

رجب ۱۴۲۳ھ ☆ ستمبر ۲۰۰۲ء

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علمی و تحقیقی مجلہ فقہ اسلامی

Financial Transactions

Trade	Interest	Advance-Purchase
Manufacturing	Leasing & Hiring	Collaterals
Partnerships	Commissioning	Debts Gift
Endowments	Lost & Found	Deposits
Agriculture	Hoarding	

Personal Relations

Marriage	Divorce	Custody	Support
Inheritance	Manumittance		

Penal Code

Murder	Theft	Adultery	Slander
Highway Robbery		Drinking	Oaths &

Expiations

Judgment	Testimony	Coercion
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Sources of Fiqh

Primary Sources

Qur'an	Sunnah
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Secondary Sources

Consensus (Ijma')	Analogy (Qiyas)
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Evolution of Fiqh

Fiqh at the time of the Prophet (may Allah bless him & grant him peace).

Fiqh in the time of the Sahabah.

The four Imams and their schools.

Imam Abu Hanifah an-Nu'man ibn Thabit al-Kufi. (80-150 A.H.)

Imam Abu 'Abdillah Malik ibn Anas al-Yahsubi. (93-179 A.H.)

Imam Abu 'Abdillah Muhammad ibn Idris al-Shafi'i. (150-204 A.H.)

Imam Abu 'Abdillah Ahmad ibn Muhammad ibn Hanbal al-Shaybani. (164-241 A.H.)

حضرت امام شافعی رحمہ اللہ علیہ فرمایا کرتے کہ : امام مالک اور سفیان بن عیینہ نہ ہوتے تو تجار سے علم رخصت ہو جاتا

JURISPRUDENCE (FIQH)

A brief introduction

Definitions

Shari'ah - Those doctrinal, practical and dispositional regulations which Allah has legislated through one of His Messengers.

Fiqh - The science of extraction of practical religious regulations from their detailed sources. Fiqh is the practical implementation of shari'ah through its human understanding.

Differences between the Islamic Shari'ah and Man-Made Systems of Law

1. Divine origin vs. Human origin.
2. Consequences in this world and the Hereafter vs. This world only.
3. Development of personal accountability to Allah vs. Mere loyalty to the law
4. Absolute criteria providing for the benefit of creatures vs. Popular opinion which may or may not be beneficial.

Foundations of the Islamic Shari'ah

1. Consideration of the welfare of the servants, both in this world and the Hereafter.
2. Connection of regulations to their rationales, and persistence of the regulations in the presence and absence of the rationales.
3. Gradual, progressive legislation.
4. Preclusion of hardship.
5. Establishment of justice.

Categories of Actions

Fard	Fard `Ayn	Fard Kifayah	(Wajib)
Sunnah	Sunnah Mu'akkadah		Mustahabb
Mubah			
Makruh (Tanzih)(Makruh Tahrimi)			Haram

Branches of Fiqh

Worship ('Ibadat)	Purification	Salah	Zakah
Fasting	Hajj	Jihad	

☆ قال الشافعي رحمه الله تعالى: الفقهاء كلهم عيال ابي حنيفة في الفقه ☆