Principles of Islamic Law

Islamic law is divine law. It is formed in light of fundamental principles derived from its primary sources, the Quran and the Sunnah. Every legal system has philosophical, moral, and faith-based principles in its background. The principles of faith and the fundamental principles in the primary sources that form the basis of Islamic law have ensured its formation and development. Therefore, Islamic law differs from Western legal systems both in concept and nature.

The concept of Islamic law is a relatively recent one. Until recently, the term fiqh was used instead. Fiqh, in its early stages, was defined as "rulings derived from divine texts," and the most important of these derived rulings were referred to as "Fiqh al-Akbar." The main topics of "Fiqh al-Akbar" are matters of faith. Besides "Fiqh al-Akbar," the term "Fiqh al-Absat" is also used to describe the same topics. Indeed, Imam Abu Hanifa also has works with these names. The concept of fiqh was expressed as Islamic law in Western languages by Orientalists and from there entered Turkish literature. (Vahap Ovac, Characteristic Features of Islamic Law)

The applicability of Islamic law in the modern world has brought about various debates. Especially in countries where Western legal systems are dominant, the differences and conflicts between the principles of Islamic law and modern legal understandings are frequently brought up. However, in many Muslim countries, the fundamental principles of Islamic law are accepted as an integral part of national legal systems and can be interpreted in harmony with modern legal norms.

Since Islamic law is formed as a result of the interpretation of the commands and prohibitions of a divine religion, its material source and foundation are based on divine will. Allah Almighty has conveyed His commands and prohibitions to people through His prophets and has asked people to obey these commands and prohibitions. Accordingly, as a human being, The Prophet's (peace be upon him) duty was to convey the revelation containing the commands and prohibitions he received from Allah Almighty and to show how to apply them.

The Sunnah, the second source of Islamic law, is the Prophet's (peace be upon him) words, actions, or approvals of others' actions, all formed under the supervision of Allah Almighty. Therefore, it is divinely inspired. Consequently, the most fundamental characteristic that

distinguishes Islamic law from other legal systems is that it is a divinely originated legal system. In Islamic law, the lawgiver (Shari') is Allah Almighty. What is incumbent upon people is to abide by these rules. In other legal systems, the lawgiver is the human being himself, that is, the result of human will. Whether this is done by the state or authorized bodies does not change the nature of the matter. Because human reason and feelings are primarily influential in the creation of the legal system, that is, in the determination of laws.

In other legal systems, the constitutive power in the creation of law is human, and this constitutive power itself abides by the law it creates. However, the situation is quite different in Islamic law. Because the power that constitutes Islamic law is not only the constitutive power but also the creative power. Islamic law is a religious legal system because it is based on divine will as the material source of law. Accordingly, Islamic law is not merely a system of commands and prohibitions, as is the case with other legal systems. In fact, Islamic law derives its strength from this characteristic. Islam aims to establish order in this world through both legal and religious rules, thus combining religion and law. The religious, moral, and legal rules brought by Islam complement each other. The fact that the sources of Islamic law are written ensures legal certainty and prevents arbitrariness. However, the famous philosopher Voltaire (1694-1778) stated that the law of Continental Europe changed like changing horses from one mansion to another. This shows how arbitrary humanderived law can be.

The reason why there is no such disarray in Islamic law is that its main sources are written. The fact that the main provisions of Islamic law are not scattered is not the result of a centralized legislative activity in a legal manner. While other legal systems have attempted to overcome their fragmented nature through centralized legislative activity, in

Islamic law this unity is achieved not through a centralized legislative process, but by basing rules and principles on a common foundation, in other words, the methodology of jurisprudence (fiqh). (Vahap Ovac, Characteristic Features of Islamic Law)

In Islamic law, it is not considered sufficient for a person to merely adhere to certain rules; it is also emphasized that individuals have responsibilities towards society. This characteristic of Islamic law also contributes to the formation of a society with a high level of awareness. Islamic law aims to protect principles such as justice, fairness, freedom, security, virtue, happiness, human dignity, and the protection of property. Indeed, the Quran lists as commandments values that serve as references to these aims, such as adhering to contracts, fulfilling promises, entrusting responsibilities to those who are worthy, not betraying trusts, being honest and never deceiving people, avoiding using God's name for worldly gain, avoiding excessive greed for worldly possessions, giving the rightful owner their due, staying away from illegitimate gains, being meticulous about individual and public rights, and striving for good and pure earnings. Since Islamic law is divine law, the aim in individuals acting in accordance with these values is to gain God's pleasure. In contrast to the general distinction between public and private law in secular legal systems, Islamic law distinguishes between 'hukûqullâh' (the law of God) for public law and 'hukûqul-ibâd' (the law of the servants) for private law.

