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Various sources of Islamic law are used by Islamic jurisprudence to clarify Sharia, the body of Islamic law. The main sources adopted around the world by all Muslims are the Koran and Sunna. The Koran is the holy Scripture of Islam, which Muslims consider to be the direct and non-alternative word of Allah. The Sunna consists of religious actions and quotations of the Islamic prophet Muhammad and is narrated through his associates and Shiite imams. However, some law schools use different methods to judge the level of validity of the source. Since the Islamic rules referred to in the first information did not directly address all possible events, jurisprudence should refer to resources and genuine documents in order to find the right course of action. According to Sunni law schools, the secondary sources of Islamic law are consensus among Muslim lawyers, analog deduction, al-Rai; independent reasoning, benefits to the community and customs. Hanafi school often relies on analog deductions and independent reasoning, and Maliki and Hanbali usually use hadith instead. Shafi'i School uses Sunnah more than Hanafi and analogies more than the other two. Among Shiites, Usuli School of Jafari Jurisprudence uses four sources that are the Koran, Sunna, Consensus and aql. They use Ijma under special conditions and rely on aql (intelligence) to find common principles based on the Koran and Sunna, and use the *usul al-fiqh* as a methodology for interpreting the Koran and The Sunna in different circumstances, and Akhbari Jafaris relies more on hadith and reject *izhtihad*. According to Momen, despite significant differences in the principles of jurisprudence between Shiites and the four Sunni law schools, there are fewer differences in the practical application of jurisprudence to ritual rites and social transactions. Considered a direct word of God, as demonstrated to Muhammad through the angel Gabriel in Mecca and Medina, Scripture defines the moral, philosophical, social, political and economic foundation on which society should be built. The verses identified in Mecca relate to philosophical and theological issues, while those identified in Medina are related to socio-economic laws. The Koran was written and preserved during Muhammad's lifetime and composed shortly after his death. Muslim lawyers agree that the Koran is not fully a legal code (used in the modern sense); rather, its purpose is to lay down a way of life that governs a person's relationship with others and God. The verses of the Koran are divided into three areas: science of speculative theology, ethical principles and rules of human behavior. The third category is directly related to Islamic legal issues, which contain about five hundred verses, or one thirteenth of it. Teh the interpretation of the Koran led to different opinions and judgments. Interpretations of the poems of Muhammad's associates for Sunnis and imams for Shiites are considered to be the most authentic, as they knew why, where and on what occasion each verse was revealed. Sunna is the next important source, and is usually defined as the traditions and customs of Muhammad or words, actions and tacit statements about him. According to Shia lawyers, the Sunn also includes the words, deeds and confessions of the twelve imams and Fatima, the daughter of Muhammad, who are believed to be infallible. The justification for the use of Sunna as a source of law can be found in the Koran. The Koran commands Muslims to follow Muhammad. During his lifetime, Muhammad made it clear that his traditions (along with the Koran) should follow after his death. The vast majority of Muslims consider the Sunnou necessary supplements and explanations of the Koran. In Islamic jurisprudence, the Koran contains many rules of conduct expected of Muslims, but there are no specific Koranic rules on many religious and practical issues. Muslims believe that they can look at a way of life, or Sunn, Muhammad and his comrades, to learn what to imitate and what to avoid. Most of the Sunna is recorded in hadith. Muhammad initially ordered his followers not to record their actions so that they would not confuse them with the Koran. However, he asked his followers to spread his remarks verbally. As long as he is alive, any dubious record can be confirmed as truthful or false by simply asking him. His death, however, caused confusion in Muhammad's behavior. Thus the hadiths were installed. Because of problems with authenticity, the science of hadith (Arabic: Ulum al-Hadith) is established. This is a method of textual criticism developed by early Muslim scholars in determining the veracity of the reports attributed to Muhammad. This is achieved by analysing the text of the report, the scope of the report, the routes of the report and the individual narrators involved in its transmission. Different classifications of hadiths have been developed on the basis of these criteria. To establish the authenticity of a particular hadith or report, it had to be verified by following the chain of transmission (*inad*). So the journalists had to bring their link, and link them all the way back to Muhammad. All links in the chain had to have a reputation for honesty and having a good retentive memory. Thus biographical analysis (*'lim al-rijl*), illuminated. The Science of Men), which contains details about the transmitter carefully. This includes Their date and place of birth, Family ties, Teachers and students religiosity, Moral conduct Literary outlet, Their travels; and their date of death. On the basis of these criteria, the reliability (ticket) of the transmitter is assessed. It also raises the question of whether that person was really able to convey a report that aligned them out of their present and geographical proximity to other transmitters in the chain. Examples of biographical dictionaries are Tahdhab al-Tahdhab by Ibn Hajar al-Ashkalani or Tahqirat al-Khuffaz al-Dahabi. Using this criterion, hadiths are classified into three categories: 1. Undubitable, which are very well known and backed up by numerous references. 