day that all are equal in the sight of Allah. No one will be given priority or concession on the basis of his color, caste or rank while appearing before him. One of the main purposes of prayer is to strengthen the belief in man that he is accountable to Allah Almighty for his every action. Performing prayers at different times of the day gives a person the allure of avoiding bad deeds and with what deeds he will do when he appears before his Allah in the next prayer. This belief is the real spirit of prayer. Allah says:

إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ (1)

"Indeed prayer prevents indecency."

The second duty in Islam is worship and fasting, which makes a person practice controlling his food and sensual desires. It is in the blessed hadith:

الصَّوْمُ جُنَّةٌ (2)

"Fasting is a shield."

Prayers and fasting are physical acts of worship that contain enormous subjects of morality and social reform. The commands of fasting covers the whole month of Ramadan, that is, the whole month, Muslims renew their self-purification and self-training, and refresh the forgotten habits that Allah has commanded a person as a Muslim through charity.

Prayer is mentioned about 32 times with zakat in the Holy Quran. This pair of commands shows that, man has not been freed from social responsibilities with his

(1) العنكبوت 45:29

(2) سنن ترمذی، کتاب الصیام، حدیث نمبر 764

physical worship, but among his social responsibilities, he has been ordered to pay zakat to support the needy people outside his family, that is, the society. Its importance has been made clear by repeating the zikr with the prayer, meaning that the acts of worship will not bring salvation until the rights of the servants have been fulfilled. Regarding the obligation of Zakat, Allah says:

الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَاللَّهُ
عَاقِبَةُ الْأُمُورِ (1)

"The People of Righteousness are those who, if they are given power on earth, they should establish the system of prayer and pay the Zakat, and then enjoin the people to do good and forbid them from evil, and the end of all things is in the power of Allah." is."

The subjects of this blessed verse contain a broad subject of Islamic social characteristics, in which the first point is to establish a system of paying prayers and collecting zakat and delivering it to the deserving, and then encouraging people to do good deeds and good morals. It is also being ordered to stop the reprehensible actions and at the end it has been confirmed that the power of good deeds and the powers of accounting are the responsibility of the Lord.

Hajj is the next and strongest place among obligatory acts of worship, which includes a wide range of physical and financial acts of worship. Muslims leave their homes, businesses and homelands to visit the holy places on certain days. Hajj is a symbol of the unity of the Muslim Ummah. Belivers of Tawheed come from all corners of the world. People belonging to different civilizations and cultures wear the same clothes on these days, which does not make any difference between people, color, race, caste, rich, poor, white, black, educated, uneducated, or any region. They come before their God with a sense of remorse and hope of salvation.

ii. Islam and Human Rights Theory:

Man, for whose guidance Allah sent one hundred and twenty-four thousand prophets and sent down upon them enlightened books and scriptures, for which the entire universe was subjugated. Laws and regulations denying the importance of his rights make even all the colors of civilization colorless. In other words, if it is said that all the laws of the universe and society are for the welfare and support of man, then it will not be wrong. Islam is the last religion brought by Allah. Developing a comprehensive system in the implementation and protection of human rights and bringing the basic rules of human rights to a higher level is a requirement of its globalization. About the rights of the individual, Hazrat Abu Huraira (RA) narrated the Hadith Qudsi:

"On the Day of Resurrection, Allah Almighty will say, O son of Adam, I fell ill, you did not visit me. The responsible person will say, How could I have visited you? You are the Lord of the Worlds. Allah Almighty will say, Do you not know that My man was sick, but you did not visit him, then you would have found me there, then the virtue of feeding and nursing has been connected with Allah.

What can be a better example of human rights in Islamic teachings than that the creator of universe associates the good treatment of its man with itself. That is, human action will not end with better treatment of other human beings. Rather, the Almighty God promises to reward his actions and intentions on a higher level. Maulana Burhanuddin Sambhali defines human rights in Islam in these words:

"The Qur'an and the Sunnah, the two main sources of Islamic Shari'ah, provide as much detail as possible about human rights. There is no example of this in any other universal religion or book. The Universal Charter of Human Rights, prepared by the best of a scholar. Minds joined with all their faculties could not compete with the Islamic teachings on the rights of humanity."

iii. Islam's theory of personal freedom:

While Islamic jurisprudence binds people to certain limits and restrictions in society, the other side of its objectives is the protection of personal freedom and other rights. The axis of a person's personal life gives Islamic rights and opinions to both men and women regarding their family life. The commands to allow men to marry women of their choice are given in the Holy Qur'an as follows:

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ (1)

"Marry whichever women you like best."

