

Monday to Thursday  
Please make an appointment to attend the office.  
Click Here to

Men Divorce  
Talaq Form:  
Women Divorce  
Khula Form:

Advanced Search  
Popular Fatwas



General

Worship

Tawheed

Belief in Quran/Other Books

Belief in Qadr

Belief in Prophets

Belief in HereAfters

Belief in Angles

Belief in Allah

Prayer

Water

Ghusal (Bath)

Times of Prayer

Obligatory Prayer

Voluntary Prayers

Prostration of Forgetfulness

Ablution

Eid Prayer

Menstruation

Zakat

Fasting

Hajj

Marriage

Fiqh Of Marriage Life

Fatwas Related To Women

Divorce

Talaq

Khula

Civil Court Divorce & Related

Issues

Children

Family / Inheritance

Business / Finance

Abdullah Rolle Artist



**[ IMPORTANT NOTICE ] DUE TO THE CONSTRUCTION WORK IN THE OFFICE SERVICE IS CURRENTLY RUNNING SLOW. - Read more...**

ISC standing on The Marriage Contract - Read more...

RAMADHAN MUBARAK - Read more...

DEEMING SHARIAH (ISLAMIC LAW) AS INCOMPETENT



Introduction:

As we know that He is our Creator and the reason behind our existence is submission to Him and to His Laws whether we understand the wisdom behind each and every single one of them or not. Our role is not to question Allah as He says in Quran;

**"He can not be questioned as to what He does, but they will be questioned" [1]**

Rather we say

**"we hear and obey" [2]**

We do not question the legitimacy of His Laws as they are built upon His vast Wisdom and our comprehension is limited to His Will as He says in Quran;

**"And they will never compass anything of His Knowledge except that which He wills" [3]**

Rather His Laws are perfect and are there for us as a test to see who will obey the message and who will turn back on their heels as Allah says in Quran;

**"And we made the Qiblah which you used to face, only to test those who followed the Messenger from those who would turn on their heels" [4]**

This is clearly illustrated in the story of satan and Adam. The reason why satan refused to prostrate was because he used logic/analogy over submission. This is what has prevailed in this era. People have forgotten the submission and are heading towards logic and analogies as to claim that they know better than their Creator.

Those who deem Law of Allah as incompetent should read the conversation between Allah and His Angels when He disclosed to them the creation of Adam.

**"And (remember) when your Lord said to the angels "Verily, I am going to place (mankind) generations after generations on earth". They said: "Will You place therein those who will make mischief therein and shed blood, - while we glorify You with praises and thanks and sanctify You."**

Look at the questions raised by the most noblest of creations. Those who are pure by essence and never disobey His commands. Even they were not able to comprehend the Wisdom of Allah behind creating humans whom are bound to shed blood, cause corruption, while they are there already praising Allah, sanctifying Him, glorifying Him. How would we, those who are drench in sins, away from Islam and its teaching - how could we ever comprehend His Wisdom? But look at the response of Allah!

**"He (Allah) said: "I know that which you do not know" [5]**

Questions & Answers

**Q1) what is the Islamic ruling on statements stating the shariah law as barbaric and what is the ruling on saying Hudood are incompatible wit contemporary life?**

As a Muslim we should know that our religion is perfect without any imperfection as Allah says; **"this day, I have perfected your religion for you, and have chosen for you Islam as your religion" [6]**

Therefore, belittling them or calling them as out-of-date constitutes disbelief as Allah says;

**"Then do you believe in part of the scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment. And Allah is not unaware of what you do." [7]**

It is mentioned in the book by Al-Haafiz Abil Hassan Ali bin Al-Qittan Al-Faasi he says:

و اجمع اهل الاسلام جنهم و انسيهم في كل زمان و بكل مكان اجماعا صحيحا متيقنا على ان القران الذي انزله الله على رسوله حق لازم لكل بشر اتباعه  
**"and the people of Islam have agreed upon from the Jinn and humans in every time and in every place with sound confirmed agreement that the Quran which has been sent down by Allah upon His prophet is the truth and a necessity for every person to follow it" [8]**

Leaving any part of Quran or changing it is going against the consensus of entire Muslim nation.

The author mentions another consensus in his book;

و اتفقوا ان من امن بالله تعالى و برسوله و بكل ما اتى به مما نقل عنه نقل كفاة و لم يشك في التوحيد او في النبوة او في محمد او حرف مما اتى به او في شريعة مما اتى به مما نقل عنه نقل كفاة فان من جحد شيئا مما ذكرنا او شك في شي منه و مات على ذلك فانه كافر مشرك مخلد في نار جهنم ابدا

**"and they all have agreed (unanimously) that whosoever believes in Allah and His prophet and in all that which has been reported from him authentically and did not have doubt in Tawheed of Allah**