2. Widespread (mashur) that are widely known but backed up by several original references. 3. Isolated or solitary (wahids) that are backed up by too few and often intermittent references. Secondary sources All medieval Muslim lawyers rejected the arbitrary opinion, and instead developed various secondary sources, also known as legal principles or doctrines, to follow in case the originalists (i.e. the Koran and the Sunna) are silent on this issue. Ijma, or consensus among Muslim lawyers on a specific legal issue, is the third source of Islamic law. Muslim lawyers give many verses of the Koran that legitimize the ijma as a source of legislation. Muhammad himself said, My followers will never agree on a mistake or what is wrong, God's hand with the whole community. In history, it has been the most important factor in determining the meaning of other sources and thus in the formulation of the doctrine and practice of the Muslim community. This is because ijma represents the unanimous consent of Muslims on regulation or law at any given time. There are different views on ijma among Muslims. Sunni lawyers consider the ijma a source in matters of legislation as important as the Koran and Sunna. Shiite lawyers, however, consider ijma a source of secondary importance and a source that, unlike the Koran and Sunna, is not free of mistakes. Ijma' has always been used to refer to an agreement reached in the past, both remote and neighbourly. Among sunni lawyers there is a variety of who has the right to participate in ijma ' as shown in the following table: School of Law Formation ijma' Rationale Hanafi through the public consent of Islamic lawyers Lawyers lawyers are experts on Shafi's legal issues and through the consent of the whole community and the public at large people can not agree on anything misguided Maliki through an agreement between the residents of Medina , the first Islamic capital of Islam tradition says : Medina banishes bad people as the furnace banishes impurities from Hanbali's iron through agreement and practice Muhammad they were most aware of about questions and rightly guided Usuli only consensus ulema of the same period as the Prophet or Shia Imams is mandatory. consensus is not truly binding in itself, rather it is mandatory as much as it is a Sunna detection tool. In modern Muslim custom, it is no longer associated with traditional power and looks like a democratic institution and a reform tool. The zias or analog deduction is the fourth source of sharia for Sunni jurisprudence. The Shiites do not accept qiyas, but replace it with reason (aql). It is a legal deduction process where a lawyer, faced with an unprecedented case, bases his argument on the logic used in the Koran and The Sunnah. It should not be based on arbitrary judgments, but should be firmly rooted in the first. Supporters of qiyas often point to passages in the Koran that describe the application of a similar process in the past to Islamic communities. According to Hadith, Muhammad said: Where there is no court injunction, I will judge among you for a reason. He also extended the right to reason to others. Finally, Kiyas is sanctioned by the ijma, or consensus, among Muhammad's associates. The success and expansion of Islam brought it into contact with various cultures, societies and traditions such as the Byzantines and The Persians. With such contacts, new problems have arisen that need to be addressed in Islamic law. There was also a considerable distance between Medina, the Islamic capital, and Muslims on the periphery of the Islamic State. Until now, lawyers have had to find new Islamic solutions without close supervision of the Islamic law center (still in Medina). During the Umayyad dynasty, the concept of qiyas was abused by rulers. The Abbasids, who replaced ummayad, defined it more strictly, trying to apply it more consistently. The general principle underlying the qiyas process is based on the understanding that each injunction guarantees a beneficial and satisfying purpose. Thus, if the reason for the injunction can be withdrawn from the basic necessities, a similar deduction may be applied to cases with similar reasons. For example, wine is forbidden in Islam because of its intoxicating property. Thus qiyas leads to the conclusion that all intoxicating are prohibited. Hanafi School of Thought very strongly supports qiyas. Imam Abu Hanifa, an important practitioner of qiyas, raised qiyas to a position of great importance in Islamic law. Abu Hanifa expanded the rigid principle of basing rulings on the Koran and Sunna to include the opinion and exercise of free thought by lawyers. In order to respond adequately to the problems, he based his judgments, like other lawyers, on the explicit meanings of the primary texts (Koran and Sunna). But, he also considered the spirit and whether it will be in the interests of the aims of Islam. Such decisions are based on the public interest and well-being of the Muslim community. Our knowledge is an opinion, it is the best we have achieved. Anyone who is able to reach different conclusions is entitled to his own opinion because