

# Introduction to Fiqh



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## **DIVINE LAWS SHARIA' & MINHAAJ**

### **The need for divine laws**

The goal of a human being is to live a life in which every action is according to the wishes of the Creator. In essence it is to achieve the status of being a perfect human being - the vicegerent of Allah on earth.

A human being does not attain contentment until he/she has endeavoured to seek and remain on this course of action.

..Indeed (Only) with the remembrance of Allah, are hearts content.”

### **Suratur Ra'ad -13:28**

Thus, humanity needs a set of comprehensive laws to be able to remain on the straight path and to attain peace and contentment.

### **Benefits of Divine Laws**

Laws which are formulated by human beings often have imperfections which give cause for them to be changed.

As is apparent, human made laws constantly undergo alterations and are based on a system of trial and error.

They are influenced by the law makers' social and racial biases. The United Nations Organisation is the best example of how policies are enforced only when it suits the interest of the super powers.

No human legal system is able to guarantee the social well being of humanity and provide for all the spiritual and physical needs of a human being and his/her relationship with others.

Divine laws however, encompass every aspect of human life.

In the formulation of these laws, there is no personal interest and no fear of power or society, for Allah is above status, racial prejudice, or gender rivalry.

Allah, as the Creator has total knowledge of human beings and the world in which we live. It therefore, is the only law which guarantees the well-being and happiness of the human race.

“Who is better than Allah for the commandment to a people who have certainty in their belief?”

**Suratul Mai'da - 5:50**

## SHARI'A

“...For every one of you We have appointed a **shari'a** and a **minhaaj** (clear way)...”

**Suratul Ma'ida - 5:48**

Shar'a means 'an illuminated way'. It is used to refer to the course of a river. Because the divine law is like the water and the course of a river, the Qur'an refers to it by way of analogy as Shari'a..  
i.e.

1. Both are clear and manifest 'ways'.
2. Both are the essence of human life.
3. Both are that which purify.
4. The main source and return of a river is the sea; the main source of shari'a is Allah which ends in its movement towards Allah and the sea of perfection.
5. Just as Allah sends water of the sea in the form of clouds towards the mountains and they flow in rivers and streams so as to cultivate and fertilise the lands; Allah sent His life giving laws in the form of

'shari'a' through His Prophet to humankind.

6. Just as clouds and winds give good tidings of rain which forms the water of the rivers, a Prophet is one who brings the shari'a
7. Both are simple and flowing and can easily be made use of.
8. Each person to his/her capacity makes use of this life giving shari'a, just like a river which accepts the divine blessing of rain water according to it's need and capacity.

## MINHAAJ

It comes from the word nahaja meaning 'clear and manifest'.

In a tafseer of the following aya by Ibn Abbas:

“...For every one of you We have appointed a **shari’a** (divine law) and a **minhaaj** (clear way)...”

**Suratul Ma’ida - 5:48**

He says that the difference between shari’a and minhaaj is that, shari’a consists of whatever the Qur’an brought and minhaaj refers to the sunna (way) expressed by the Prophet (pbuh).

### **Benefits of shari’a (Islamic Law)**

1. It includes the principles of the previous Prophets like Nuh, Ibraheem, Musa, Isa.. (pbuh) and the followers of the monotheistic religions will not lose anything by turning to Islam.
2. Shari’a complements the previous principles, completing them to perfection.
3. Shari’a conforms to human nature (fitrat).  
“Then set your face towards the upright



religion, in natural devotion to the truth- the fitrat (nature) instilled by Allah in the people..”**Suratur Room- 30:30**

4. Shari’a relates to life and does not have any extremes - right or left.

**Shari’a** encompasses all aspects of existence:

1. Ideological - The principles of faith (Usul). i.e. Tawheed, Adala, Angels, Nabuwwa, Imama & Qiyama.
2. Ethical - Moral behaviour aimed at cultivating the spiritual aspect of existence.
3. Practical -The laws which relate to all affairs beginning with the human being even before conception to the time he/she is lowered into the grave. The law covers not only the rules and regulations of worship (Ibada), but also social, economical, political, legal and family affairs. It deals with international law, war and peace and individuals rights. There is no vital issue for which Islam has not provided acomprehensive ruling.

It is these practical laws which in Islamic terminology are known as the laws of Fiqh.

Those who are learned in this branch of knowledge came to be known as the Fuqaha (Singular - Faqih).