Islamic law is unchangeable. Because Islamic law is divinely ordained, its rulings can only be changed by the Shari'ah (the divine lawgiver). This is a natural consequence of the Shari'ah being both a founding and a creative power. For example, no political power has the authority to change a ruling established by a definitive verse. In this respect, any contradiction to the Quran, the primary source, renders that ruling invalid. Just as in positive law, the constitution is at the top of the hierarchy of norms, and laws, regulations, and decrees below it cannot

contradict the constitution, similarly, in Islamic law, rulings derived from Sunnah, consensus, analogy, and other secondary evidence, which are at lower levels of the hierarchy, cannot contradict the Quran, which is at the top.

Fiqh is divided into three main parts:

1. Muamelat (Transactions),   2. Ukubat (Sanctions/Punishments),

3. Ibadat (Worship).

The expression "Islamic Law" actually refers to the Muamelat and Ukubat areas within Fiqh. Muamelat examines and regulates all types of legal transactions, regardless of their field or subject matter. Ukubat, again without distinction of field or subject matter, deals with punishments and (more accurately) sanctions. Ibadat (worship), while included within Fiqh, is considered a separate category as it does not fall within the scope of law.

Fiqh is the name given to the theoretical and practical application of laws. Scholars of Fiqh are called "Faqih". It was not established through legislative activity based on state authority; it was formed primarily in madrasas (religious schools) as a scientific doctrine. It arises from the scientific teachings of the Faqihs. Reasoning and logic were used extensively in the early periods.

Islamic sciences derive their existence and principles from revelation. The science of jurisprudence (fiqh) is also based on revelation, namely the Quran, and its application, the Sunnah. In a sense, fiqh is the science of establishing the connection between the divine message and the relationships between servant and God, human and human, human and state (society), and interstate relations, as exemplified by the Prophet Muhammad (peace be upon him). As with other scientific disciplines, the way to acquire sufficient knowledge about Islamic law

(fiqh) is to know its definition, subject matter, purpose, methodology, sources, concepts, schools of thought, history, relationship with other disciplines, and problems. Introductory works, written to explain the fundamental topics and concepts of a branch of science, have become increasingly common in the literature over the last century and a half. A type of writing has emerged, primarily in the field of law, but also in the West and the Islamic world, particularly in the field of Islamic sciences, to provide introductory information or to prepare textbooks.

The TDV Islamic Encyclopedia states the following about Islamic Law (Fiqh):

"The word fiqh, which in the dictionary means "to know something, to understand it well and completely, to grasp it deeply," carries a more specific meaning compared to other closely related concepts such as knowledge and understanding. A jurist (plural fuqaha) means "someone who deeply understands a subject, who possesses subtle understanding." While the use of the word fiqh in the Quran, hadith, and the early periods of Islam remained within this dictionary meaning, because the Quran and hadith are the two fundamental sources of knowledge for the Islamic community, the word was generally used as one of the concepts expressing religious knowledge and understanding centered on the Quran and hadith. As religious knowledge developed and sub-branches of knowledge emerged in the Islamic community, from the end of the 2nd (8th) century onwards, it began to become a term expressing the knowledge of the practical rulings of Islam concerning individual and social life and a branch of knowledge that studies this subject. The clarification of the term's meaning came later in the coming centuries.

Islamic law, in terms of its structure, content, categories, and concepts, possesses a great deal of originality compared to other legal systems

(Roman-Germanic, socialist, common law). What is essential is the extraordinary originality of Islamic law in relation to other legal systems, and especially to canonical law, which is also religious in nature. The fact that Islamic law is fundamentally based on revelation, unlike all systems lacking such a source, constitutes its most prominent characteristic.

A comparative analysis reveals that Islamic jurisprudence (fiqh) possesses several fundamental differences and characteristics compared to secular laws. Firstly, fiqh is divinely inspired, based on revelation as expressed in the Quran and authentic hadiths. While fiqh is based on the interpretations of both the Prophet Muhammad and other scholars, it also derives its inspiration and criteria from revelation. Furthermore, while the effects of legal and penal sanctions in other legal systems are limited to this world, in Islamic law, sanctions extend into the afterlife. Moreover, obedience to the law in good faith carries reward in addition to worldly consequences, while disobedience carries spiritual responsibility and sin, which, alongside the sanction, plays a significant role as an incentive. The concept of reward and sin, alongside worldly and material sanctions, is effective in educating consciences and fostering an understanding of obedience to the law as a duty of faith and worship. In Islamic jurisprudence (fiqh), the lawgiver is God. The authority of human beings lies in researching, finding, and discovering the divine law (ruling). Ijtihad is understood not as humans making their own rulings, but as discovering and revealing the divine ruling. While the ijtihad of each mujtahid (a qualified scholar capable of independent legal reasoning) is binding only on themselves, it constitutes a rich source for the state and competent authorities in terms of codification and determining the applicable legal ruling. Fiqh has its own unique classification. Since the search for and discovery of the divine will in every ruling and application is fundamental, and the primary aim is to determine the