Similarly, Shari'at Islamiya also assigns the power to a woman to choose a husband of her choice. It is mentioned in the Holy Quran:

فَلَا تَعْصُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُمْ بِالْمَعْرُوفِ (2)

"Do not prevent these women from marrying the man of their choice as long as they agree according to the constitution."

Similarly, if a woman is obliged to obey a man, then the man is obliged to fulfill all her needs in life perfectly. That is, no burden was imposed on any individual. Women's rights are so extensive in Islam that there is no example in other universal religions. For

example, divorce is not allowed in the Catholic Church, but it is ordered to maintain this continuity in all circumstances, while Islam protects the rights of the individual, the survival of the family system and the establishment of peace and order in the case of psychological imbalance between men and women. Gives both the powers of annulment of marriage.

In other societies, especially in the so-called civilized societies of the West, personal freedom refers to the individual's sexual freedom in every way. It is proved in the sense of personal freedom, while the family system in Islamic society is its purification and better relations and rights and duties of families with each other. Fulfilling of family duty has been declared as a reward on the day of judgment.

iv. Islam's theory of willpower and control of will:

According to Islamic teachings, human willpower distinguishes him from other creatures. Similarly, self-control distinguishes him from other human beings. Allah Ta'ala has given man more willpower than his other creatures. Because of which he was declared liable and responsible for his actions. In addition to these powers, human beings were given various types of control and use of physical powers and functions. That is, everything in the universe was subjugated for him. These powers and conquests make man arrogant. And in the presence of these physical and mental forces there are strong possibilities of his going astray which inevitably causes many social disorders along with the personal loss of the individual. Acting against Islamic injunctions by using one's own willpower is considered one of the most serious sins, such as idolatry or performing other illegitimate acts and the practice of divination. Fortune-telling means trying to know ahead of time in one's opinion about the decrees and destiny of Allah Ta'ala. The Holy Qur'an has described this act as worshiping idols. It is stated in the Holy Qur'an:

إِنَّهَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَثْلَامُ رَجَسٌ (1)

"Surely wine, gambling, idols and dice (arrows mounted for fortune-telling) are all impure deeds."

In the articles of this blessed verse, the word impure has been used for these actions, which is used for pork meat in Surat al-An'am, verse 145. If all of them are collected in one place and its results are seen, then as there are countless halal animals, a person will deliberately eat this impure animal with willpower, practice idolatry or cast fortunes and become the guarantor of his destiny. Examples will be considered and all of them will be called impure actions. These actions are grossly ungrateful to the Creator's bequeathed abilities that He has bestowed upon mankind.

Acceptance of human beings, especially Muslims, during the time of Islam and post-Islamism is focused on the recognition of monotheism and the commands of Allah Almighty. Following these orders is what makes him a Muslim. Whoever forgets these beliefs and orders is considered guilty of sin.

v. Islamic theory of justice:

In matters of justice and fairness, Islam declares the sovereign and the subordinate, the superior and the inferior, equal in front of the law, regardless of color, race, religion, or language. Even if he is a 'dhimmi' or a 'traveler' in the Islamic state. Even if there is a matter with opponents or enemies that requires justice, equality has been recommended in that too. Allah says:

وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلٰٓى اَلَّا تَعْدِلُوْا (1)

"And let not the fierce enmity of a nation persuade you not to do justice."

In addition to the judicial system, Islam requires justice and honesty in matters of common life and interpersonal relationships. An individual accepts any law as such. When he guarantees his protection and proves beneficial in his life. The Holy Qur'an addresses the human soul as the pure soul. In the context of these words, only the court has been given the right to punish the sins of the believer. The society or the family is not allowed to take away or encroach on his rights under any circumstances. The rights that the Muslim Ummah bestows on an individual are undoubtedly unparalleled. In the context of the protection of humanity, the Holy Quran issues a definite order.