# FIQH

The orders (Ahkaam) of Allah are divided into two:

1. Hukme Taklifi
2. Hukme Wadhee

## HUKME TAKLIFI

Taklifi laws are the laws of duty which are either:

1. Haram,
2. Wajib
3. Mustahab
4. Makruh
5. Mubah

The outcome involves thawaab & adhab - **Aathare Taklifi**

## HUKME WADHEE

These are laws of situation - those laws governed by natural or moral duties, like marriage, ownership.....

The outcome does not necessarily involve thawaab & adhab but validity of the 'amal - **Aathare Wadhee**

## **WAJIBAAT**

The wajib acts are of two types:

- 1. Ta'abbudi**
- 2. Tawassuli**

### **TA'ABBUDI**

Those wajib acts which must be performed with the niyya of **Qurbatan Ilallah**. Without the niyya of **Qurbatan Ilallah** the act is invalid. e.g. salaa, fasting.....

### **TAWASSULI**

Those wajib acts which do not require the pre-requisite of the niyya of Qurbatan Ilallah for their validity. e.g. obedience of parents, fulfilling promises.....

**The WAJIB** acts can be further classified into:

**AYNI** - That which is WAJIB upon every individual Muslim and the obligation still exists even if it is performed by others.

**KIFAI** - This is a collective obligation which once performed by one individual relieves the rest of the WAJIBAAT.

**TA'YINI** - Those WAJIB acts which are specifically identified to be performed. e.g. salaa, sawm, hajj, khums.

**TA'KHYIRI** - Those WAJIB acts where a choice or alternative is offered. e.g. Where one has deliberately not fasted in Ramadhan, he will either free a slave, or feed sixty deserving poor or keep sixty fasts.

**NAFSI** - Those WAJIB acts which are WAJIB by themselves and are not a pre-requisite for something else. e.g. salaa

**MUQADDAMI** - Those acts which are WAJIB for the sake of something else. e.g. Wudhoo, Ghusl at the time of salaa.

## THE CHAPTERS OF FIQH

All the issues of FIQH are divided into **4 parts:**

**IBADAAT**

**UQOOD (Aqd)**

**IQA'AAT**

**AHKAAM (Hukm)**

In all their are **52** chapters.

**IBADAAT (WORSHIP) - 10 chapters e.g. Salaa, Sawm, Hajj, Zaka..** All those acts which are to be performed as prescribed by sharia. They must be preceded by the niyya of Qurbatan Ilallah.e.g. salaa, sawm, hajj...

**UQOOD (2 PARTY CONTRACTS) - 19 chapters e.g. Nikah, buying/selling....**The contracts of sharia which do not require the niyya of Qurbatan Ilallah but are to be declared with the pronouncement of a formula in which one party states the contract and another responds by acceptance.

**IQA'AAT (1 PARTY CONTRACT) - 11 chapters e.g. freeing slaves, divorce, releasing a debtor from his liabilities...** That which does not require the participation of two parties.

**AHKAAM (ORDERS) - 12 chapters e.g. laws of inheritance, manners of eating/drinking, laws of compensation,...** Those duties which are to be discharged according to sharia but do not require the niyya of Qurbatan Ilallah nor do they require the pronouncement of a particular formula. Most of these laws are social laws.

## IBADAAT (WORSHIP)

10 books

1. **Kitabut Tahara** - The book of purification. Tahara is of two kinds. The first is the tahara of the body, clothes and other things from najasaat. The second type of tahara is that of the soul which is achieved by wudhoo, ghusl, & tayammum.
2. **Kitabus Salaa** - The book of salaa. All the various wajib and mustahab salaa are discussed in detail. Included are congregational salaa, salaa of a traveller, and qadha salaa.
3. **Kitabuz Zakaat** - The book of Zakaat. Zakaat is the tax payable on 9 things - gold, silver, wheat, barley, dates, grapes, cows, sheep & camels.
4. **Kitabul Khums** - The book of Khums Khums means one fifth. It is payable on 7 things, the most common of them is 'savings'.
5. **Kitabus Sawm** - The book of fasting. All the rules and regulations of fasting are discussed in this book.



