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## Sources of Law

Like the state, law has evolved through evolutionary factors. The famous Dutch philosopher Holland has stated the sources of law which are as follows:

### Customs or Usages:

Customs or Usages are the basis in making a constitution. The customs and traditions that the state recognizes and takes the form of law are in fact the customs that most people in the society have traditionally adopted. These practices are actually legalized through a Customary Practice. No state can even think of doing the rituals of individuals.

One reason is that government members are part of the same society and they themselves are influenced by these traditions. The second reason is that even if they are affected, they cannot dare to end the rituals in order to sway public opinion in their favor. In Britain, the common law is an important part of the constitution. It goes without saying that if the re-law is removed from the constitution, it will be difficult to maintain the structure of the British constitution because the British people have their own customs and traditions. Are very respectful of and look down on those who violate them. Not only the UK but also other countries' laws are influenced by customs and traditions.

### Religion:

Religion, magic, homosexuality, etc. are the oldest sources of law. People believed that if they angered the Goddess of Love, then they would face her (Goddess's wrath).

Similarly, Muslims have only one Qur'an, the Qur'an and Sunnah. According to him, laws are made in Pakistan. Although the number of these laws is not very high, but all the laws related to family and family life have been made in the light of Qur'an and Sunnah.

Similarly, Hindu laws are also very much influenced by Hindu religion.

### Judicial Decisions:

Judicial Decisions are an important source of law. Or they have the status of law, but from time immemorial it has been the case that when the head of a tribe or family decides a dispute with foresight, then in the same disputes that arise, the decision is made in the light of the same decision.

In a bad state, when a person finds these laws silent during a trial or there is no law at all regarding the case, then he decides according to his own judgment and judgment. This decision becomes law. The judiciary still has a lot of power in the United States. The US Supreme Court can declare any constitutional law invalid because the US Supreme Court has the power to overturn the rules of the Constitution. If a law contradicts the Amen or social values, the US judiciary is empowered to end the year of dicial review.

### Educational Commentaries:

Scientific interpretations are also used as a source of law. When legal experts express their views on the issue of law in a reasoned manner in speeches, their opinions can take the form of law, because the state judiciary attaches great importance to the views of these legal gentlemen. Coke is heavily guided by the elaborate interpretations of Blackstone and Hale. The practical interpretations of the scholars and scholars are also an important source of law. Equity: The principle of equity is the source of law in which those who have the power to decide a case with their own understanding and understanding The following situations arise in relation to: When social conditions do not conform to traditional or old law, when outward social conditions promote injustice, when no law exists for the issue or problem that arises, or when the state The law is silent. In such cases, according to Lucreist, only a jurist or a judge should have the authority to make a decision that is based on the principles of honesty and fairness.

### Equity Courts

In the UK, especially Equity Courts have been set up, while in Pakistan, the High Court and the Supreme Court serve as Equity Judges. Regarding equity, Main says that "Equity is an informal method of making new law, or altering old laws, depending on intrinsic fairness or equality of treatment."

### Legislation

is the highest form of law in the modern state. The main source of legislation is now that it comes into being through the Awai and its principle is term. The job of this assembly is to make laws and, over time, to amend the law to suit the new circumstances. In the United Kingdom and Pakistan, parliaments carry out legislative duties, while in the United States, Congress legislates.

## Law and Morality

Law and Morality Law and Morality are inseparable from each other because the true spirit of the law is hidden from its view when morality is the only means by which the law can be enforced in its entirety. ۔ The reason for this is that there are certain powers which the state cannot impose on the members of the society but these laws are related to human ethics. For

example, smoking is a moral crime that not only pollutes the environment but also affects the health of other people. Now there is no law in the world that can punish smokers severely.

Morals are Roman: personal ethics and rabbi ethics. Person-specific principles of personal morality are outdated, but at the moment we belong to a whole society, so we will only discuss extreme morality. There is a deep connection between ethics and law. There are the following reasons for this:

### 1:Common Subject of Discussion

The discussion of the subject of ethics and law is common but the subject of both is man.

### 2 - Moral Laws:

Laws are always made full of morals. No law can be made out of morality because such a law would not be acceptable to the human environment.