religious legal ruling to which the obligated individual will be subject, fiqh, during its development and formation period, did not build upon theories and broad norms, but rather preferred the method of addressing and ruling on each issue separately (casuistic, case-based method). This characteristic prevented fiqh from acquiring a rulebased and dogmatic structure, allowing for the production of different rulings and solutions according to different conditions and environments. However, in the literature of Islamic jurisprudence (fiqh) compiled using a case-by-case method, common explanations are provided for similar legal issues and rulings, legal analyses of the solutions reached are conducted, and theoretical and doctrinal discussions of legal rulings are undertaken. Therefore, it is possible to derive general rulings and theories related to various sub-branches of fiqh from secondary issues and rulings. Indeed, the number of works written using this method has increased considerably, especially in the 20th century. The fact that fiqh, which also regulates some relations of social life, has allowed for the establishment of a connection between immutable divine rulings and changing social conditions, and for the resolution of new issues within this framework, lies in the fact that instead of establishing a binding ruling for every issue (which is quite rare), it has provided broad-based rulings, allowing for consideration of necessity and public interest, and leaving ample room for ijtihad (independent reasoning).

While the distinction between public and private law, adopted by Western legal systems originating from Roman law, has not been made in the development of Islamic jurisprudence (fiqh), the literature speaks of a legal field closely related to the rights of God (public law) and a legal field closely related to the rights of individuals (human rights). However, this classification was not the basis for the compilation of fiqh; instead, it was based on the needs of Muslims in their practical lives. First, information and rulings related to acts of

worship (ibadat), then rights and obligations (muamelat), and finally criminal law (cinayat, ukubat) were included. Although wills and inheritance law fall within the framework of rights and obligations, they are placed at the end of fiqh books because they are necessary at the end of a person's life. While this classification is generally the case, some authors have taken different approaches, for example, placing the criminal law section at the end."

Fundamental Principles of Islamic Law

Islamic law is a legal system that defines the rights and responsibilities of individuals. Since the main sources of Islam are the Quran and the Sunnah, the fundamental principles of Islamic law are based on these sources. A jurist, who studies Islamic jurisprudence, must adhere to the principles established in accordance with the Quran and Sunnah when issuing rulings. We can express the fundamental principles of this system as follows:

1) <u>Justice</u>: One of the most fundamental principles of Islam is justice. Islamic law aims to ensure a just life for every individual and community. The Quran gives various directives to people to ensure justice. The Quran emphasizes that justice should be observed not only among Muslims but among all people.

Another aspect of ensuring justice is maintaining equal distance from everyone. It is essential that everyone who commits the same act under the same conditions is subject to the same sanction. When making a ruling, hatred or affection felt towards someone should not influence the decision. Indeed, the Holy Quran states in this regard: "O you who believe!..." It is stated in the Quran (An-Nisa, 4:135): "Be those who uphold justice meticulously, bearing witness for Allah, even if it is against yourselves, your parents, and your relatives. Whether

they are rich or poor, Allah is closer to them than you are. Do not deviate from justice by following your feelings. If you distort the testimony or refuse to testify, Allah is aware of what you do." The Prophet Muhammad (peace be upon him) also said in response to a theft: "O people! Allah destroyed the nations before you because if a nobleman committed theft, they would let him go, but if a weakman committed theft, they would punish him. By Allah, if Fatima, the daughter of Muhammad, were to steal, I would surely cut off her hand." He commanded.

2)   Equality: In Islamic law, equality is considered fundamental among people regardless of race, language, color, or social status. Every individual is equal in the sight of God, and all people must be just to one another. The principle of equality holds a central place in Islamic law. The fact that everyone is equal before the law and should not be subjected to any discrimination is among the fundamental principles of Islamic law.

3)   Human Rights: Islamic law aims to protect human rights. Life, property, honor, and mental security are the most important values to be protected in Islamic law. People's rights are considered not only for themselves but also for others.

4)   Freedom: Islam protects the freedom of the individual, but this freedom should not harm the rights of others. While exercising their own will, individuals must respect the order of society and the rights of others.

5)   The Relationship Between Morality and Law in Islam: Islam aims not only to ensure legal order but also to strengthen moral values in society. One of the aims of Islamic law is to raise the moral and ethical standards of individuals and society.

6)   <u>Removing difficulties, easing hardships</u>: In our religion, the principle of ease and ability is adopted in commands and prohibitions according to the individual's situation. Allah Almighty says in this regard, "...He has not placed any hardship upon you in matters of religion..." (Hajj, 22/78). Again, regarding this matter, Allah Almighty says, "Allah does not burden any soul beyond its capacity. And each soul will receive every good that it earns, and it suffers every ill that it earns." (Bakara, 2/286). Furthermore, the Prophet Muhammad (peace be upon him) said in a hadith, "Make things easy, not difficult; give good tidings, do not cause aversion." He emphasized the ease in our religion by saying this hadith.

7)   <u>Fewer responsibilities, more freedom in what is permissible, more limitations in what is forbidden</u>: In our religion, things that are permitted are called halal, and things that are forbidden are called haram. Halal and haram encompass all areas of life, such as eating, drinking, clothing, and earning a living. However, in our religion, the halal area is broader than the haram area. For example, while many drinks that God has bestowed upon people are halal, only alcoholic beverages are haram. Similarly, while many created foods are halal there are a few specific prohibitions as pork, carrion and meat of animal that died without bleeding.