6. **Kitabul I'tikaaf** - The book of taking seclusion. This literally means 'to reside in a specified place'. In fiqh it means a type of ibada where a person resides in a masjid for 3 days or more, not setting foot outside, and fasting each day. It is not a wajib ibada' but a highly recommended one. The Prophet (pbuh) used to perform I'tikaaf during the last days of Ramadhan.
7. **Kitabul Hajj** - The book of hajj All the rules and regulations of the pilgrimage are discussed in this book.
8. **Kitabul 'Umra** - The book of 'umra. Umra is a kind of lesser pilgrimage. Normally, it is wajib on those about to perform Hajj.
9. **Kitabul Jihaad** - The book of jihad. The book deals with the issues concerning Islamic war. There are 2 types of jihaad - Ibtida'i (to be begun by Muslims) and defa'i (defensive). Ibtida'i Jihaad can only take shape under the direction of the Prophet (pbuh) or the Aemma (pbuh), otherwise it is forbidden. This type of jihaad is wajib only on men. Defa'i Jihaad is wajib on both men and women whenever the conditions demand it. The laws of zhimma -

living of non-Muslims under Muslim protection, the laws of peace between Islamic states and non-Islamic states are all discussed in this book in detail.

10. **Kitabul 'Amr bil Ma'ruf & Nahyi anil Munkar-**  
The book of enjoining good and forbidding evil. We are all duty bound to be guardians of virtue and goodness and combat evils and wrongs. The conditions attached to these duties and their regulations are all discussed in this book.

## UQOOD (2 PARTY CONTRACTS)

19 Books

1. **Kitabul Bay'i** - The book of buying and selling. This book deals with the conditions which the buyer and seller must meet, the conditions of the commodities exchanged, the conditions of the contract and the type of transaction. e.g. cash transactions, transactions where payment is delayed (nisiya), and transactions where payment is first and the commodity acquired later (Salaf).
2. **Kitabur Rahn** - The book of mortgage. The laws of mortgaging are studied in this book.
3. **Kitabul Muflis** - The book of the bankrupt. A 'muflis' is one whose assets do not meet his/her liabilities. In order to investigate the liabilities of a person the Hakim e Shari'a i.e. the mujtahid or his representatives, can prohibit him/her from the right to his/her possessions until a detailed investigation is made and as far as possible the liabilities paid.
4. **Kitabul Hajr** - The book of prohibition. The prohibition refers to that in relation to property. In many cases, use of property by

the original owner is prohibited. e.g. in the case of bankruptcy (as above), the case of an immature child, the insane....

5. **Kitabudh Dhaman** - The book of liability. Dhaman is the transference of the obligation of a debt from the debtor to one who accepts the liability. It is only valid with the consent of the creditor. All the relevant rules and regulations are discussed in this book.
6. **Kitabus Sulh** - The book of peace. The 'peace' that is studied in this book is different from that which is studied in the book of jihaad. In the book of jihaad the peace means political agreements. Here it concerns that related to property and common rights. .e.g. if a debt is owed without the exact amount known, the two parties make a sulh agreement to settle on an agreed sum.
7. **Kitabush Sharikat** - The book of partnerships. The partnership in this book is that which is related to property. e.g. If some children inherit their fathers property, then for as long as the property is not divided amongst them, they are partners in that property. There are 2 types of partnerships - contractual and non-

contractual. A contractual partnership is where 2 or more people by an agreement or contract form a company. These are subject to many laws. In this book the laws of profit sharing are also discussed.

8. **\*Kitabul Mudharaba** - The book of partnership of capital and labour. A 'mudharaba' is a partnership of capital and labour in trading, meaning that one or more partners provide the capital for a trading business and one or more partners provide the labour of the actual trading. There must be an agreement in the sharing of profits, and a contract of 'mudharaba' at least in practise must be formed.
9. **\*Kitabul Maza'ra'a wal Musaaqaa** - The book of agricultural partnerships. Similar to 'mudharaba' partnerships but 'Muzara'a deals with farming and ' Musaaqaa' with orchards. With 'muzara'a' it is where the owner of the land and water makes an agreement with someone else who does the actual farming and they agree on terms for profit sharing. Likewise, Musaaqaa is where the owner/s of an orchard concludes an agreement with

someone else who becomes responsible for all the work of tending the orchard to harvesting and they agree on the terms of profit sharing. \* With all the above 3 partnerships (of capital and labour); any kind of harm or loss to the capital is born by the owner of the capital.