يٰۤاَيُّهَا الَّذِيْنَ اٰمَنُوْا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِى الْقَتْلِ (2)

"O people! Those who believe, killing has been prescribed for you in return for the slain."

That is, if a person intentionally kills another person, regardless of his position or lineage, taking his life in return is proven by the Shari'ah orders. That means he will have to lose his life. In the following articles of the same blessed verse, the protection of the individual was prioritized by announcing the reduction of the burden of retribution or the forgiveness of sins. And in matters of amnesty, mutual relations and the Muslim society were allowed to move on the path of new friendships and mutual understanding.

We read the best reflection of the teachings of justice and fairness and social equality in the sermon of the Holy Prophet (peace and blessings of Allah be upon him). It is said:

(1) المائدة: 8

(2) البقرة: 178

"O people! Allah is the same for all of you. The father of all of you is also the same, Adam. Remember that an Arab has no superiority over a foreigner, and a foreigner has no superiority over an Arab, nor a white over a black, and a black over a white. If there is any quality, it is piety."

The fact that everyone is considered equal in the eyes of the law in Islamic society is the reason for the increase in those who obey it. It is also stated in the Holy Quran that:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاهُ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاهُ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ (1)

" You are all descendants of one man and one woman, then your castes and tribes were created so that you could be recognized. Indeed, the criterion of greatness in the eyes of Allah is piety. Verily, Allah is Knowing and Aware."

The contents of this holy verse fully reflect the condemnation of considering any person above another for the sake of justice and fairness. In order to give importance to every individual for the establishment of social justice and a peaceful society, his every action was founded on piety. Evidence plays a major role in social justice. Islam also gives clear orders in the matter of testimony so that the seeker of justice does not feel helpless and alone. Detailed orders have been issued regarding testimony and justice. Allah says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدَيْنِ وَالْأَقْرَبِينَ ۚ إِنَّ يَكُنْ عَنْكُمُ أَوْفْقِيرًا فَلِلَّهِ أُولَىٰ بِهِمَا ۚ فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا ۚ وَإِنْ تَدْرَأُونَ أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا (2)

"O you who believe! Be witnesses for (only) Allah, steadfast in justice, even if (the testimony) is against yourselves or (your) parents or (your) relatives, even though (Allah is more benevolent to both of them (than you), so do not follow the desire of the self so that you (will) deviate from justice, and if you (in testimony) Talk shit If you do or turn your back (from the truth), then surely Allah is aware of all that you do."

The articles of this verse provide clarification in the matter of justice and fairness and witnessing that even if it is the case of your parents or a dear relative, doing justice is a great act. While testifying about them, don't let the rich, the poor, the relatives or the love of anyone distract you from God's grace. That is, no one's company or pressure

(1) الحجرات 49:13

(2) النساء 4:135

should prevail in giving equal rights to the individual in the society. It is stated in the blessed hadith:

Then he stood up and said, "Indeed, those who were before you, if there is theft, the honorable will leave it to them, and if there is theft among them, the weak will stand on it and say, 'Allah, let this Fatimah bint Muhammad steal to cut off her hands.'"

"Many of the earlier nations were destroyed because when a rich man stole, they would let him go, and if he was weak, they would set limits on him."

The details of this blessed hadith prove that the establishment of equality and justice between individuals in the Muslim society must be in accordance with the orders of Allah, otherwise, a person is guilty of following the behavior of the previous nations on whom the wrath of Allah was revealed. Will be.

2. Public Law and Islamic Jurisprudence:

Public law refers to those matters and the laws about them that relate to the public, society or collective affairs. Islamic jurisprudence seems to prevail over common laws around the world due to its deep insight, universal laws and individuality.

i. Islam's ideology of protection of race:

In human desires, even more than the accumulation of wealth and glory, there is a spirit of procreation and establishing a family system. This natural desire of man requires his feelings, love and ownership, chastity and loyalty. Social immorality, especially the lack of focus on freedom and refinement of the family system, completely destroys the social system.