Regarding games and entertainment, our religion prohibits those that rely on chance, lack effort, or involve unjustly acquiring someone else's property. These include gambling, games of chance, and dangerous recreational activities that harm living beings. Apart from these, all activities that rely on intelligence, skill, or talent and do not involve harming another being are permitted. These include sports competitions, intellectual games, and knowledge and skill competitions.

In our religion, the authority to determine what is halal (permissible) and haram (forbidden) in any matter belongs solely to Allah and His messenger, the Prophet Muhammad. Therefore, our primary sources regarding halal and haram are the Quran, the word of Allah, and the Sunnah of the Messenger of Allah.

8) <u>Consideration of the public and individual benefit</u>: Our religion aims for the happiness of humanity in this world and the hereafter. To achieve this happiness, respecting the rights of others is essential. Violating the public good, which means the benefit of society, infringes upon the rights of others. As a social being, a person must act in accordance with certain rules within the society in which they live. Thus, individuals consider both the public good and the rights of individuals.

The public good must be considered when exercising individual rights and fulfilling responsibilities. When individual interest conflicts with the public interest, individuals are expected to act in accordance with the public good. However, individual rights must also be considered while doing so. For example, if the land necessary for the construction of a public service such as a road, hospital, or school in a settlement is privately owned, it should be expropriated by the state, with compensation paid to the individual. In this way, individual rights are protected while the public good is considered.

The public good includes a situation that benefits society, but also does not harm society. In any application, it should be considered that the public is not harmed, in addition to benefiting it. For example, a factory built with the public good in mind aims to contribute to the country's development through the employment and production it will provide to that region. While achieving these benefits, care should also be taken to avoid harming the environment. Because both situations are closely related to the public good.

9)   <u>Individuality in punishments</u>: Exceeding the boundaries of Islamic law necessitates punishment. In Islamic law, the concept of "had" refers to punishments applied when one transgresses the rights of Allah.

In our religion, people are judged individually when it comes to the mistakes or sins they commit. In other words, a person cannot be blamed or punished for the sins committed by their mother, father, or any other relative. The Quran states, "No sinner shall bear the burden of another's sin" (Fatir, 35/18), emphasizing the principle of the individuality of punishments. The Prophet Muhammad also highlighted the importance of this principle, saying, "...Know that a person is punished only for his own wrongdoing. A father cannot be punished for the wrongdoing of his son, nor can a son be punished for the wrongdoing of his father."

10)   <u>Balance between crime and punishment</u>: Human beings are inherently prone to error. A person should receive punishment commensurate with the magnitude or nature of the crime they have committed. A crime is evaluated within the framework of its nature, the circumstances of its commission, and its causes. The punishment given to the perpetrator should be proportionate to the nature of the crime.

There are several factors that determine the nature of a crime. For example, whether the perpetrator is a child or not an adult, or whether their mental health is sound or their mental balance is impaired, changes the nature of the punishment. Whether the act considered a crime is an assault or a necessary act of self-defense is also a factor determining the nature of the crime. The extent of the harm caused by the crime is also important when judging the crime. The extent of the harm, its compensability, and its individual or public dimension affect the nature of the crime. For example, if a crime has caused harm on a

public level, the punishment will be greater. The perpetrator's intent is also a factor to consider in determining the nature of the crime. Whether the person committed the crime intentionally or as a result of carelessness or lack of control will also change the punishment.

In our religion, harming life and living beings is forbidden. However, there are some situations where self-defense is considered legitimate if it involves a life-threatening risk. This is called self-defense. In such cases, even if the act involves causing harm to someone, it falls under self-defense and therefore requires a reduction or exemption from punishment.

"Fight in the cause of Allah against those who fight you, but do not transgress the limits. Indeed, Allah does not love those who transgress the limits." (Al-Baqara, 2/190)

Fundamental Sources of Islamic Law

The most important elements forming the source of Islamic law are the Quran and the Sunnah. These constitute the fundamental pillars of Islamic law. In addition, methods such as Ijma (consensus of society) and Qiyas (comparison of similar events) enrich the content of Islamic law.

Quran: The Quran, the holy book of Islam, is the word of God and contains the fundamental laws regulating individual and social life. The verses in the Quran form the basic principles of Islamic law and guide the lives of Muslims.

Sunnah: The life and practices of Prophet Muhammad (peace be upon him) are a second source for Islamic law. The Sunnah is a source shaped by the words, actions, and approved behaviors of the Prophet. This source guides the application of Islamic law.

Ijma: This means that Islamic scholars have reached a consensus on a matter. In the face of new problems arising in different periods, the scholars of the Islamic community have produced legal solutions by reaching a common opinion. Consensus (Ijma) is a source of recourse, especially in cases where there is no clear ruling in the Quran and Sunnah on a particular issue. The essence of Ijma is to gather opinions and reach a consensus.