we are entitled to our own. - Abu Hanifa Shafi'i School of Thought takes qiyas as a valid source. Imam Shafia, however, considered it a weak source and tried to limit cases where lawyers would have to resort to the gia. He criticized and rejected analog deductions that were not firmly entrenched in the Koran and The Sunn. According to Shafia, if analogue deductions were not strictly rooted in the primary, they would hang negative consequences. One such consequence could be the variety of different rulings on the same issue. Such a situation, in his view, would undermine the predictability and uniformity of a good legal system. Imam Malik adopted qiyas as a valid source of legislation. According to him, if it is possible to draw a parallel between the effective cause of the law in the root cause and the new case, the analog deduction can be a viable tool. Malik, however, went beyond his commitment to a strict analogy and offered statements based on what lawyers considered a public good. Abu Hanifa's preference has developed a new source called *istihsan*, or legal preference, as a form of analog deduction (*qiyas*). *Istihsan* is defined as: - Means to search for ease and convenience - to accept tolerance and moderation - for excessive rule of analog deduction if necessary. A source inspired by the principle of conscience is a last resort if none of the widely accepted sources applies to the problem. It involves giving favor to ordinances that dispel difficulties and bring ease to people. This teaching was justified directly by the Koran: Allah wishes you lightness and goodness, not difficulties. Although his main supporters were Abu Hanifa and his disciples (such as Abu Yusuf), Malik and his disciples used him to some extent. The source was subjected to careful discussion and reasoning, and his opponents claimed that he often departed from the first information. This doctrine was useful in the Islamic world outside the Middle East, where Muslims faced environments and problems they were not familiar with in Arabia. One example of *istihsan* is given as follows: If a well is contaminated it cannot be used for ritual cleansing. *Istihsan* assumes that removing a certain number of water buckets from the well will remove impurities. The analog deduction (*qiyas*), however, says that despite the removal of some of the water, a small concentration of polluting Will always stay in the well (or wall well), making it nice unclean. The use of the analog deduction means that can't use well, and therefore causes difficulties. Thus, the principle of the truth is applied, and the public can use the well for ritual cleansing. For the public good, Imam Malik developed a tertiary source called al-Maslaha al-Mursalah, which means social benefit. According to this source of Islamic law, rulings can be issued in accordance with the fundamental meaning of the disclosed text in the light of the public interest. In this case, lawyers use their wisdom to pursue the public interest. This source is rejected by Shafi'i. Shafi'i's textual instruction took cases in which he had to be more flexible with the use of *sisas*. Like Abu Hanifa and Imam Malik, he developed a tertiary source of legislation. Shafi'i School has adopted *istidlal*, a process of finding a guide from the source. *Istidlal* allowed lawyers to avoid a strict analogy in case a clear precedent could not be found. In this case, the public interest was noted as the basis for the legislation. Scientists divide the truth into three types. First, it is an expression of the link between one sentence and another for no particular effective reason. Further, *istidlal* may mean the presumption that the state of things that have not been proven to have ceased is still ongoing. The final type of *istidlal* is the power against the identified laws previously Islam. Some of Wajib's general conditions are mandatory, necessary, valid. An act that must be performed. You will be rewarded for performing it and punished for neglecting it, such as daily prayers, fasting Ramadan. *Ichtyyat wajib* - precautions necessarily. Its value is the same as that of *vajib* with the difference that in problems where Mujtahid says it is cautiously necessary, one has the ability to leave his solid (after) in this particular problem and after the decisions of the second best mujtahid in this problem. Haram is forbidden, forbidden. It is necessary to refrain from acts that are haram. If someone commits an act of haram, he will be punished, for example, for the use of pork. Sunnat, Mutahab - recommended, desirable. Actions that are not neglected, but whose execution is rewarded, for example, by the call to prayer (*adhan*). Makruh - reprehensible, disliked. Acts that are not punishable but whose avoidance is rewarded, such as eating in a janabata state. Ja'iz, Halal, Mubah - allowed, permitted, legal, legal. Actions or what is permitted and legal. There is no reward for its performance and no punishment for neglecting it, for example, drinking tea. Muba is used solely for legitimate things, not for permitted actions. Taklid or taklid (Arabic تقيّد taq'id) is an Arabic term meaning follow (someone) or imitate. In Islamic terminology this applies to the practice of following the decisions of the religious body necessarily to study the biblical basis or justify this decision. In Islamic theology, the so-called person, considered to be the highest religious authority (e.g., *alim*), is acceptable in the details of religion, such as matters of worship and personal affairs, but not in the basics of faith. This most often refers to joining one of the