Islam has established the pure method of procreation, marriage, which is a contract in which a man and a woman render services to each other with chastity and fidelity. According to Islamic teachings, Nikah is Sunnah. Marriage is the best means of social purity and proof of lineage. Imam Ghazali says:

"Marriage serves five purposes. Progeny, control of desires, management, protection of chastity and struggle for self. But the greatest purpose is identification of offspring's lineage."

Marrying in Islam and starting a family in a pure way and being humble, tolerant, paying mutual rights and duties will not only benefit the social system but also pleases Allah Almighty. Working hard to meet the legitimate needs of one's family and providing for them is considered charity. Islamic law strongly disapproves of the mixing of men and women without marriage, and the limit of its prohibition is that the five crimes mentioned in the Holy Quran are the punishment (Hadd). One of them is adultery,

which inevitably hinders the proof of genealogy and is a major cause for the destruction of family life. In the prohibition of adultery, Allah says:

وَلَا تَقْرَبُوا الزَّيْنَىٰ إِنَّهُ كَانَ فَاحِشَةً ۖ وَسَاءَ سَبِيلًا (1)

"And do not come close to fornication, indeed it is open immorality and an evil way."

Then, separate punishments have been given for married and unmarried adulterers, that is, the limit of stoning for married adulterers is proved by the hadith that he was punished by stoning in the presence of a congregation and one hundred lashes were prescribed for unmarried adulterers.

Strict orders in determining and establishing these punishments are an expression of strong disapproval of this ugly act of Islamic Shariat which completely protects the sanctity of a person's lineage and family system. But staying within the scope of Islamic teachings and the theory of purification.

ii. The Purification of Intellect of Islam:

In the Muhammadan Shari'ah, where social and psychological purification and the importance of the individual are taken into account in the use of all the material needs of the individual, it has been presented in the form of orders for the best food system and the widest content of purification of the mind. It is stated in the Quran:

وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا ۚ إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ (2)

"Eat and drink and do not transgress; surely He does not like transgressors."

In this holy verse, the natural need of man, i.e. in the act of eating and drinking, has been emphasized to select only pure items as food. It is important for a person, especially a follower of Islam, that the wealth from which he is managing to eat and drink should also be obtained from legitimate sources, otherwise the food bought from haram wealth will not be considered pure. The temptation of food and drink should not make man forget the purpose of his birth and the consumption of good food. Therefore, extravagance in spending is strongly discouraged and it is urged to stay away from the prohibited items. Accumulation of wealth in a haram manner and immoderation in food and drink and spending have been declared contrary to Islamic laws, which are contrary to faith.

iii. Islam's theory of protection of intellect:

(1) بنی اسرائیل 32:17

(2) الاعراف 31:7

Allah Ta'ala has declared man superior to other creatures on the basis of intellect. Attempting to lose one's intellect on purpose falls under the category of forbidden actions. Deprivation of the intellect refers to the use of such narcotic drugs that for some time after its use, he is not aware of the quality of his words and actions. Among such drinks, we find mention of 'khamar' (wine) in many places in the Holy Quran. When we consider the consequences of alcoholism in context, the first and dominant consequence is the loss of sanity. Its use in the articles of Surat al-Ma'idah verse 90 equivalent to shirk, i.e. as polytheists see all the manifestations of nature, enjoy the mercy of Allah, but commit shirk in worship. Similarly, the drinker enjoys all the blessings of Allah Ta'ala. Due to his perfect intellect, he gets material benefits and then loses it and commits acts which he would never do if he was conscious. His power over his own speech is suspended by the use of alcohol. Then it is inevitable that his moral values will become irrational. In this way, his other social duties, including witnessing, are neglected by self-preservation, sanity, honor and integrity. The Holy Quran has ordered such a person to stay away from prayer. It is said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَى (1)

"O people! Those who believe! Do not go near the prayer when you are intoxicated."