Analogy (Qiyas): Qiyas is the principle of applying a known ruling to a similar situation. This is particularly used in solving newly emerging problems and allows for the adaptation of past Islamic practices to the present day. It utilizes previous examples that are very similar to the problem. It is formed by bringing together legal solutions developed by examining issues individually. In this respect, a legal rule is established for each issue.

Areas of Application of Islamic Law

Islamic law is applied in a wide range of areas in the daily lives of individuals and in social life. These applications reflect Islam's holistic approach and its aim in establishing social order.

1)   <u>Family Law</u>: Islamic law strives to build the family on solid foundations. Issues such as marriage, divorce, alimony, and inheritance are regulated in Islamic law. The rights and responsibilities of individuals within the family are clearly defined.

2)   <u>Criminal Law</u>: In Islamic law, the relationship between crime and punishment is of great importance for ensuring justice. Punishments are determined according to the types of crimes, and these punishments help maintain social order. Had (limit) punishments are penalties applied as a result of violating the limits set by God, and are related to serious crimes such as theft, adultery, and drinking alcohol.

3)   Inheritance Law: Islam is based on the principle of the just distribution of inheritance. The Quran clearly states how inheritance should be divided and what shares should be given. Although there is a certain difference in shares between male and female heirs in Islam, a fair distribution is generally aimed for.

4)   Economic Law: Islamic law has rules aimed at ensuring justice and honesty in economic activities. Interest (riba) is forbidden, and strict rules are imposed against fraud and deception in trade. Zakat aims to reduce social inequality by ensuring that a portion of wealth is given to those in need.

5)   Social Law: Islam emphasizes the responsibility of each individual in maintaining social order. Concepts such as social rights, neighborhood relations, public order, and the role of the state are important parts of Islamic law. Islam encourages social solidarity and mutual assistance.

Islamic law encompasses the matters that the Islamic religion commands and prohibits. Some of these can be expressed as follows:

●   Tawhid: Tawhid, the most fundamental principle of Islamic law, expresses the belief that Allah is one and that nothing can be considered equal to Him.

●   Justice: In Islamic law, justice means protecting people's rights, preventing oppression, and acting according to the principle of equality. Justice should prevail both at the individual and societal levels.

●   Maslahat: In Islamic law, maslahat is a principle encompassing everything that is in the best interest of people. This principle aims to protect human life, the family institution, property, and the continuity of generations.

● **Free Will:** In Islamic law, people have free will, and everyone is free to make their own decisions. However, this freedom must be exercised without harming others.

● **Charity (Sadaqa):** In Islamic law, charity is a principle encompassing zakat, fitra, and other forms of assistance. This principle mandates helping the poor and needy in society, and encourages the wealthy to use their assets for this purpose.

● **Benevolence (Ihsan):** In Islamic law, ihsan refers to people treating each other with respect and compassion, being honest, and performing acts of kindness without expecting anything in return. This principle contributes to social solidarity and the preservation of peace.

These principles serve as a guide for the lifestyle of Muslims.

Fundamental Aims of Islamic Law

One of the fundamental aims of Islamic law is to ensure social order and protect the rights of individuals. This legal system is structured to serve the benefit of individuals and society. Islamic law also has a flexible structure. The door of ijtihad (legal interpretation) is always open to respond to changing human needs depending on time and place. However, it is of great importance that the person undertaking ijtihad possesses scholarly knowledge and a sense of justice.

The fundamental aims in Islamic law are based on the protection of five basic principles: religion, life, intellect, lineage, and property. Islamic Sharia has provided sufficient provisions for the protection of these five fundamental areas. These basic principles have been established to ensure both the existence of humanity and its place in society, and to protect it from the causes of corruption and destruction. The principle of protecting religion is paramount among these.

Protection of Religion

Islam has revealed the importance of religion in human life. Thus, it fulfills the human nature, the inclination to worship God, and instills in humanity a conscience and awareness. Furthermore, it strengthens the elements of goodness and virtue within a person and adds happiness and peace to them. For these reasons, the religion of Islam has become a vital necessity for humanity.

In a verse of the Holy Quran, it is stated:

"(O Messenger!) Turn your face towards the religion as a Hanif, that upon which Allah created mankind. There is no change in Allah's creation. This is the straight religion; but most people do not know." (Rum, 30/30)

Therefore, Islam aims to protect people's religious beliefs. To protect the religion, the following must be done:

1)   To adhere firmly to the foundations and pillars of faith: In Islam, these beliefs include faith in Allah, His messengers, His books, His angels, the Day of Judgment, and the belief that destiny, both good and evil, comes from Allah. Therefore, the Holy Quran states:

"Allah says, 'The Messenger believed in what was revealed to him from his Lord, and the believers believed. They all believed in Allah, His angels, His Books, and His messengers. And We do not differentiate between any of His messengers.'" (Al-Baqara, 2/285)

Furthermore, this belief is emphasized in the verse, "O you who have believed, believe in Allah, His Messenger, and the Book that He revealed, and the Book that He revealed before. And whoever disbelieves in Allah, His angels, His Books, His messengers, and the Day of Resurrection has certainly gone astray." (An-Nisa, 4/136)

2)   Establishing faith on a solid foundation of reason and scientific evidence: Islam calls on people to contemplate and think.