10. **Kitabul wadiy'a** - The book of trusts. 'Wadiy'a' means the entrusting of property with someone and making him/her the agent in keeping and safeguarding it. This in turn creates duties for the trustee and, if the property suffers any loss or is lost, and the trustee has performed his/her duties, then he/she is not liable.
11. **Kitabul 'Aariya** - The book of lending 'Aariya' is when a person receives the property of a second person in order to benefit from it's benefits. Both "Aariya' & 'Wadiya'a' are trusts, but in wadiy'a the owner entrusts his/her property to be kept and safeguarded and the trustee has no right to make use of it. In 'aariya however, the owner gives it to the other for his/her use and then return from the very beginning.

12. **Kitabul Ijara** - The book of hire. There are 2 types of hire. Either a person gives the benefit of his/her property in return for an agreed sum of money e.g. hiring out one's car, giving a house for rent.... or it is that a person hires himself (his/her skills) out for a wage or payment as in normal employment.
13. **Kitabul Wakala** - The book of representation. Sometimes there is a need to have a representative in those matters which require a contract. For instance, in the contract of marriage, the contract (aqd of nikah) must be recited verbally in correct Arabic. The person who is represented is called the muwakkil and the representative is called the wakil.
14. **Kitabul Waqf was Sadaqa** - The book of endowments & charity. An endowment is that which a person sets aside for a specific use. In defining waqf , it means safeguarding the original article of waqf making it untransferable, whilst freeing it's benefits. There are 2 types of waqf - general and special. Both these and the commands of sadaqa are discussed in this book.

15. **Kitabus Sukna wal Hubs** - The book of temporary endowments Sukna and Hubs are similar to waqf. However, the difference is that in waqf the original property is guarded forever and there is no possibility of it being someone's property whilst in sukna and hubs the owner designates the benefits of his/her property for charity for a specified period of time after which it reverts back to become his/her own personal property. Sukna is with regard to homes (dwellings) whilst hubs refers to any other property.
16. **Kitabul Hibah** - The book of gifting. One of the effects of ownership is that one has the right to give one's property to others. All the details are discussed in this book.
17. **Kitabus Samq wal Rimaaya** - The book of wagers
18. **Kitabul Wasiyya** - The book of wills. This book discusses the directives that a person wills after his/her death regarding his/her wealth and/or the guardianship of his children.
19. **Kitabun Nikah** - The book of marriage. First, the conditions of the contract (aqd) of nikah are discussed, such as the people with whom



marriage is forbidden, and so on. 2 types of marriage are discussed - permanent and temporary. Obligations of the husband and wife are also included.

## IYQA'AAT (ONE PARTY CONTRACTS)

11 books

1. **Kitabut Talaq** - The book of divorce. Divorce here means the cancelling of the marriage contract by the husband. One of the condition for divorce that there must be 2 just witnesses present when the contract of divorce is recited. The Prophet (S.A.W.) has said that divorce is the most detested permissible act before Allah.
2. **Kitabul Khula wal Mubaara'a** - The book of divorce (instigated wholly or partially by the wife).
3. **Kitabuz Zhahar** - The book of illegal divorce.
4. **Kitabul iylaa'** - The book of vows of abstention. Iylaa' is a general word meaning oath, but in fiqh it refers to the oath a man swears to annoy his wife in that he will not have sexual relations with her ever again or for a fixed period (4 months or more). If the wife protests to the Hakim e Shari'a, he will oblige the man to one of two things - break the oath incurring a kaffara (fine) or divorce his wife.

5. **Kitabul La'an** - The book of cursing. Here la'an is related to marital relations of a man and his wife. It applies to a situation where a husband accuses his wife of immorality (adultery or homosexuality) and cannot produce 4 just witnesses. The punishment of falsely accusing someone applies to him or 'la'an' can be done. This means that his wife becomes forbidden to him forever. La'an must take place in front of the Hakim e Shari'a where the 2 parties curse each other. First the man says 4 times - "Allah is my witness, I am truthful in my claim"; the 5th time he says : "Allah curse me if I lie in my claim".The woman then says "I call Allah as a witness that in his claim he is a liar"; the 5th time she says "The anger of Allah be upon me if in his claim he is truthful."
6. **Kitabul 'Itq** - The book of freeing
7. **Kitabut Tadbir, Mukatibaa, wal Istilaad** - The book of acquiring freedom through Will, by purchase, and through relationship. These books discuss the freeing of slaves. Because the goal of Islam has always been the freeing of slaves and not enslaving, the

fuqaha have entitled the book dealing with slavery the Book of Freeing and not the book of enslaving.