### 3:Mutual Cooperation:

Without mutual cooperation in ethics and law, better results cannot be achieved, because sometimes the law fails to enforce something strictly while the same thing is easily enforced through ethics. Therefore, when making legislation, human customs and traditions must be kept in mind because the people consider it their moral duty to abide by such laws which are in accordance with their customs and traditions.

### 4- State and Morality:

There is a deep connection between the state and morality. The state makes laws according to the moral values of the people and expects to achieve better goals. Obviously, a state with moral decay cannot achieve its goals of peace and prosperity.

### Welfare:

For the welfare and mutual cooperation of the state, the pride of the law cannot be nullified, but it is possible only through immorality. Former Prime Minister Nawaz Sharif to take care of the welfare and welfare of the state

In fact, he was involved in political affairs and the Pinnacle Race 10, in which the citizen considered his participation to be morally important. In this campaign, a few legal deposits were made to the designated account.

### Islamic State and Morality

In the Islamic State, no law can be outside the realm of morality. Islam teaches equality, brotherhood, honesty and tolerance.

* 1. All these virtues shape and improve human morality. Where there is a deep relationship and similarity between law and ethics, there is also some difference between the two, which is as follows: No one is above the law.
  2. Law is made by a legislature that consists of a few people, while ethics is a product of human tradition. These customs and traditions have a special relationship with the civilization of each country.
  3. Law always monitors man's outward actions, while ethics corrects both outward and inward actions.
  4. Violations of the law are punished by various government agencies in a prescribed manner, while morality does not punish a person physically, but punishes him with a new kind of harassment that the society (relevant) criminal is punished by this collective boycott or in public.
  5. Morality corrects the moral rights of human beings and moral rights help to correct the qibla of legal rights while legal rights do not make a person realize whether his neighbor is hungry or not. Is it necessary to give Zakat or not?
  6. And moral rules are different from legal rules, such as gossiping, abusing, not being jealous. All of these things fall into the category of ethics while obeying traffic laws indicates legal rules.
  7. The law imposes restrictions on man which is a negative aspect while morality forces man to do something. Etc. This is a positive aspect.

### The Theory of Law in Islam

Islamic theory of law discusses not only the outward actions of man but also its founding actions. The Islamic theory of law is of great importance in terms of human intention, because man makes an intention before performing all his actions, which is called intention. Intention has been given a lot of importance in Islam and in the context of e-intention, the Islamic ideology of law-making has been practiced for the betterment of human beings, both in this world and in the hereafter. The head of Islamic law is the Almighty, while the head of Western law is man. Therefore, their laws are of a temporary nature while Islamic laws are not only of a permanent nature but also have a comprehensive and universal nature. Wadki's faults are made for the sake of Bata'at or group, but the whole human race can benefit from the laws made by Allah and by following these rules one can attain a high position not only in this world but also in the Hereafter. Islam is a complete code of life . In it, all aspects of human life, such as

political, social, secondary, livelihood, outward and inward deeds, have been discussed, and Islam has quoted from its law how these aspects can be brought to a straight line.

## Sources of Islamic Law

Islamic law was revealed by Hazrat Parvez. Allah Almighty clarified His religion in full on the picture and said: Today I have united your religion and fulfilled my blessing.

Allah Almighty has issued His commands which are final in themselves but Allah Almighty has shown us the way to organize life according to the requirements of the time and the changing circumstances.

Almighty Allah says:

‘’And the life of the Holy Prophet is the best example for you.’’

The Holy Prophet (PBUH) has also appreciated the decision-making of Muslims according to their citizenship to adapt to the changing circumstances. The Prophet (peace and blessings of Allaah be upon him) once sent a caravan and asked the commander how he would make decisions. The commander said he would seek help from the Qur'an. He said that if there was no solution to the issue, the commander said, "I will consider your Sunnah and hadiths." He said, "If there is no solution to the problem there, then the commander said, 'Then I will make a decision with my utmost effort and ijtihad opinion. You are very happy with this and you have left. The sources of Islamic law are as follows."