Allah Ta'ala loves His servants in any condition, whether they are poor or rich, whatever quality of beauty, sick or healthy, on a journey or in presence, for His worship and good deeds. Alcohol or other intoxicants are described by the Holy Quran as the root of social evils and the favorite method of Satan. It is stated in the Holy Quran:

إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمْ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ ۖ فَهَلْ أَنْتُمْ مُنْتَهُونَ (2)

"This is what the devil wishes to instill enmity and hatred in you through alcohol and gambling and stop you from the remembrance of Allah and prayer, so stop even now."

iv. Islamic theory of property:

Man does not refuse to accumulate wealth and to accumulate more than one another in the lust of luxury and to accumulate it to a certain extent. But he has given a very balanced way to help relatives and the needy with his wealth, which instead of diminishing a person's wealth increases due to obedience to Allah Almighty and His

(1) النساء: 43

(2) المائدة: 91

mercy. While there is a strict promise not to spend in the way of Allah and for those who eat people's wealth unjustly. In the Holy Qur'an, Almighty says:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِّنَ الْأَحْبَارِ وَالرُّهْيَانِ لَيَأْكُلُونَ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ اللَّهِ ۗ وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ ۖ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ (1)

"O you who believe! Indeed, most of the scholars and dervishes (of the people of the book) eat people's wealth unjustly and prevent them from the path of Allah (i.e. they fill their coffers with people's wealth and promote the religion of truth). but prevent it from being spent), and those who hoard gold and silver and do not spend it in the way of Allah, inform them of a painful punishment."

The aim of Islamic teachings is to keep human nature pure and ready for the hereafter. An individual is a social unit. In the crowd of people from whom you demand hard work and attention, if the spirit of paying each other's rights and duties is created by divine commands, then the chances of action on it are much higher and many social evils will be saved. Gets As the hatred of the rich class, mutual enmity, sense of deprivation, class division and lust for wealth make a person fall from the level of humanity.

v. The economic theory of Islam:

Islam presents a clear principle for earning wealth, i.e. economy, in which the concept of halal and haram is the main point. Man has naturally proved to be greedy, no matter how much his wealth increases, he will be greedy. Islam forbids practices of 'baeyh' (reciprocal trade), mutual relations, prohibition of cheating and illicit sources of wealth that harm any human being. It is narrated in kitab e mubeen, Allah says:

لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ (2)

"Do not eat each other's wealth unjustly."

That is, Islam encourages the economic endeavors of birth wealth to be based on honesty and piety.

vi. Political theory of Islam:

The constitution defines the people who play on the chess board of politics as the most capable and intelligent people who can change the minds and thinking of the people and the best speech with the conditions of the country and society. They have the ability to quickly change domestic and administrative affairs. While observation proves that this experiment was carried out with the concept of totalitarianism and proved to be a

(1) التوبة 9:34

(2) النساء 4:29

precursor of lasting crises in the life of nations. The political theory of Islam dictates that the ruler or his assistants should be chosen from among the ablest. But their positions have been made subject to principle responsibility. It is stated in the blessed hadith:

"Each of you is a watcher and he will surely ask about his subjects."

The above-mentioned Hadith denies the full powers of Aula al-Amr to treat his subjects or nation as he likes and make decisions of his own free will, without paying attention to their welfare and safety. Rather, the promise of punishment has been made for tolerance in fulfilling the requirements of the position given to him.

Conclusion of the discussion:

Islamic jurisprudence, which is based on divine revelation and hadith of the Prophet (peace be upon him), is distinguished from other jurisprudence due to its inspired teachings. The main discussions in the laws are social development and integrity. While Islamic jurisprudence begins its laws with worship. At this point we consider the individual as important in the eyes of the law, whose welfare is being provided for by the law of salvation. After the prayers, the golden principles of living a person's personal and social life are described. In which exemplary ethical regulations are presented. A study of the entire Islamic jurisprudence concludes that there is no single law which confers significant rights on only one party. On the contrary, the protection of the rights of every individual, even if he is not liable for accountability, has been fully arranged. Therefore, it is said that without a doubt, through this law, a society sets high standards of development on the best moral, economic, social and political aspects, while the reason for the implementation of these orders and the maturity of the belief is the belief in the Hereafter, based on which Muslims who try to break these laws are afraid of divine punishment in the hereafter -