five classical *fiqh* schools, or jurisprudence known as *madhhab*. *Taqlid* literally means to follow (someone) to imitate. In Islamic legal terminology it means following mujtahid in religious laws and commandments as he received them. Mujtahid is a man who is an expert in Islamic jurisprudence (*fiqh*); it is also called *fakih*. In order to see where and why the practice of *taklid* has gained recognition in the Shia world, it is necessary to explain it first in detail. Human nature dictates that it can function normally only in society, and society depends on laws and regulations. Islam teaches that Allah has sent a number of messengers and prophets with divine laws to guide man from the very beginning of his existence. The last Messenger and Prophet was Muhammad bin Abdullah (may the peace and blessings of Allah be upon him and his family), who brought the last and most perfect of God's religious messages, Islam, which should serve as a guide to humanity until the end of time. Allah is the Creator of man and the universe, and so only He can, or has the right to make laws for us. Prophets and messengers are only teachers and proclaim the laws and rules of Allah; they can't make laws themselves. The teachings of Shiite Islam say that the imam is the successor to the Prophet and acts as a sanctuary and interpreter of Islam and its divine law, Sharia. In the earliest period of Islamic history, the Prophet led the Muslim community (*umma*) on every step she took and was there to solve all its difficulties. From the time of the first imam, Ali, to the death of the eleventh, Imam Hassan al-Askari, peace on them, Shiites received leadership directly from the imams. Then, during the Period of the Small Occultization (al-Gaibatu 's-sugra) of the Twelfth Imam, he himself consistently appointed four representatives who acted as a liaison between the imam and his Shiites. However, when the present imam, the world upon him, went to his Great Oakulation (al-ghaybatu 'l-kubra) in 329/941 in obedience to the command of Allah, the Shiites were forced to observe the *taqlid* in their religious affairs. It is not always wise to follow others and adhere to an uncritical belief in their opinions. We can discern four possible forms that imitation can take: a) an ignorant man an ignorant man, b) what of a learned man more scientist man, c) that of an ignorant man learned a man, d) that of less learned person. It is clear that the first three forms of imitation are unfounded and cannot serve any purpose. However, the fourth species is obviously not only reasonable, but also necessary and a matter of common sense; in our daily lives we follow and imitate others in many things; we like to feel that we are taking the advice of experts on issues unrelated to our own knowledge. Anyone who wants to build a house explains the basic idea that he wants his builder and then obeys his advice on how he should go about actual construction; The disabled person follows the treatment recommended by his doctor; consultation with a lawyer in the preparation of his case for submission in court. Examples are plentiful; in most cases consultations were voluntary, but sometimes by law a citizen in the country may be obliged to seek advice from an expert and take action before, for example, being allowed to take certain particularly dangerous drugs. The most obvious example is in the case of a legal dispute between the two parties, when they are obliged to take their complaints to the judge and comply with his decision if they cannot settle their dispute amicably. The practice of *taklid* is an example of the same kind: a person who is not an expert in the field of

jurisprudence is required by law to follow the instructions of an expert, i.e. mujtahida. Again, the requirement is an obligation that must be respected, for it is an integral part of the divine law. It should be noted that the taklid applies only to the kingdom of Sharia; can not be taqlid in matters of faith (usulu 'd-din). A Muslim should believe in the foundations of one's religion after being convinced of his truth through study and reflection. The Koran very clearly condemns those who blindly follow others in matters of faith. And when they are told: Come now to what Allah has sent down, and the Messenger, they say: Enough for us what we have found our fathers to do. What, even if their fathers knew about zeros and weren't rightfully guided? (5:104) This strong condemnation of idolaters is repeated elsewhere: And when they are told, Follow what Allah has sent down, they say, No, but we will follow things like we have found what our fathers do. This does not mean that it is necessary to adhere to faith that is contrary to the faith of one's ancestors; The Koran says that one should not blindly follow them, i.e. without considering the validity of their reasons for their conduct. The Islamic attitude to the fundamental faith is that one can consider the views and opinions of others, but that one must only accept what is reasonable to believe: So give you (O Muhammad!) good views to my servants who give an ear to the word and follow the fairest of it. These are the ones Allah has. they are people obsessed with minds. (39:17) To sum up, the only approach to Islam is to accept its principles in a way that fully verifies their validity, and this can only happen if they are carefully and conscientiously examined. Once one has come to accept these principles follows as a necessary consequence of having to adhere to Sharia, either by following the mujtahid in taqlid, or by taking the acquisition of learning and piety to such an extent