"Have they not considered in their hearts that Allah created in the heavens and the earth and between them only in truth and for a fixed term?" "Indeed, most people deny meeting their Lord." (Rum, 30/8)

This verse emphasizes the need for us to reflect on the events in the universe.

"When they are told, 'Follow what Allah has revealed,' they say, 'No! We will follow what we have seen from our forefathers.' What if their forefathers were people who did not use their intellect and were not guided?" (Al-Baqara, 2/170)

This verse rejects the Jahiliyyah societies that questioned false beliefs and followed the religion of their ancestors without evidence.

3)   The performance of acts of worship such as prayer, zakat, fasting, and Hajj, which are the pillars of Islam: These acts of worship, which strengthen and renew the foundations of faith, strengthen the bond of the servant with his Lord.

Our Prophet (peace be upon him) said: "Islam is built upon five pillars: testifying that there is no god but Allah and that Muhammad is His messenger, performing prayer, giving zakat, fasting in Ramadan, and performing Hajj for those who have the means."

In another sacred hadith, our Prophet (peace be upon him) said: "My servant has not drawn closer to Me with anything he loves more than what I have made obligatory upon him." "My servant continues to draw near to Me through voluntary acts of worship, and I love him even more."

4)   Inviting to the path of Allah and ensuring the necessary security for the protection of this invitation:

"Let there be among you a community that invites to good, enjoins what is right, and forbids what is wrong. Those are the ones who will succeed." (Al-Imran, 3/104)

"Invite to your Lord with wisdom and good counsel, and argue with them in the best manner." (Nahl, 16/125)

"O my son, establish prayer, enjoin what is right, forbid what is wrong, and be patient in the face of adversity." (Luqman, 31/17)

There are also commands in this form. Such verses are aimed at protecting the religion.

5)   Islam does not force anyone to believe. It leaves them free to believe or disbelieve. Islam protects freedom of belief and allows different religions to coexist in the same land and state. Islam allows each religion to freely practice its beliefs and worship. The Prophet (peace be upon him) said, "Their religion concerns them, and our religion concerns us."

It is stated that the purpose of Islam's war (jihad) is to guarantee freedom of belief and religious freedom. "If Allah had not repelled some people by means of others, monasteries, churches, synagogues, and mosques in which the name of Allah is frequently mentioned would surely have been destroyed." (Hajj, 22/40)

Historically, Islamic states did not destroy the places of worship of other religions in the places they occupied. They allowed them to practice their religions freely. In contrast, Christians and Jews did not show the same sensitivity towards Muslims and destroyed mosques in the places they occupied.

6)   Jihad is legitimized for the purpose of strengthening the religion, preventing attacks, and protecting faith. Allah says:

"Fight in the cause of Allah against those who fight you, but do not transgress the limits set by Allah. Indeed, Allah does not love transgressors." (Al-Baqara, 2/190)

"What is wrong with you that you do not fight in the cause of Allah and say, 'Our Lord, take us out of this town whose people are wrongdoers; Are you not fighting for the sake of the oppressed men, women, and children who say, "Send us a guardian from Your presence, send us a helper from Your presence"? (An-Nisa, 4/75)

7)   Adherence to the teachings of religion and practicing them with complete faith ensures the vitality of religion and its influence on the souls and consciences of individuals. Therefore, we frequently see the expression "those who believe and do righteous deeds" in the Quran.

8)   Legalization of the punishment for apostasy: The purpose of this is to ensure that a person is serious and fully committed to embracing Islam. Islam does not require a person to be forced into Islam, but rather to make a decision with complete faith. Once a person embraces Islam, it is believed that this decision was made with complete faith. If a person later renounces it, this can undermine the intellectual and political stability of society. Therefore, the punishment for apostasy has been legislated to protect the seriousness of belief and the respectability of religion. The Quran mentions this as follows:

"Some of the People of the Book spoke amongst themselves, saying, 'Believe in the Qur'an that was revealed to the believers at the beginning of the day, but disbelieve in it at the end of the day. Perhaps they will doubt their faith and return to their former beliefs.'" (AlImran, 3/72)

9)   Fulfilling needs and regulations: The aim here is to ensure the peace, tranquility, and well-being of society at both the individual and societal levels by enabling worship, congregational prayer, and other

religious activities. Thus, these laws aim to ensure that religion takes root in the individual and society, contributing to the inner peace, tranquility, and general well-being of individuals and society. (Dr. Ali Pekcan, Selçuk University)

Protection of the Self

One of the most important elements, an unavoidable necessity of human life, is the protection of oneself and the defense of one's right to life. The religion of Islam has taken a number of measures to protect the self:

1)   Islam has made marriage a condition for reproduction and the continuation of the species, aiming for people to make the world habitable and to sow the seeds of life for humanity. Islam has described the bond of marriage as a sacred relationship and considered it one of the signs of Allah:

"And among His signs is that He created for you spouses from yourselves and put between you affection and mercy." (Rum, 30/21)

2)   Islam states that an individual must meet their basic needs to sustain their life. It does not allow situations where being deprived of basic necessities such as food, drink, clothing, and shelter threatens one's life. Furthermore, it states that if a person is unable to meet these basic needs, the institutions representing the State are obligated to help that person. If a person is in danger of annihilation, it makes it obligatory for them to consume the property of others to the extent of necessity.

