



AS-SUBAH  
ACADEMY

# Introduction to Fiqh

# The sources of Islamic Law

# SHARI'A

Shari'a means the Path to be followed. The path to be followed for salvation in the Hereafter is to adhere to the Qur'an and the Sunna.





# Qur'an

The uncreated Speech of Allah Almighty sent via the intermediary Angel Jibril (alaihi-salam) to the last of the Messengers of Allah – Prophet Muhammad – sallallahu alaihi wa sallam.

# The Sunna of the Messenger of Allah (sallallahu alaihi wa sallam)

The Sunna is recorded in the Hadith (see later) collections like

- Sahih al- Bukhari
- Sahih Muslim
- Sunan Abu Dawud
- Sunan ibn Majah
- Sunan al- Nasa'i
- Jami al-Tirmidhi

(these 6 books are known as the Sihah Sitta)

# Ijma us-Sahaba

This is the consensus or agreement of the Companions of Allah's Messenger (sallallahu alaihi wa sallam).





# Qiyas

This is the application of analogical deduction or reasoning based on some or all of the above sources. It is usually carried out in the absence of evidence from the above three sources. The Holy Qur'an is used to derive the foundations of the Shari'a. Allah said: "But remember the goodness which Allah has shown you and how much of the Book and the Wisdom (hikma) He has sent down to you to admonish you thereby." [Qur'an, Surah al-Baqara, 2: 231]

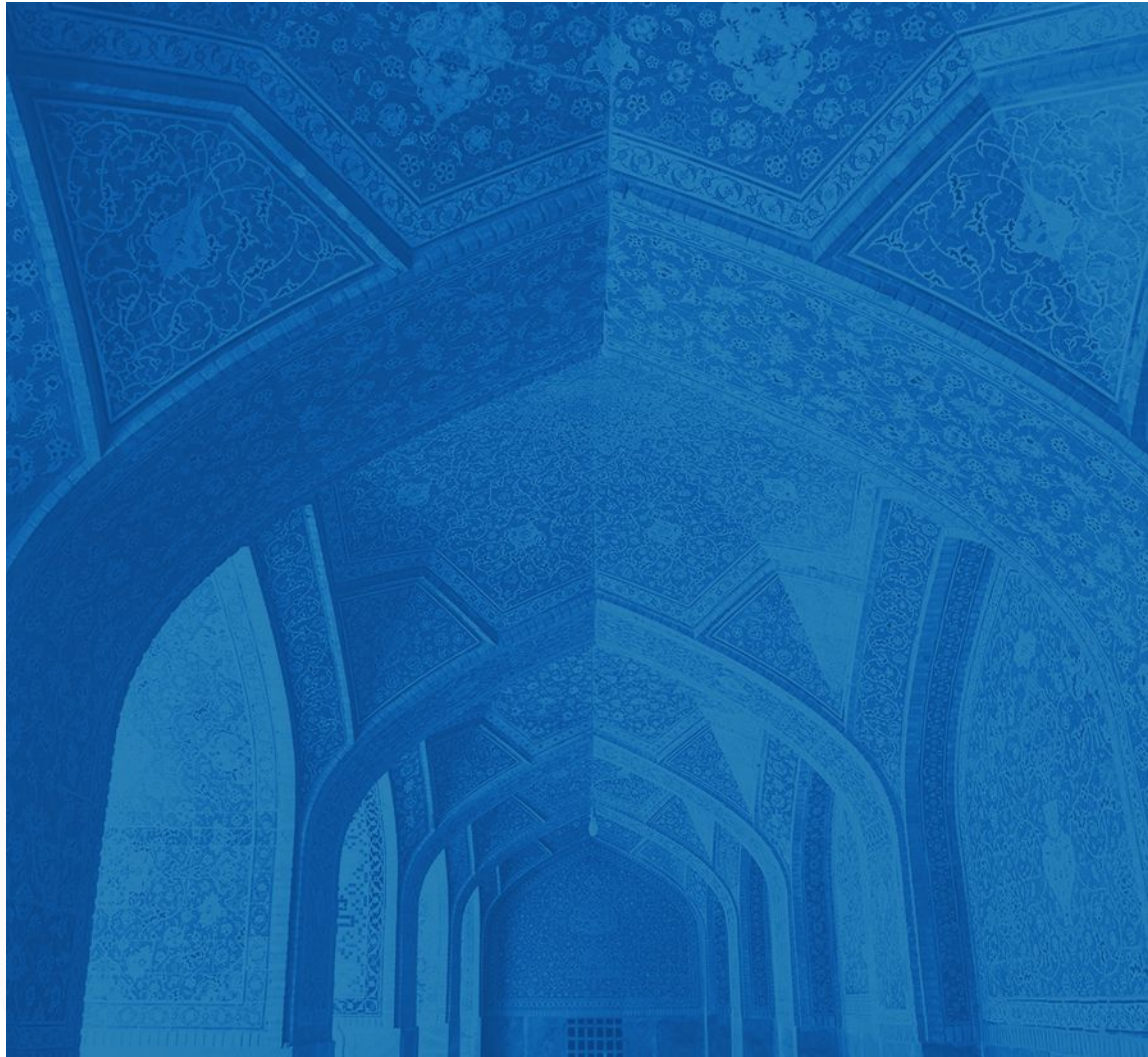
# Fiqh

The 4 sources listed above encode Islamic Jurisprudence.