that one becomes mujtahid itself. The Koran instructs Muslims to seek guidance from people who study in matters of which they lack knowledge: It's a question to people of memory if you don't know. (21:17) Islamic law has an obligation to study everything that is necessary for the spiritual and material development and well-being of the Islamic community, but it is a commitment known as the Wajib Kifai. In this case, for example, the Islamic society needs experts in the medical sciences, physics and chemistry, engineering, education and so on, and as long as these areas lack knowledge, the community as a whole has a duty to acquire them, which means that a group of Muslims must devote themselves to research in order to benefit the Islamic people as a whole. Similarly, an Islamic society without experts in Sharia cannot properly consider itself An Islamic, so a group of people from that society has an obligation to devote themselves to the study of religious sciences in order to provide divine guidance to all Muslims. This is the meaning contained in the verse of the Koran, which says: But why not a party of each part of them (believers) go forward to become learned in religion, and warn their people when they return to them that they may beware? (9:124) It is clear that the imams were satisfied if any of their comrades taught religion or gave legal orders (fatwa) to others. There are a number of documented cases of Shiites who lived far from Medina, asking an imam of the time to appoint someone in their area to rule between them in religious problems. For example, Ibn Adam al-Kummi and Yunus bin Abdua al-Rahman were named imam Ali al-Rida to resolve disputes in their neighbourhoods. In the famous hadith, Umar ibn Khanzal asked Imam Jafar al-Sadiq, peace to him, about the legitimacy of the two Shiites, seeking a verdict from an illegitimate ruler in a dispute over debt or heritage. The imam replied that it was absolutely forbidden. Then Ibn Hanzalah asked what the two should do, and the imam replied: They must seek one of you who tells our traditions, who understands what is permissible and what is forbidden, who is well acquainted with our laws and ordinances, and accept him as a judge and for I will appoint him as a judge over you. If a ruling based on our laws is rejected, this rejection will amount to ignoring the order of Allah and abandoning us - it is the same as rejecting Allah, and it is the same as polytheism. In another tradition of Imam Jafar al-Sadiq, this time narrated by Imam Hassan al-Askari, the world is upon them, he says: ... but if there is someone among the Fukahi who controls himself, defends his religion, suppresses his evil desires, and obeys the commandments of his Master, the people must follow it. The third hadith from the current imam, Muhammad al-Mahdi, the world on him, who said in response to Ishaq ibn Yaqub: As for the new circumstances, you must turn (for guidance) to the narrators of our hadiths, because they are my proof of you just as I am proof of Allah . We can understand two things from these verses of the Koran and the hadith of the imams: 1) there must always be a fukahi group in every Muslim society; 2) those who are not qualified as fuhaha or mujtahids, should follow one, and that going against his teaching in religious matters is tantamount to polytheism. It is easy to conclude from the second Ahadites cited above that becoming an expert in fiqh and other Islamic sciences alone is not enough to qualify as mujtahid which everyone can follow. In addition to this, Islamic law stipulates that mujtahid must be a free man of legal birth who is beyond the age of puberty, sane, Ithna-ashari Shi'ah, and 'adil, (which can be translated as simple, but which includes other moral and legal qualities such as piety and abstinence from all that sharia prohibits and fulfills all its obligations). As for the question of how an ordinary believer should know who the mujtahid he should follow, there are three recognized ways: 1) his personal knowledge if he himself is a religious scholar; 2) the testimony of two adile, knowledgeable people, that someone was mujtahid; 3) in terms of popularity, which leaves no doubt that the person is mujtahid. Most modern ulema claim that it is most desirable to follow the Mujtahid, which is al-alam. In a general sense this means the most studied, but in this particular context it means faqih, which has the greatest experience in obtaining Sharia law from sources. Alam can be recognized in any of the three ways mujtahid can. However, it is sometimes difficult for the Shia Ulam to discern which of all fuqaha is the most studied, and as a result, more than one mujtahid can follow in taqlid at one time (although not, of course, the same person) as is the case now, but any such plurality does not lead to any practical disagreement on the legal Within the framework of the Many people wonder why it is that mujtahids differ in their religious beliefs, or fatwas when the basics of their ijthad are the same. First, it must be said that any differences in fatwas are unlikely to ever be contradictory; it is almost impossible to find a case where one mujtahid said that some action was a wajib and another was haram. Take, for example, the case of salad 'l-jum'ah, Friday prayer. All Shia believe that during the presence of the imam this salad is mandatory on Fridays, because it is the imam, or his representative, who has the right to call people to Friday prayer; but they disagree on what the right course of action is when the imam is in the Occult. However, such differences of opinion do not create any