3)   It emphasizes that the State must establish appropriate institutions such as law and police to ensure the general security of the individual and society.

4)   Islam protects human dignity by preventing slander and insult, prohibiting unnecessary attacks on individuals and restricting their activities without a specific reason. Thus, it safeguards the freedoms of thought, action, opinion, residence, and travel. This is stated in the following verse:

"Those who harm believing men and believing women for what they have not done have indeed burdened themselves with slander and a manifest sin." (Al-Ahzab, 33/58)

5)   Islam includes permissions granted to the self due to difficulties created by excuses. For example, the ease of not fasting during Ramadan due to illness or travel, and the ease of shortening prayers during travel are among these.

6)   The religion of Islam forbids a person from intentionally taking their own life: "And do not kill yourselves for any reason. Indeed, Allah is Most Merciful." (Nisa, 4/29)

Thus, it is considered that this person has committed a serious crime, and it is stated that killing one person is like killing all of humanity.

"That was why We laid it down for the children of Israel that whoever killed a human being – except as a punishment for murder or for spreading corruption in the land - shall be regarded as having killed all mankind, and that whoever saved a human life shall be regarded as having saved all mankind." (Al-Maidah, 5/32)

Similarly, it states that if a Muslim intentionally kills another Muslim, that person will be punished with eternal torment in Hell, and that Allah is angry with him and has cursed him.

"Whoever intentionally kills a believer, his punishment is Hell, wherein he will abide eternally. Allah is angry with him, has cursed him, and has prepared for him a great torment." (An-Nisa, 4/93)

Furthermore, it is narrated in an authentic hadith: "Whoever kills a Mu'ahid (one who has sought protection), he will not smell the scent of Paradise."

7) When the crime of killing is an intentional act, retaliation (qisas) is applied. However, if a believer accidentally kills another, it suggests various ways to rectify the situation and compensate the victim's family. The Quran states:

"O you who believe! Retaliation, the just retribution, has been prescribed for you in cases of murder. A free man shall be killed for a free man, a slave for a slave, and a woman for a woman. However, if the murdered person is forgiven by his brother or his guardians, then the one who forgives should demand the prescribed blood money, and the one who is forgiven should pay it properly." (Al-Baqara, 2/178)

8) Islam requires that a Muslim should save the life of a person who is in danger of being killed with malicious intent, and that a Muslim should help another person when he has the power to do so.

9) Islam also permits a person to defend himself if he is attacked. And it declares that if the attacker's actions are proven, he will not bear any responsibility.

Protection of Reason

According to Islam, the gift of reason is of great importance. Reason is the source of responsibility and symbolizes the superiority of man over other creatures. Human beings have been given the authority to fulfill the duty of vicegerent on earth and to carry the trust given by God. Indeed, the Holy Quran states:

"We offered the trust to the heavens and the earth and the mountains, but they refused to bear it. But man bore it; indeed, he is unjust and ignorant." (Al-Ahzab, 33:72)

For this intellect, which holds special importance, Islam has protected it by establishing regulations that ensure mental health and vitality. These regulations are as follows:

1)   Islam prohibits things that can negatively affect the intellect. This includes substances such as alcohol and cannabis. Regarding this, the verse states:

"O you who believe, indeed intoxicants, gambling, idols, and divining arrows are only abominations of Satan; so avoid them so that you may attain salvation." (Maide, 5/90)

2)   Islam has imposed deterrent penalties for the consumption of intoxicants because these substances cause serious harm to the individual and society.

3)   Islam encourages reason, independent thinking, reliance on evidence, and sound arguments, and advises against blind imitation. Therefore, Allah Almighty says:

"Have they taken gods besides Allah? Say: Bring forth your proofs, if you are truthful!" (Neml, 27/64) In another verse, it is said:

"If anyone invokes, besides God, any other god, he has no authority therefore; and his reckoning will be only with his Lord! And verify the unbelievers will fail to win through!" (The Believers, 23/117)

4)   In Islam, mental health is valued both physically and spiritually. Therefore, Islam supports a good diet that strengthens the body and invigorates the mind. The judge considered it reprehensible to make decisions while hungry. It has prescribed that meals should be placed

before prayer. At the same time, it has considered the pursuit of knowledge as a foundation of faith. Therefore, Allah Almighty says:

"Indeed, the most fearful of His servants are those who have knowledge. Allah is Mighty and Forgiving." (Fatir, 35/28)

Consequently, our Prophet (peace be upon him) considered the pursuit of knowledge a right for everyone and declared that it is obligatory for every Muslim man and woman to acquire knowledge: "Seeking knowledge is obligatory upon every Muslim man and woman."