The application of these sources of jurisprudence or the Shari'a is known as Fiqh.







# Faqih

The scholar who is an expert in Fiqh is known as a Jurisprudant or in Arabic a Faqih. The plural of a Faqih is: Fuqaha.

# **Madhhab** (plural: Madha-hib)

This is in essence an Islamic school of jurisprudence (fiqh). It represents the written and verbal positions of the Mujtahid Imams within a school of fiqh.

Those who deny or refuse to follow Mujtahid scholars are in reality followers of a group of their own trusted scholars. The latter group are not recognised by the 4 Schools as being Mujtahidun but mere claimants who lack many of the qualities and knowledge of true Mujtahidun.

# **Muqallid** (plural: Muqallidun)

The Muslim who is not a Mujtahid and follows one of the 4 Schools (Madhhabs) without knowing the detailed proofs. Thus he makes Taqlīd of the Mujtahidun. This applies to virtually every true Sunni Muslim today except a few elite scholars.

# Muhaddith

This is a recognised expert in the field of Hadith scholarship.





# Tafsir

This is the branch of Islam which deals with the extensive commentary of the Holy Qur'an.

## Mufasssir -

This is a scholar who is qualified to make Tafsir – that is a commentator of the Qur'an.

# **DIVISIONS OF THE AHKAM AL-SHARI'A (LEGAL RULINGS CONNECTED TO THE SHARI'A)**

# **FARD** (obligatory)

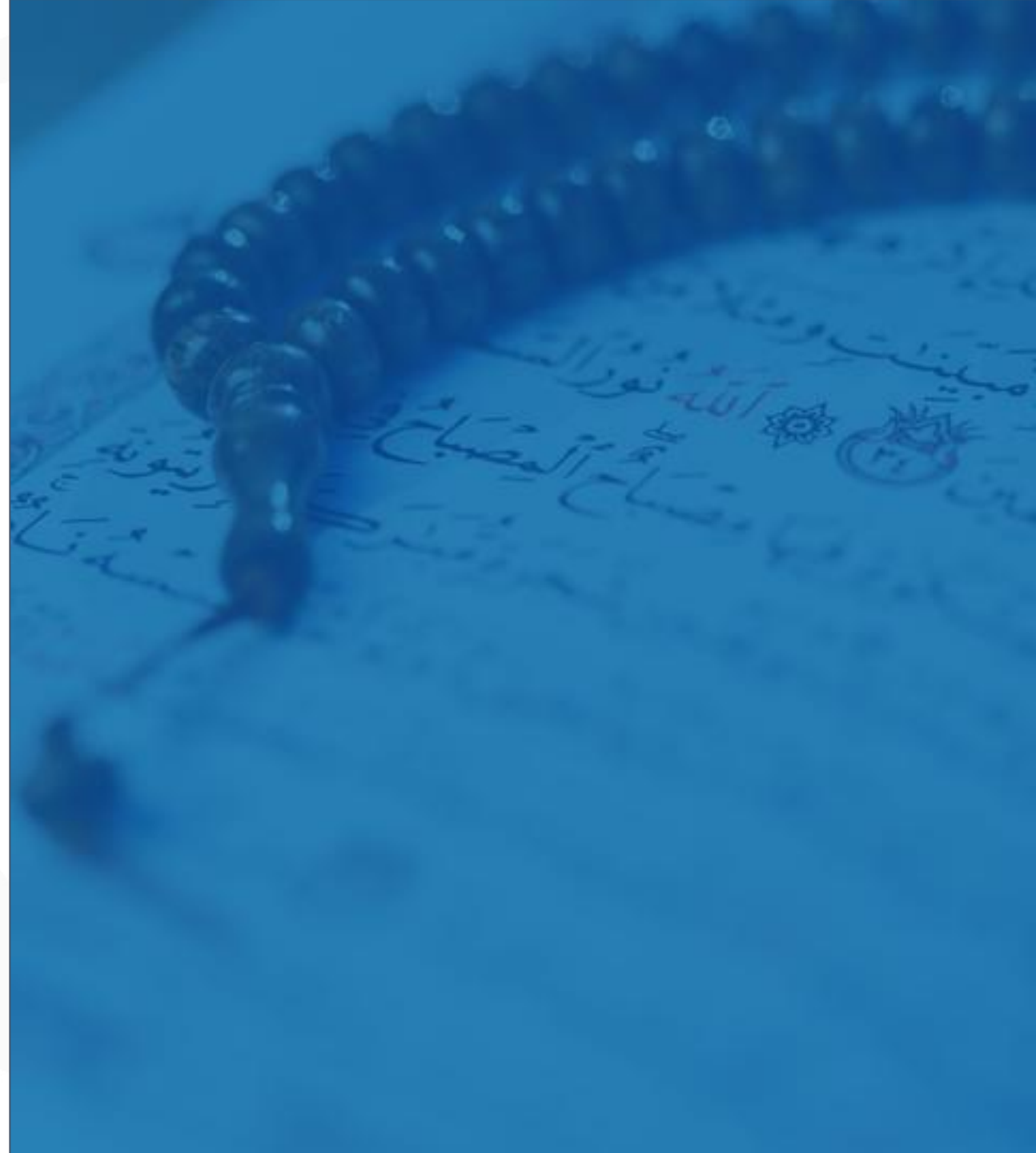
This is an act that is obligatory to follow. An act that is declared a Fard is based on Dalil Qat'ie (definite proof with a clear meaning) One who omits a Fard is sinful (Fasiq) and liable to punishment in a true Islamic state and in the Hereafter To deny the obligation of acting on a Fard leads to Kufr (rejection of Faith which can take one out of Islam)