practical problems for society. The late Ayatullah al-Sayyid Muhsin al-Hakim (d. 1970) was one of the opinions that salad 'l-jum'ah is not mandatory during the occult of the Imam, but it does not matter if someone performs it, assuming that it is expected (from him), provided that he also prays a midnight prayer (salatu 'z-zu). Ayatullah al-Sayyid Abu 'l-Kasim al-Hui says you can choose between performing salad 'z-zuhr or salatu 'l-jum'ah, but once the latter is set with all its conditions (fulfilled), it is cautiously necessary to participate in it. Ayatullah al-Sayyid Ruhullah al-Humaini says that you can choose between performing a salad 'z-zuhr or salatu 'l-jum'ah, but if someone chooses the latter, it is desirable (mustahab) to carefully perform salatu 'z-zuhr as well. Although there are these differences of opinion of these mujtahids, there is no collision that would, for example, prevent a follower (muqallid) of one of them participating in the salad 'l-jum'ah if it was created. Secondly, it should be noted that differences in scientific opinion should not be seen as a sign of a significant lack of knowledge and as a reason for abandoning it altogether; it is rather a sign that knowledge is moving in progressive steps towards perfection. Differences of opinion can be found in all sciences, not just in fiqh. There may be, for example, more than one opinion on the therapy of a particular patient's disease, and all these opinions can be superseded later by developing new methods to combat the disease. Thus, these observations can be seen as having to do not only with the differences between the views of modern scientists, but also with historical differences, and all these differences should be seen as signs of dynamism in science and the stages that must be passed on its way to perfection. It should be remembered that mujtahid formulates his opinion after clicking his research and research as far as he can; that's all that's expected of him because he neither innerer, nor 'alim bi'l-ghayb (the connoisseur of the invisible). Mukallid is instructed to follow his opinion. Thus, even if the fatwa of the Mujtahida is not really in agreement with the real command of Allah, nor will he be punished on Judgment Day for having issued a fatwa, and will not be his muqallid for having acted according to it, for both will do what was brought to them and what was humanly possible for them to do. The purpose of ijth'd is to try to obtain and interpret the new rules from the Koran by analogy, i.e. by comparing verses and hadiths with implied values with excessively pronounced ones. For example, the meaning of a bye that commands your parents to obey: Don't tell them, Fi is on you! No mention of battery or invective. Since the exclamation of Fie on you, which is much softer than these forms of abuse, is expressed literally, mujtahids have concluded ijth'd that it should certainly be haram (prohibited) to beat or curse or insult their parents. In addition, the Koran literally prohibits the consumption of wine without naming other hard drinks. The reason for the prohibition of guilt is that it blurs the mind and suspends one's mental activity, as is understood from the expression used in the ayat. Thus, mujtahids have concluded by ijth'd that all kinds of drinks carrying features that cause wine should be banned as well; so they said that all kinds of intoxicating people were haram. It is stated that Allah commands to make ijthad in the Koran. It is clear from various ayats that high-class scientists and deep knowledge have been prescribed that they should perform ijth'd. Then, ijth'd is (Islamic commandment called) farz prescribed to people wielding full power, law and experience, i.e. those who have the ability and ability to understand the rules and questions hidden in the ayats and hadiths, whose meanings cannot be understood clearly, by analogy, deduction and induction from their designations, tenors of discourse and denotations. At the beginning of Islam ijthad was a widely used legal practice, and was well integrated with falsafa. He gradually dropped out of practice for several reasons, most notably the efforts of the 12th-century Asharite theologians, who believed that this led to errors of overconstrimatic judgment since the days of al-Ghazali. He was the most prominent of the Ashari, and his work, the inconsistency of Philosophers, was the most famous statement of this view. The question of whether al-Ghazali had observed or created the so-called closure of the Izhtihad door was discussed. Some say it happened in the early 10th century AD, a couple of centuries after the completion of the main hadith collections. In the words of Joseph Mine: Hence the consensus is gradually that from that time on, no one could be considered to have the necessary qualifications for independent reasoning in religious law, and that all future activities should be limited to the explanation, application and, at the very least, interpretation of the doctrine as it was laid out once and for all. This theory has been questioned recently by Wael Hallaq, who writes that there has always been a minority that has argued that closing the door is wrong, and a properly qualified scientist should have the right to perform ijthad, at all times, not just until four law schools have been identified. What is clear is that long after the 10th century the principles of ijthad continued to be discussed in Islamic legal literature, and other Asharites continued to argue with their Mutazilit rivals about its applicability to the sciences. Al-Amidi (1233) mentions twelve general disputes about