



The Sources of Shariah

Every human society has certain beliefs as well as a system of law which regulates daily affairs. Both the belief and the laws are usually a result of complex interplay of historical and regional factors. However in a Muslim society the set of beliefs and the laws are not man made or a consequence of history.

Islamic belief and laws (Shariah) are solely derived from the Quran, the divine revelation and the sunnah of the Prophet ﷺ. These are the two primary sources of Islamic law. There are also two secondary sources, the Ijma (consensus) and the Qiyas (analogy)

The Quran is the Primary Source Of Islamic Law:

Allah says : "We have sent down to thee the book in truth, that you might judge between men as guided by Allah" (Surah An Nisa Ayah 105). The Quran is literally the Word of Allah revealed to the blessed prophet Muhammad ﷺ. It is the primary source of divine law. The Quran clearly states the doctrine, the belief in Tawheed, Risalah and Akhirah and repeatedly presents powerful arguments to support these three fundamental beliefs. Furthermore it gives guidance for performance of worship, conduct of social, moral and political life. 'This is a declaration to mankind: a guide and an admonition to the righteous' (Sura Al-Imran , Ayah 138). Thus the Quran is the final authority, whatever it commands, must be obeyed and whatever it forbids must be evaded.

The Sunnah is the Second Source of Islamic law:

It consists of the commands, practical example and approvals and disapprovals of the Prophet ﷺ, who was the perfect Muslim (someone who had submitted to Allah) therefore whatever he ﷺ did was in conformity with the divine will. Allah says, "He does not speak of his own desires. It is not save an inspiration sent on to him" (Surah An Najm [53], Ayaat :3-4).

The believers are told to follow the beloved messenger unconditionally, "whatever the messenger gives you, accept it; and whatever he forbids you, forbear from it. Have fear of Allah; He is stern in retribution." The Sunnah of the Prophet ﷺ is recorded in books of Ahadith (the sayings or traditions of the Prophet ﷺ)

These books are therefore the second source of Islamic law. After the Prophet's death ﷺ the Sahaba (disciples) often referred the hadith to solve problems and issues not mentioned in the Quran. For example Fatimah (daughter of the prophet ﷺ) claimed that she

was entitled to inheritance however Abu Bakr ؓ quoted the hadith: 'We prophets do not inherit nor leave an estate for inheritance. Whatever we leave is a charity.' This resolved the dispute.

There are six famous books of collections of Ahadith → Bukhari, Muslim, Ibn Maja, Tirmidhi, An-Nisai and Abu Dawud.

Ijma is the consensus of Sahaba and Qiyas is analogy and reasoning on the basis of similar circumstances:

These two form the two secondary sources of Shariah. Since they are based on the Quran and Sunnah we have termed them secondary or indirect sources of Shariah.

Ijma is the agreement of opinion or the majority view, and there is therefore of several kinds:

- Ijma As Sahaba
- Ijma Al Ulama
- Ijma Al Muslimeen.

However the most important kind of consensus is the Ijma-As Sahaba. Since the Companions of the Prophet ﷺ were close to the Messenger ﷺ, they lived with him ﷺ, ate and drank with him, prayed and fought battles alongside him their agreement on a particular issue is regarded as an evidence of Sunnah. Their view must have been based on some teaching of the blessed Master ﷺ which they all knew about but which had not been reported as a hadith. These people are repeatedly praised in the Quran, and Allah says "As for those who led the way, the first of Muhajirs and the Ansar; and these who nobly followed them. Allah is pleased with them and they with him. He has prepared for them gardens watered by running streams, where they shall dwell forever, that is a supreme trial." (Surah At-Tauba [9], Ayah 100).

The sahaba learnt the Quran from the Master ﷺ directly therefore their understanding is better than anyone else and their commentary on the Quran and Sunnah is most authentic. The Prophet ﷺ perhaps alluded to this when he said, "My companions are like the stars in heaven, and whichever one of them you follow you will certainly be guided."