### 1:The Qur'an Al-Hakeem (Quran)

The Qur'an Al-Hakeem is a unique and comprehensive book in which every issue of human life has been discussed, whether the issue is economic or Asian barber, or whether it is related to civilization or ethics. That human life is not like that of Kakri's wife

Overs mentioned in the Holy Quran. Allah Almighty revealed this holy book to His beloved Prophet Hazrat Dar. Before the Qur'an, Allah Almighty used to send down ornaments on the Torah and many different numbers. Man was told about guidance and righteousness, but when the Qur'an was revealed, Allah Almighty formalized the instructions of all his first books and The same Qur'an gave the status of Mia Malkova. Allaah says (interpretation of the meaning): “O Prophet! We have sent down to you the Book so that you may judge between people according to that which Allaah has shown you. The Muslim Ummah governs the world. As soon as Muslims turn their backs on the teachings of the Qur'an, they are in a state of disarray.

### Ahadith and Sunnah

Ahadith and Sunnah is the second largest source of Islamic law because when Allah Almighty revealed the Holy Quran Did the Holy Prophet (peace and blessings of Allaah be upon him) fully implement the commandments of the Qur'aan in his life so that the Muslims may know the practical form of the commandments of Allaah? It is stated in the Holy Qur'aan. These are the deeds that the Holy Prophet (peace and blessings of Allaah be upon him) instructed to perform his practical life in the light of the Qur'aan. For example, the Qur'aan has given knowledge about performing prayers. does ? How to bow? Etc. etc. All this is known only from the hadiths or the Sunnah of the Prophet. Similarly, there are many functions of human life which the Holy Prophet has made easy for us to follow the commands of the Qur'an. How to pay? What accessories does it have? What are the essentials of sacrifice? How should the Shandani system make economic and political decisions? How is the welfare of the state possible? All the Holy Prophet (PBUH) did it in his life. Therefore, after the Qur'an, Hadith and Sunnah have been declared as the greatest source of Islamic law. In the blessed life of the Holy Prophet, the Companions protected the Hadiths and the Sunnah of the Prophet from various sources. At that time books were very popular with reference to Hadith. .

1. Sahi Bukhari
2. Sahi Muslim
3. Sunan ibne maja 4 sunnasaie
4. Jami Tirmzi
5. Sunan Abu Dawar Bukhari compiled from Abu Rashidin Asal Al-Bukhari (889 and 809).

## 3)Khulfa - i - Rashdeen

The importance of the Rightly Guided Caliphs with regard to Islamic law. The Rightly Guided Caliphs do not question the power of God. The Prophet (peace and blessings of Allaah be upon him) said: I am like a crowd of fans. If you follow any one of them, then your well-being shows that the Rightly Guided Caliphs were in fact children and followers of the Prophet (peace and blessings of Allaah be upon him). It is also considered an important source of Islamic law. After his death, the four Rightly Guided Caliphs (Hazrat Abu Bakr Madin, Hazrat Umar, Hazrat Uthman and Hazrat Ali followed the teachings of the system of society and politics in accordance with the teachings of the Prophet. The laws of his time are still considered an important source of Islamic law. All the caliphs did not miss the point of consultation when making any law. In fact, during the time of the Rightly Guided Caliphs, the Islamic State expanded so much that it was bad for the Muslim rulers to control the people of each state in terms of climate and civilization. Muslim rulers resorted to gatherings and made decisions according to their own environment and culture, taking into account alcoholism.

### 4: Ijhma

is actually the opinion given by the Muslim scholars and the noble companions after much deliberation on the Islamic issue and they would have agreed to it unanimously. In other words, it should be said that the learned people who have mastered the Islamic Shari'ah and give a unanimous decision on an Islamic issue after much deliberation, then it is called Ijtema. This detailed definition shows that the consensus of the ummah is common people or less knowledgeable. People are not included. The authority of the consensus of the ummah belongs only to those who have mastered the Islamic Shari'ah of the Qur'an and Sunnah. The consensus of the ummah is that no one else will escape from it and they will abide by it.

### 5 - Kias

It happens and an expert in jurisprudence decides according to his intellect and intellect, but at the same time he also discusses this issue with reference to the Qur'an and Sunnah. Thus, Qiyas is an opinion that can be adapted to the changing requirements of Islamic law. Imam Abu Hanifa and Imam Shami have given great importance to conjecture and the said companions have taken advantage of conjecture in their time and solved many problems. Basically the meaning of problems compares one thing to another. For example, alcohol has been declared haraam because it contains nashd. Therefore, everything that contains intoxicants has been declared haraam. 6- Jihad (Ijtihad): The literal meaning of Ijtihad is to do the extreme, while according to its view, the meaning of Ijtihad is: to test the Islamic issue on the criterion of mischief.