ijthad in his book on the uws of al-fiqh (the theory of Islamic law), among other things, the question of if the prophet himself depends on ijthad and if it should be allowed for mujtahid to follow taqlad. In Islamic political theory, izhtihad is often considered one of the main qualifications of the caliph, such as al-Baghdadi (1037) or Al-Mwardi (1058). Al-Ghazali dispenses with this qualification in his legal theory and delegates the implementation of the ijthad ulema. Ironically, the loss of its application to the law also seems to have led to its loss in philosophy and science, which most historians believe caused Muslim societies to stagnate until the 1492 fall of al-Andalus, after which Muslim works were translated and led in part to the revival of Renaissance classical works using improved methods, although Muslims themselves no longer use these methods in their daily lives at all. Mujtahid is an Islamic scholar competent to interpret divine law (sharia) in practical situations using ijthad (independent thought). In some, but not all, Islamic traditions, Mujtahid can specialize in branches of sharia law - economic or family law, for example. The Mujtahid qualification was established by Abu'l Hussein al-Basri (died 467 AD / 1083 AD) in Al-Mu'tamad fi Usul al-Fiqh and adopted by later Sunni scholars, including al-Ghazali. These qualifications can be summarized as (i) understanding the objectives of sharia and (ii) knowledge of its sources and methods of deduction. They include: - competence in Arabic, which allows him to have a correct understanding of the Koran . That is, s/he must assess the intricacies of the language in order to be able to make accurate deductions from the clear and non-curved Arabic of this infallible source, and that of the Sunna. Adequate knowledge of the Meccanian and Medical contents of the ku'ran, the events associated with revelations and cases of cancellation (suspension or cancellation of the ordinance) showed in this. According to al-Ghazali, he should be fully familiar with his legal content (ayat al-Aqam) - about 500 verses. S/he should not have detailed knowledge of the narration and parables, nor the sections related to later, but with/he should be able to use them to deduce the legal norm. S/he should be familiar with all the classic comments on Ayat al-Aqam, especially the opinions of the Prophet's associates. Adequate knowledge of the Sunna, especially those related to its specialization. S/he should know the relative reliability of hadith narrators, and be able to distinguish between reliable and weak. S/he must have a deep knowledge of cancellation cases, distinguish between general and specific, absolute and qualified. One estimate (Ahmad ibn Khanbal) suggests that 1,200 hadiths should be known. s/he should be able to verify the consensus of the ijma companions of the Prophet, successors and leading imams and mujtahideen of the past, especially regarding his/her specialization. In addition, he should be familiar with issues on which there is no consensus. s/he must have a deep knowledge of the rules and procedures of reasoning by analogy (qiyas) so that c/he can apply the identified law to an unprecedented case. it must understand the identified objectives of sharia, which are for public interest, including the protection of the five pillars of life, religion, intellect, line and property. C/he must also understand the general maxims of the interpretation of sharia, which include eliminating difficulties that certainly should prevail over doubt, and striking a balance between unnecessary rigidity and too loose interpretation. s/he must practice that s/he preaches, that is s/he must be an upright person whose judgment people can trust! Some Islamic traditions consider that these high conditions cannot be fulfilled by anyone in our time, while for others - especially shi'ite traditions - they are shot in every generation. Shiha-hawza students begin to study fik, kalam, hadith, tafsir, philosophy and Arabic literature. After mastering these levels, they can begin to become mujtahid by studying advanced textbooks known as sat'h, and research courses known as kharj. To clarify the purpose of ijthad are presented the following points: God is all-core, omniscient. God has created laws for humanity, and only God has the right to do so. God appointed messengers to bring the laws to humanity. God appointed imams to guide humanity on laws. At present, neither the messenger (Muhammad) nor the imams (God-appointed leaders) are available. Current Al-Ka'aim al-Muntadhar al-Mahdi is in the Occult. Therefore, qualified lawyers are obliged to find the Law of God, not to create God's laws. Thus, ijthad is the process of finding the Law of God from the Koran and hadith using specific methods. Nowadays, Muslims living in the West are subject to the secular laws of the state, not Islamic law. In this context, ijthad becomes mainly a theoretical and ideological exercise without any legal force. Conservative Muslims say that most Muslims do not have legal training to conduct ijthad. They claim that this role has traditionally been given to those who studied for a number of years under the guidance of a scientist. However, liberal movements in Islam usually argue that any Muslim can perform ijthad, given that Islam does not have a generally accepted clerical hierarchy or bureaucratic organization. Shiite lawyers argue that if a solution to the problem cannot be found out of basic necessity, then aql or reason should be given the will to bring the proper response out of necessity. The process by which a lawyer makes a rational effort