8. **Kitabul Iqraar** - The book of confessing. Iqraar is related to the laws of arbitration. One of the ways in which a case is proved against a person is his/her own confession. Confession is only accepted from sane adults.
9. **Kitabul Ja'aala** - The book of reward. Reward here is similar to that paid in the hiring of people. However, in hire, a specific person is hired to do a specified job for a specified sum. In Ja'aala however, no specific person is hired. Instead the hirer simply announces that whoever does a certain job for him/her will be paid a certain sum (reward) e.g. finding a missing child.
10. \***Kitabul Aymaan** - The book of vows. If a person swears to do a certain thing, the doing of that which he/she has sworn to becomes wajib. One condition is that the vow is in the Name of Allah. Therefore, a vow made in the name of the Ma'sumeen or the Qur'an is not binding according to Shari'a. Another condition is that which he/she vows to do

must be permissible in Shari'a; so a vow to do something that is haram or makruh is meaningless. The breaking of a legitimate vow necessitates a kaffara.

11. \***Kitabun Nadhr** - The book of taking an oath. Nadhr is an undertaking to do something that involves an oath. e.g. One makes an oath to pray all the daily nafila salawaat. Just as the vows of aymaan, nadhr cannot be done for that which is haram or makruh or that which is not beneficial. Nadhr is often made as a promise to do some good deed in return for a requested favour. In this case, the nadhr becomes wajib when Allah has granted the favour.

\*An aymaan or nadhr is normally made when one has little confidence in one's will power. By means of aymaan and/or nadhr one makes a thing wajib for oneself until one is able to form the desired habit.

## **AHKAAM (MISCELLANEOUS ORDERS)**

12 books

1. **Kitabus Sayd wadh Dhibh** – The book of hunting and slaughtering. The animals whose meat is allowed can only be made halal by dhibh or nahr or if the animal is a wild animal whose meat is permissible e.g. deer, mountain goats, etc., when it is properly hunted by specially trained dogs or by means of an iron missile (like a sharp arrowhead or a sharp bullet). The meat of tame permissible animals is not allowed to be eaten if they are hunted. They must be slaughtered according to Shari'a. The way of slaughtering most tame animals like hens, sheep, cows etc. is called dhibh. The slaughtering of camels is known as nahr. There are many conditions all discussed in this book.
2. **Kitabul Akl wash Sharb** - The book of eating and drinking. Eating means either the eating of meat or of other things. Meat is either from the creatures of the sea, land or air. Of the creatures of the sea, only fish with scales are permissible. The creatures of the land fall

in 2 categories - tame and wild. From the tame animals, the meat which is permissible is that of cows, sheep, hens and camels. (It is makruh to eat the meat of horses, donkeys and mules). The meat of cats, dogs and pigs is haram. From the wild animals, the meat of carnivorous animals and insects is haram. The meat of hares and rabbits however, is haram. Of birds, the meat of pigeons, partridge, domestic hens and so on is permissible. The meat of hunting birds however, is haram. Where it is not clear of the status of those birds whose meat is haram, there are 2 signs of it being forbidden: i) When the bird flies, it does not need to flap it's wings all the time and mostly glides. ii) It has no crop, or no gizzard or no bump at the back of it's leg. Other than meat, to eat or drink any kind of najasa like urine, faeces, blood, semen, alcohol, etc., is haram. Similarly, to eat or drink anything which is significantly harmful to the body e.g. poison is haram. If medical science proves that a certain thing is definitely harmful to the body, then it's use will be haram. To eat earth is haram, whether

it is harmful or not. Similarly, the drinking of intoxicants is haram. All these and more are discussed in detail in this book.

3. **Kitabul Ghasb** - The book of usurping. Ghasb means the taking or using of the property of another without asking permission. Firstly, it is haram, and secondly it renders the Ghasib (Usurper) liable- so that if the property is damaged or destroyed while in the control of the usurper, he/she is liable for it whether the loss or damage was his/her fault or not. Whatever, use one makes of ghasbi property is haram and batil. e.g. Wudhoo done with ghasbi water is batil, salaa prayed with ghasbi clothes is batil. Just as ghasb results in liability, so does destruction cause liability. e.g. If someone breaks another person's window, he/she is liable for it. Causing likewise produces liability. Causing here means that even if someone does not do direct damage but does something that causes damage, he/she is liable. e.g. leaving a fruit skin on a public walkway and someone slips on it and suffers damage.