Annual Seminar 2008

age allah allowed answer  
applicant application care  
case cases child children  
civil council custody  
divorce divorced divorces  
family father female  
following grandmother hadith  
husband iddat income  
islam islamic khul law  
letter long man marriage  
marry meat mosque mother  
muslim muslims pay period  
person prophet question

reported required right  
scholars sharia talaq wife  
woman women zakat

(Lordship, Worship & Names and Attributes) or in prophethood or in Muahmmad (himself) or in any single letter which he has come with or **in the shariah which he has come with** narrated from him authentically, so whosoever negates in any of the things which we have mentioned or have doubt in anything from them and he dies upon that state then he dies as a disbeliever mushrik, inhabitant of Hellfire forever" [9]

If you were to ask: "is every single shariah law unchangeable"? We say that shariah law is constituted in two segments:

- 1) Laws which are fixed for certain crimes such as adultery, murder, theft etc
- 2) Laws which are not fixed and are executed based up liaising between individual and society such as drinking wine etc. These laws or punishments are initiated by religious scholars or supreme leader who can choose to implement various methods for such actions such as either to lash them, or expel them from country or imprison them etc

Now the question is asked whether these laws are barbaric or not?

Barbaric is truly a conformist word where they emulate certain punishments of the old and replicate them in modern day society to symbolize how cruel they were for mankind. However, if one was to look at modern day warfare, it is evident in their usage of artillery being more barbaric and leaving no mercy at all for the enemy. Countries are accumulating atomic warheads, chemical arsenal etc for their so called "peace" missions whereas they are causing more havoc, destruction, and cruelty to people than others.

So who determines what is barbaric and what is not? Rather Allah says in Quran

**"And there is (a saving of) life for you in Al-Qisas (the law of equality in punishment), O men of understanding that you may become the pious" [10]**

So the underlining factor behind laws are to deter criminals from committing crimes and we know that not all will adhere to them so which system is applicable? Look at the current systems in placed and see their results and compare them to those countries using Islamic criminal law. The results are overwhelmingly supporting for the implementation of shariah law.

There are statements of companions and their students (Tabieen) collected regarding those who denied the law of stoning by

ابن ماجه: امام ابي بكر محمد بن الحسين الاجري:

باب- التحذير من مذاهب اقوام يكذبون بشرائع مما يجب على المسلمين التصديق بها

عن علي بن زيد عن يوسف بن ميران قال: خطبنا ابن عباس بالبصرة، فقال: قام فينا عمر بن الخطاب أمير المؤمنين فقال: **"إنها الناس إنه سيكون في هذه الأمة أقوام يكذبون بالرحم و يكذبون بالدجال و يكذبون بالحوض و يكذبون بالشفاعة و يكذبون بالعذاب القبر و يكذبون بقوم يخرجون من النار بعدما امتحنوا"**

**"Chapter: Warning from school of thoughts of those people who deny the shariah which is a compulsory upon Muslims to have certainty in:**

Ali bin Zayd reported from Yusuf bin mahraam who said; ibn Abbas gave us a sermon in Basra so he said, Omar bin Khattab the leader of Muslims stood within us so he said:

"O people! Verily there will be people from this nation who will deny Rajm (stoning) and deny Dajjal and deny the pond of prophet and will deny the intercession of prophet and will deny the punishment in the grave and will deny that some people will be taken out from the hellfire after they have been punished" [11]

In another place.....

عن علي بن زيد عن يوسف بن ميران عن ابن عباس ، قال: قال عمر بن الخطاب: **"رحم رسول الله و رحم ابو بكر و رحمت أنا و سيحجن قوم يكذبون بالرحم و يكذبون بالدجال و يكذبون بالحوض و يكذبون بالشفاعة و يكذبون بالعذاب القبر و يكذبون بقوم يخرجون من النار"**

"ali bin zayd narrated from Yusuf bin mihaan who narrated from ibn Abbas who said that Omar bin Khattab said;

"O people! Indeed rajm (stoning) is truth, so do not deviate from it and the proof is that the prophet stoned and abu bakr stoned and I also stoned. Hence there will be people from this nation who will deny stoning, who will deny dajjal....." [12]

In another place he mentions

قد رحم النبي يهوديين زنيا و قد رحم ا ابو بكر الصديق و قد رحم عمر و قد رحم علي أبي طالب شراحة و كانت قد زنت و هي ثيب فجلبها يوم (الجمعة و رجمها يوم السبت و قال (( جلدتها بكتاب الله عز و حل و رحمتها بسنة رسول الله

"verily the prophet stoned two Jews who fornicated and verily abu bakr stoned and omar bin khattab stoned and Ali bin abi taalib stoned a woman called Shuraaha who committed fornication while she was a divorcee/widow so he lashed her on Friday and stoned her on Saturday and said;

"I stoned her in accordance to the Book of Allah and upon the sunnah of prophet Muahmmad" [13]

Now by looking at all these statements of the companions, there remains no doubt that they never saw such laws as barbaric because they knew that it has come from the Most Wise the Most Merciful and He would never do injustice upon His slaves.