to make a decision when applied is called ijthad (literally meaning stress yourself). Shiite lawyers argue that qiyas is a certain type of ijthad. The school of thought of Sunni Shafi, however, believes that both qiyas and ijthad are the same. Sunni lawyers have adopted ijthad as a mechanism for making decisions. They did, however, announce the end of their practice in the 13th century. The reason for this was that Islamic learning centers (such as Baghdad, Nishapur and Bukhara) fell into the hands of the Mongols. Thus, the doors to ijthad were closed. In Sunni Islam, therefore, ijthad has been replaced by taqlid or adoption of doctrines developed earlier. Later in The Sunni History, however, there were notable cases in which lawyers used grounds to overwork the law from the first principles. One was Ibn Taiyya (d. 728/1328), the other was Ibn Rushd (Averroes d. 595/1198). There are many excuses found in the Koran and Sunna, for the use of ijthad. For example, during a conversation with Muadh ibn Jabal, Muhammad asked the first how he would make judgments. Muadh replied that he would refer first to the Koran, then to Sunna and finally to commit ijthad to make his own judgment. Muhammad approved of it. The lawyer who has the right to use this source is called mujtahid. Such lawyers were considered the founders of the Sunni Madhabs (schools of law). All mujtahid exercise at the same time the powers of the mufti and can give a fatwa. Some mujtahid claimed that mujaddid, or the resumption of religion. It is believed that such people appear in every century. In Shiite Islam, they are considered to be hidden imam. The term urf, meaning knowing, refers to and the practices of a society. Although this was not formally included in Islamic law, Sharia recognizes customs that prevailed during The Time of Muhammad but were not abolished by the Koran or tradition (called Divine Silence). Practices that were later innovative are also justified, as Islamic tradition suggests that people generally consider good to be God. According to some sources, Urf has the same authority as the ijma (consensus) and more qiyas (similar deduction). Urf is the Islamic equivalent of common law. Urf was first recognized by Abe Yasuf (d. 182/798), one of the first leaders of the Atafi school. However, it was considered part of the Sunna, not as an official source. Later, al-al-Sarahsi (d. 483/1090) opposed it, holding that custom could not prevail over the written text. According to Sunni jurisprudence, when using urfa, the custom adopted as law should be widespread in the region, not just in an isolated area. If it is in absolute opposition to Islamic texts, the custom is ignored. However, if it is in opposition to qiyas (similar deduction), custom is preferred. In addition, lawyers, as a rule, with caution, take precedence over the customs over the doctoral opinion of highly rated scientists. Shiites do not see customs as a source of jurisprudence. The author can be reached by modharris@legalserviceindia.com / Print This article Divorce under Muslim law: A firm union of husband and wife is a prerequisite for a happy family life. Islam therefore insists on the preservation of marriage and prescribes to avoid breach of the prenuptial agreement. Initially, no marriage was dissolved, but under unfortunate circumstances the prenuptial agreement is violated. Muslim marriage: Nika in pre-Islamic Arabia meant different forms of sexual relations between a man and a woman established under certain conditions, in pre-Islamic times, women were treated as chatter, and they were not given any inheritance and were completely dependent. It was the Prophet Muhammad who completely changed the status of women. The right of Muslim women to divorce: Divorce between ancient Arabs was easy and frequent. In fact, this trend persists to some extent in Islamic law. The Prophet considered him the most hated before the Almighty God of all permitted things; for it prevented marital happiness and prevented the proper upbringing of children. Custody under Muslim law: The source of custody and guardianship are certain verses in the Koran and several Ahadis. The Koran, Alady and other Muslim law bodies strongly speak of custody of the property of a minor, the guardianship of the person is a simple conclusion. Detention in accordance with legislation: the first and most important right to have custody of the children belonged to the mother and she could not be deprived of her right until she was found guilty of misconduct. The mother has custody until she is disqualified. Under Muslim laws, under the Women 's (Divorce Rights) Act 1986, the Act sets out the purpose of the Act as protecting the rights of Muslim women who have been divorced or divorced from their husbands. The concept of marriage in Muslim law: Islam, unlike other religions, is a strong supporter of marriage. There is no place for celibacy in Islam, like Roman Catholic priests and nuns. The Prophet said, There is no celibacy in Islam. Under Muslim law, ill-treatment was a marital crime: marital abuse was the course of one of the spouses' behaviour, which adversely affected the other. cruelty may be mental or physical, intentional or unintentional. If it's physical, it's a matter of fact and degree. Send your article via our online form Click here Note we only accept the original article, we will not accept articles already published on other websites. For more information Contact: editor@legalserviceindia.com Direct Call us at No: 9650499965 9650499965 sources and development of islamic law pdf

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