4. **Kitabush Shafi'** - The book of right of preference. Shafi' means the right of precedence of one partner to buy the share of the other. If 2 people are legitimate partners according to Shari'a and one wants to sell his/her share, the other partner, if he/she wants to buy the share for the same terms and price for which others wish to purchase it, has the right of precedence.
5. **Kitabul Ihiya al Mawt** - The book of enlivening the dead. This book deals with wasteland. i.e. land which is dead or barren by the absence of buildings, farms and such like. The Prophet (S.A.W.) has said that one who enlivens a dead land owns it. The issue however, has many aspects, rules and regulations which are discussed in this book.
6. **Kitabul Luqta** - The book of finding lost property. This book discusses the laws of finding things whose owners are not known. The find is either an animal or things other than animals. If the find is not an animal, and it's value is less than that of 2.32 gms of minted silver (1/2 a mithqaal), the finder can keep it for him/herself. If it's value is more,

then he/she must search for the owner for a year (unless, it is a perishable item like fruit). If the owner is not found, and the find was not in Makka, the finder has 3 choices: i) To use it him/herself with the intention that if the owner is found, he/she will repay the find or it's value to the owner. ii) Give it as charity with the same intention. iii) keep it in the hope that the owner will be found. If the find has no identification marks, then the finder has the same 3 options from the time of the find.

7. **Kitabul Miraath** - The book of inheritance. After a person's death, his/her wealth (apart from one third which he/she can stipulate in a will to be disposed of however he/she wishes), is divided and shared amongst the heirs in accordance with specific laws. The heirs form different ranks - by the existence of the first rank (parents, children and if they are dead, grandchildren), the inheritance does not reach the second. There is also the inheritance of spouses which comes before the inheritance of any other

rank. All these laws are discussed in detail in this book.

8. **Kitabul Qadhaa** - The book of arbitration. The system of arbitration i.e. the settling on court of differences and disputes in Islam is a special system. The Qaadhi (arbitrator) has to be a mujtahid and an expert on Islamic rights. He must be free from all types of sin, even those that do not directly affect his work. In no way does he have a right to accept payment from either of the 2 parties, even after the arbitration. His expenses are to be covered by the public treasury. All the various issues are discussed in this book.
9. **Kitabush Shahada** - The book of testimony. This book is connected to the book of arbitration just as the book of confession is. The issue of testimony is discussed in detail.
10. **Kitabul Hudud wal Ta'ziraat** - The book of punishments. Some of the systems of punishment are precisely defined in Shari'a, and these are to be performed in the same way regardless of the conditions and any other factors. These types of punishments are called hudud. The crimes for which hudud has

been stipulated are adultery, homosexuality, falsely accusing someone of one of these crimes, stealing, drinking alcohol and armed civil disturbances. There are a few punishments, however, that the Shari'a considers to depend on the view of the Hakim e Shari'a, who by taking into consideration, the causes and conditions of the crime and any motivating factors, enforces a punishment in accordance. These are called ta'ziraat.

11. **\*Kitabul Qisaas** - The book of retaliation. Qisaas is a type of punishment where one person physically harms someone or ends their life. Qisaas is the right given to the victim or his/her heirs (if the offence leads to the victim's death). In the case of intentional killing, the heirs of the deceased have the right to qisaas. Under the supervision of the Islamic government, and at the discretion of the nearest of kin, the murderer can be executed or forced to pay compensation (diyya). In the case of accidental killing, the killer is not to be executed but is obliged to

pay the heirs compensation (diyaa). All the rules are discussed in this book.

12. **\*Kitabul Diyaa** - The book of financial compensation Diyaa is like qiyaas in that it is the right of the victim or the heirs. The difference being that qisaas is a way of taking payment in kind, whilst diyaa is a financial penalty.

\*The laws of diyaa like qisaas are very detailed. In both the books of qisaas and diyaa, the fuqaha have mentioned the liability of doctors.

Condensed from

**'Jurisprudence & its Principles'**

**(Fiqh & Usul ul Fiqh)**

**by Shaheed Murtadha Mutahhari.**



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