**Q3) what is the ruling who denies the Sovereignty of Allah as lawgiver and ruling on the concept that Islamic state is alien to Islam?**

Denying Allah the right of Lawgiver means he has taken someone else as partners besides Allah who has the right to determine how this individual should conduct his life. The one who does not recognises Allah as his Master to govern him then surely he has found another god to administrate him. He is a clear disbeliever outside the fold of Islam.

**"the Hukm is for Allah alone. He declares the truth and He is the best of judges" [14]**

**"and whomsoever does not judges according to what Allah has revealed then surely they are the disbelievers" [15]**

**"say O people of the scripture,! You have nothing (as regards guidance) till you act accordance to the Torah, the Gospel and what has been sent down to you from your Lord (the Quran)". Verily that which has been sent down to you (Muhammed) from your Lord**

**increases in most of them (their) obstinate rebellion and disbelief. So be not sorrowful over the people who disbelieve" [16]**

**"[say (O Muhammad):] "shall I seek a judge other than Allah while it is He Who has sent down unto you the Book (the Quran), explained in detail." [17]**

As for the second question that is Islamic state alien to Islam? Lets look at scholars and see how they defined Islamic state

Imam abu yusuf said;

*"a place is recognised as Islamic state by manifesting Islamic law, even if majority of the people are non-Muslims. Similarly a non Islamic state is in her manifestation of non Islamic law even if most of the people living there are Muslims. [18]*

Another hanafi scholar called al-kisaani said;

*"there is no disagreement between our companions (within their school of thought) that a dar ul kufr becomes dar ul islam with the manifestation of Islamic rules" [19]*

So in the light of these two definitions given by the scholars and generally most of the scholars agree that Islamic state has to manifest Islamic shariah if not then it will not be considered as Islamic state. Hence, those who say that Islamic is alien to Islamic state need to be educated.

#### **Q5) Ruling on those who search for rare opinions to provide modernist interpretation of Islam?**

Sheikh ul islam ibn taymiyyah said;

أهل السنة يجتهدون في طاعة الله ورسوله بحسب الإمكان كما قال تعالى "فتقوا الله ما استطعتم" و قال النبي "إذا امرتكم بأمر فأتوا منه ما استطعتم" و يعلمون أن الله تعالى بعث محمداً بصلاح العباد في المعاش و المعاد و أنه أمر بالصالح و نهى عن الفساد فإذا كان الفعل فيه صلاح و فساد رجحوا التراجيح بينهما فإذا كان صلاحه أكثر من فساده رجحوا فعله و إذا كان فساده أكثر من صلاحه رجحوا تركه فإن الله تعالى بعث رسوله بتحصيل المصلح و تكميلها و تعطيل المفاسد و تغليبها

*"Ahlul sunnah strive hard in serving Allah and His prophet in accordance to their ability as Allah said*

**"Fear Allah as much as you can" [20]**

*And the prophet said,*

*"When I have commanded you with something then do that as much as you can" [21]*

*And they know that Allah has sent Muhammad with the welfare in people's livelihood and customs and that he ordered with conciliation and forbade us from corruption. So if there was an action containing welfare and corruption, we would give preference to the predominant. So if its welfare outweighs corruption, we would give it precedence. And if its corruption outweighs the welfare, then we would leave that action. For indeed Allah sent His prophet to acquire welfare and to shun corruption and make it lesser any way possible" [22]*

This principal clearly outlines that any action agreed by majority will be for people's welfare and interest and any rare opinion will serve less interest for people and for their welfare. Thus, any opinion or interpretation which is rare can not be made as a mainstream view and compelled to be accepted. Example is one scholar going against the majority. If for instance the practice in a country is based upon majority opinion then suddenly to be changed for the rare opinion and made that as mainstream practice then it is incorrect. This illustrates that majority was in error and the rare view was rightly guided? This in itself by logic is absurd.

[1] Chapter 21 verse 23

[2] Chapter 2 verse 285

[3] Chapter 2 verse 255

[4] Chapter 2 verse 143

[5] chap 2 ver 29

[6] chap 5 ver 3

[7] Chap 2 ver 85

[8] الإقتناع في مسائل الإجماع volume 1 page 127

[9] الإقتناع في مسائل الإجماع volume 1 page 126

[10] Chapter 2 verse 179

[11] كتاب الشريعة volume 3 page 1192

[12] كتاب الشريعة volume 3 page 1195

[13] كتاب الشريعة volume 3 page 1197

[14] Chapter 6 verse 57

[15] Chapter 5 verse 44

[16] Chapter 5 verse 68

[17] Chapter 6 verse 114

[18] Almabsoot lil sarkhasee volume 10 page 144

[19] Bada'eul sanaai'e volume 7 page 130

[20] Chapter 63 verse 16

[21] Narrated by Abu Hurayrah. Reported by Bukhari & Muslim

[22] Minhaaj us sunnah volume 4 page 527