### 6:Ijtihad

Rakwa is an important source in Islamic law. The power of assembly is not vested in all members of society. People who are fluent in Arabic as well as Islamic law and understand the principles and rules of Ijtema, Qiyas well are considered worthy of Ijtihad and have been given the name of Jihad.

### Conditions for the Mujtahid

Conditions for the Mujtahid cannot be every individual. People who have the following characteristics will be able to be called Di Majid. The language is fluent. And be fully acquainted with the Sunnah of the Prophet. Understands the aspect of conjecture and consensus. The Rightly Guided Caliphs should be aware of the decisions of their followers and Imams.

Exceeds our political, economic and moral aspects. Should be a pious Muslim. Ijtihad and concepts and the Companions are very much appreciated because this is the method by which the Islamic laws have not been frozen, but it is very useful to seek help to adapt to the demands of the time and changing circumstances. Imam Abu Hanifa, Imam Shafi'i, Imam Nabil, Hazrat B bin Saeed have undergone significant oppression who made numerous laws a part of Islamic law through Ijtihad in their respective eras.

### The Importance of Ijtihad in the Modern Age

As much as Ijtihad is needed in the modern age. Maybe it was needed so much before. This is because of the great scientific, industrial, information and communication revolutions in the world that have exacerbated the day-to-day problems of human life. If these problems are not solved, then Muslims will lag behind the world in every field. One of the main reasons why modern-day Muslim Amiko is facing so many problems is that the door to ijtihad has been closed for at least the last two centuries. No one is allowed to do ijtihad and no one is looked upon with the best eye. However, in the Islamic State, Ijtihad was given much importance. The Holy Prophet once urged the Companions to trust. The Prophet (peace and blessings of Allaah be upon him) said: Once you have sent Hazrat Moaz bin Jabal Odani as N, how will you deal with different ways? He said, "I will seek guidance from the Qur'an al-Hakim in remembrance." The Prophet (peace and blessings of Allaah be upon him) said: What if you do not seek guidance from the Sunnah? Maaj said that he would decide on the basis of Qur'an, Sunnah and vision in Pur. Presence

I really like Maaj's answer. This tradition shows how much importance was given to the Holy Prophet. Hazrat Abu Bakr Sadi also used to look carefully at the Sunnah of the Prophet (peace and blessings of Allaah be upon him) for guidance from the Qur'aan al-Hakim and then ask the Sahaabah for a solution to the problem. If someone could explain the solution to the problem in the light of Qur'an and Sunnah, you would be very grateful. Hazrat Imran, who is called Imam Mujtahidin, has always attached great importance to Ijtihad. Hazrat Omar in his time suspended the punishment of stealing for a while even though he had kept the punishment of stealing in his hands, but Hazrat Omar said that the punishment of stealing during famine can be kept in hand because cat is a sudden calamity. To deal with this, man is sometimes forced to do wrong. In the same way, Hazrat Umar and many laws were made through Ijtihad because during the reign of Omar, the Islamic State expanded to all corners of the world and Ijtihad was desperately needed to run the business government successfully. He founded the police department with his understanding and foresight. Even after the Companions, the doors of Ijtihad should not be closed, but the Imams also introduced many Islamic laws through Ijtihad.

### Conclusion

The Holy Prophet said that al-din yasr (din is easy ) There are difficulties in this too. They are created by the so-called scholars of modern times. Neto, they are capable of ijtihad and they are capable of doing this to someone else. Therefore, the doors of modern age ijtihad have been completely closed. Therefore, today's Maulana issues fatwas on disbelief, but there is no one to impose restrictions on them. Hazrat Shah Waliullah placed great emphasis on the need for ijtihad. He tried to put an end to the Shia riots and mistrust between the two sects, but after Shah Wali-ul-Haq, no doubt, there was no great muhaddith or jammud in the Indian subcontinent. In his writings, Allama Iqbal has termed Ijtihad as the greatest brass of Islamic power. According

to him, if the Muslim Ummah wants to take the leadership of the world in its hands once again, it will have to knock on the door of Ijtihad and get all such issues.

# Reference

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