




QURAN AS PRIMARY SOURCE OF ISLAMIC LAW



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MEANING OF QURAN:

Al quran , Al kitab are used in the same meanings

Al bazdawi: **“book revealed to the messenger of Allah, Mohammad (PBUH)”**

Some jurist add **“revealed in Arabic”**

Quran is the revealed & miraculous speech of Allah Almighty

Some other say revealed to Hazrat Muhammad (PBUH) just to exclude other revealed books:

- 1- Taurah
- 2- Evangel
- 3- Zaboor

Some insist **“recited text”**

Holy Quran transmitted to us by way of tawatur which means transmitted to us by both:

- a) In written text form
- b) Mannerized form

Ijaz of the Quran (inability of human being to imitate or bring about similar to quran)

- Quran in the sources of legislation as revealed in many verses
- Verses revealed at Macca & Madina

Laws:

Inheritance, marriage, divorce, war & peace, ties regulating the relations, moral teachings, punishments for offences, laws of maintenance.

LITERAL MEANING OF QURAN:

- i- “Qara’a” to collect or to comply
Holy Quran **“it is for us to collect & testify” (75:17)**
- ii- “qar’ana” (union & conjunction)
Holy Quran **“this is the book, it is guidance sure, without doubt” (2:2)**
- iii- “qira’athum’ to read & recite
- iv- “qira’in” plural of “qarina” (evidence, argument, symbol)

REVELATION OF QURAN:

Quran did not revealed all at once rather transmitted by way of tawatur, revealed in stages and in accordance with problems faced by the muslims. It has detailed and well documented history.

Wisdom of revelation in stages:

- The memorization of Quran by companions
- a- **“It is the Quran which we have divided into parts from time to time in order thou mightiest recite it to men at intervals: we hence revealed it by stages.” [17:106]**
- b- Implementation of laws at abrogation
 - Example: prohibition of khamr

VERSES OF QURAN:

- A- Muhkamat (explicit commands)
- B- Mutshabehat (non- explicit command)

CLASSIFICATION OF QURAN:

- I- Science of theology
- II- Ethical principles
- III- Rules of human conduct

KINDS OF RULLING:

- i- Obligatory (namaz)
- ii- Recommended (help to needy)
- iii- Prohibited (zina)
- iv- Permitted
- v- Disliked (Non marriage is not haram, but disliked in Islam)

QURAN AS A PRIMARY SOURCE OF ISLAMIC LAW:

1-STATE AFFAIRS:

- Sovereignty:
“Sovereignty is for none but Allah Almighty alone.” [Al Quran]
- Code of laws in an Islamic state:
“Follow only that what has been revealed to you by your Allah Almighty.” [Surah Al Araf]

- Entire ummah shall take part in Government:
“you are the ummah raised for the good of all mankind your responsibility is to enjoin right and to forbid the wrong.” [Al Quran]
- System based on consultation:
“All affairs shall be settled by mutual consultation.” [Surrah Al-Shurrah]

2-GOVERNMENT AGENCIES:

In each and every affair they shall have to ensure that they do not take any decision against the Quran & sunnah.

3-JUSTICE:

According to the words of Allah:

“During the course of justice do no make any distinction between your relatives or between your people and those of other factions neither the status of rich and your personal benefits effect your judgement. The judgement must be based on truth even if it goes against you or yourself”.

[Al Quran]

“whenever you decide the disputive matters of the people always do it with justice.”

4-GENERAL INSTRUCTIONS FOR FAMILY LIFE:

- i- Nikkah:
What should be the proper age of nikkah it is discussed in Quran.
- Mutual consent of both the parties is one of the essentrial ingredients for marriage.
- **“A marriage is void, if it is contracted with the prohibited relations.” [Surrah Al Bakra]**
- What should be the amount of dower and when dower is given? It is discussed **in verse:236,237 of Surrah Bakra**
- Whole procedure of divorce is discussed in **Surrah Al-Bakra, Talaq and Al- Noor.**

5-TESTAMENT & INHERITANCE:

Injunctions for inheritance are given collectively in **two verses of “Surrah Al-Nisa”**

- i- Who are quranic sharers?
- ii- What is their specific shares?

In **Surrah Al- Maida testament matters** are discussed:

“When death approaches you, and you are leaving behind your personal property make a testamentary will for your perenges and other close to you.”

6-INJUNCTIONS FOR SOCIAL LIFE:

Quran laid down some principles for social living which are as follows:

- i- Moderation in expenses
- ii- Eat, drink but do not waste
- iii- Do not shun the words that are deceitful and showy

7-PROTECTION OF LIFE:

The believers are ordained not to kill one another:

“If they killed the single person it would be taken to destroy the whole mankind, and if they saved a life of single person it would be as if they saved the whole life of mankind.”

[Al-Quran]

8-BASIC HUMAN RIGHTS:

“Every human child is equally worthy of respect thus on account of ones genesis.”

9-CRIMES & THEIR PUNISHMENTS:

Quran specify the crimes and also describes the punishments for them which are as follows:

- i- For zina = 100 stripes
- ii- For Qazaf = 80 stripes
- iii- For haraba & saraka= cutting of hands
- iv- For apostasy, murder= end their lives
- v- For drinking= 80 lashes

FINAL ANANLYSIS:

Quran comments on realities. There is solution of every problem in Quran. Quran is a universal law no one can make change in Quran because Allah is the guardian of Quran.

“In reality we made this Qur’-an very easy for taking guidance . it does not contain any disputive matters.”

[Al-Quran]

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