

HADITH/SUNNAH AS A SOURCE OF ISLAMIC LAW

Hadith is defined as sayings, actions and silent approvals of the Holy Prophet (SAW). It is the second source of Islamic law. It is indirect word of Allah and therefore, is divine and perfect. The Holy Quran says,

"O you who believe! Obey Allah and obey the Messenger....."

This means that obedience to the Holy Prophet (SAW) is absolutely essential and therefore Hadith is a main source of Islamic law.

Sunnah is used as authority on the occasions when Quran is silent upon a matter. It is also used to clarify brief teachings of the Holy Quran. It always agrees with the Holy Quran. Thus, the great scholar Al'Shafi made a principle that Sunnah and the word of ALLAH never contradict each other. This means that the Sunnah is an extension of the Holy Quran. The Holy Prophet (SAW) is a practical demonstration of the divine teachings, as Hazrat Aisha (RA) has said,

"His Habits were in accordance with that of Quran."

The Holy Prophet (SAW) explained and interpreted brief verses of the Quran so that Muslims could apply them in their practical life. The following examples show the relationship between the Holy Quran and the Hadith:

1) Zakat is a pillar of Islam as the Holy Quran says;

"Be steadfast in prayers and give charity..."

Therefore Zakat is obligatory for all rich Muslims but no limitations are mentioned in the Holy Quran which are explained by Hadith. The Holy Prophet (PBUH) has said;

"No charity tax is due on property amounting to less than five uqiya, and no charity tax is due on fewer than five camels, and no charity is due on less than five wasq."

Here Sunnah explains the rate of Zakat.

The Holy Prophet (PBUH) has also declared that Zakat is only payable when a lunar year is completed on a possession as he (PBUH) has said:

"No charity is due on a property until a year has passed away on it"

2) The Holy Quran orders the punishment of adultery in the following words:

"The woman and man guilty of adultery, flog each of them with hundred stripes."

But the Holy Prophet (PBUH) clarified that this punishment is for a Muslim who is unmarried and the married adulterer/adulteress should be stoned to death. He (PBUH) gave this punishment (stoning to death) to many criminals in Medina.

3) Riba is forbidden as it exploits the poor. The Holy Quran prohibits it in the following words:

"Allah has allowed trade but has forbidden usury"

But the Holy Prophet (PBUH) applied it on exchange of goods in the following words:

“the bartering of gold for gold is riba, except it is from hand to hand and equal in amount, wheat grain for wheat grain is riba, except it is from hand to hand and equal in amount, dates for dates is riba, except it is from hand to hand and equal in amount, barley for barley is riba, except it is from hand to hand and equal in amount.”

Thus we come to know through Hadith that *riba* is not only on cash but is on goods as well.

4) Sunnah also explains the law on which Quran is silent e.g.

the division of inheritance has been elucidated in many verses of the Holy Quran e.g. it says:

“The male should get portion equal to that of two females; if there are only daughters, two more should receive two- third of the inheritance; if only one daughter, her share is half”

But Quran is silent in the case of inheritance from non- Muslim, Sunnah explains it as the Holy Prophet (PBUH) has said:

“A Muslim may not inherit from a non- Muslim nor a non- Muslim from a Muslim”

This means that a Muslim is not allowed to inherit property from a non- Muslim even if they are close relatives.

The policy of using knowledge of Ahadith was followed by the Holy Prophet’s (PBUH) immediate successors. For example ,whenever any legal case came before the rightly guided caliphs like Hazrat Abu Bakr (RA) and Hazrat Umar (RA), they looked into the Quran and decided the case on its basis, If they found no law in the Quran, then they referred to the Hadith of the Holy Prophet (PBUH) .If they themselves did not remember any Hadith on the issue under consideration, then they asked the other companions and if any of them brought a tradition of the Holy Prophet (PBUH) with witnesses (for authenticity), they decided the issue in the light of that Hadith of the Holy Prophet (PBUH).

Similarly, in the time of the Umayyad caliph, Umar II, the age at which a person attained majority had not been decided. A Hadith was found from which it was evident that the Holy Prophet (PBUH) had refused the right of majority to a youth of fourteen, but accorded it to him a year later when he was fifteen. The Caliph Umar II therefore, decided that the minimum age of a major is fifteen years. So Ahadith have always been consulted by the Muslims to frame Islamic laws.

Ijma (Consensus), the third source and Qiyas (Analogy), the fourth source of Islamic Law depend on Hadith. They are only operative when Hadith (along with the Holy Quran) is silent on a point of law and their laws can never go against the Hadith of the Holy Prophet (SAW).

For XPC ONLY

For XPC ONLY