**Fard is classified into 2  
sub-categories**



# Fard al-Ayn

This is an obligation on every mature and sane individual, like the 5 daily prayers, fasting in Ramadan etc





# Fard al-Kifaya

This is what is known as a communal obligation. So long as a certain number of Muslims from one's local community fulfil this act – it lifts the need and blame on the rest of the Muslim community from performing it. A classic example is Salat-ul-Janaza (Prayer for the deceased), others include: enjoining good and forbidding evil, teaching the Shari'a etc.

# **WAJIB** (Hanafi school)

- This is also an obligation of a lesser degree than a Fard
- A Wajib is based on Dalil Zanni (speculative/unclear evidence)
- To omit a Wajib one is sinful and one can be punished in this world or the hereafter

# Haram

- This is something that is absolutely forbidden to carry out or consume
- Something is declared Haram if there is a definite text to back it (Dalil Qat'ie)



# Makruh Tahrimi

- This is something that is highly disliked (abominable) to the degree that it is nearly prohibited
- It is classified as near-Haram because the Dalil used to classify it is of the Zanni type
- If one acts upon something which is Makruh-Tahrimi then there is no liability of punishment
- One who carries it out is blameworthy without a justifiable reason
- To avoid it is praiseworthy

Examples: To pray at Zawwal (when the sun is at its highest point around mid-day), to face the Qibla while urinating or defecating.

# Makruh Tanzihi (Hanafi School)

- This is a disliked action in order to keep oneself pure
- Omitting it is rewarded
- There is no punishment for carrying it out

Examples include: Avoiding the eating of onion and garlic before congregational prayer (Salat al-Jama'a)



# Mubah

- This is anything that is permissible to act upon (Ja'iz)
- This must usually have a Dalil to support it
- Anything Mubah is thus recognised to be Halal

# Mandub

- This is an act that is recommended to do
- One obtains reward for carrying it out (Thawab)
- There is no sin for omitting it
- Nor punishment for avoiding it

Examples: Fasting outside Ramadan, giving non-obligatory charity (sadaqa), visiting the sick, taking a bath before Jumu'a Salah, praying Nafil Salah (supererogatory prayer) after the Sunna prayers, Tahajjud prayers.





# Sunna Al-Mu'Akkada

- This is an emphatic Sunna that has a Dalil to establish it
- The Prophet (sallallahu alaihi wa sallam) would perpetually perform such an action
- One receives reward for carrying it out
- Leaving it out is blameworthy, But not punishable Examples include: Congregational prayer, the 2 Sunna's before Fajr, 4 before Zuhr and 2 after it, 2 after Maghrib, 2 after Isha, 20 rak'ats of Taraweeh in Ramadan (as established by the Sahaba in the time of the Caliph Umar)...

# Sunna Ghayr Mu'Akkada

- Non-emphatic Sunna which also has a Dalil to establish it
- One is rewarded for carrying it out
- No blame for avoiding it
- No punishment for leaving it out

Examples: 4 rak'ats of Sunna before Asr, 4 rak'ats before the Fard of Isha, voluntary charity

# Mustahab

- This refers to a praiseworthy action
- One is rewarded for carrying it out
- It is similar to Sunna Ghayr Mu'akkada

Example's include Nafl prayers, performing Wudu before going to bed