5)   Islam honors those who possess intellect and knowledge and gives glad tidings to those who listen to and follow the truth. In this regard, the Holy Quran says:

"The example of those who listen and choose the best of words: Those are the ones whom Allah has guided, and those are the ones who use their intellect." (Zumer, 39/18)

6)   Islam prohibits magic, divination, sorcery, and other fraudulent methods, and avoids allowing superstitions to interfere with reason. It also prevents reason from seeking knowledge contrary to the Quran and Sunnah.

7)   Islam directs reason towards reasoning and recognizing the truth. It encourages the human mind to contemplate and understand the truth with this verse:

"Look at the effects of Allah's mercy, how He revives the earth after its death." (Rum, 30/50)

8)   Islam directs people towards interpretation and deriving rulings. Islam emphasizes the direction of reason and intellectual energy towards understanding Sharia rulings with this verse:

"Do they not ponder over the Quran? If it had been from other than Allah, they would have found in it many contradictions." (Nisa, 4/82)

9) Islam encourages understanding the secrets of matter in the universe. To this end, it constantly supports the use of reason to internalize the material energies of the universe and to build civilization:

"It is Allah who has made the earth a dwelling place for you; so travel upon it and enjoy what Allah has prepared for you." (Al-Mulk, 67/15)

10) Islam encourages research in deriving rulings from religious texts. To cultivate the ability to research in matters where the ruling is not explicitly stated in the texts, it has opened the doors to ijtihad (independent reasoning). It is stated in hadiths that those who engage in ijtihad and arrive at the correct ruling in a religious matter will receive two rewards.

Thus, the Islamic religion has established a number of measures and regulations to protect the soul (life) and intellect. (Ali Pekcan, Selçuk University)

Preservation of the Species

This principle means the preservation of the human species through reproduction to ensure its continuation on Earth. Islam strives to ensure the continuation of human life on Earth. This will continue until the time Allah permits the destruction of the world and leaves it as an inheritance to those who live on it. To achieve this principle, Islam has introduced the following principles and regulations:

1) Legalization of Marriage: After legalizing marriage, Islam encouraged it, viewing it as a pure and natural path. Therefore, it designed marriage as an environment where men and women meet based on pure instincts. However, beyond these instincts, it brought people together to protect the human species through marriage, to

cultivate the world, and to raise healthy generations who will inherit the world. Allah Almighty says:

"And among His signs is that He created for you spouses of yourselves so that you may find tranquility in them, and He put between you affection and compassion. Indeed, in that are signs for people who reflect." (Romans, 30/21)

2)   Emphasis on the Upbringing of Youth and Strengthening Family Ties: Islamic law mandates that parents care for and educate their children. Thus, Islam aims for children to become useful members of society.

3)   Encouraging the Establishment of a Strong Foundation for the Family: Islam bases the marital relationship on free choice and agreement between the parties. It emphasizes harmony and consultation between spouses, thus fostering a spirit of love and understanding, and enabling both spouses to find happiness in each other. The verse mentioned above is a beautiful example of this.

4)   Regulating the Relationship Between Men and Women with Moral Principles: To manage the relationship between the two sexes, Islam has established specific principles and moral rules. These include the modesty of men towards women and women towards men, ensuring that Islam prevents factors that trigger lust within a person. Islam, through the positive aspects of wearing the veil, eliminates the causes that lead to discord. Furthermore, our homes have a significant degree of privacy; therefore, according to the rulings of our religion, entering homes without the permission of their owners is forbidden, as stated in the following verse:

"O you who believe! Do not enter houses other than your own without permission and without greeting the owners. If you understand, that is better for you." (An-Nur, 24/27)

5)   Prohibition of Harassment of Honor and Chastity: Islam prohibits attacking a person's honor, therefore it has forbidden adultery and slander and has prescribed a deterrent punishment for each. Namely:

"Those who accuse chaste women of adultery and then cannot produce four witnesses, flog them with eighty lashes. And do not accept their testimony at all. These are the wicked ones." (Nur, 24/4)

The principles and regulations we have mentioned are the fundamental regulations that Islam has established to ensure the protection of the human species in matters related to family, marriage, and sexuality. Unfortunately, these regulations are not implemented in our country today. As a result, prostitution and adultery are increasing, and the murder of women cannot be prevented.

Protecting Property

The Islamic religion always considers the inclinations inherent in human nature, responding to human needs within satisfactory and reasonable limits. It also ensures the well-being of humanity by establishing regulations. It shares the same sentiment regarding the human tendency towards possession. Therefore, it has permitted individual ownership and introduced measures and regulations to balance the negative effects that may arise when this tendency prevails. While this may lead to a loss of social balance and the circulation of property among some members of society, it has also introduced regulations such as zakat, inheritance, and social security. Indeed, Islam considers property to be a fundamental necessity of human life.

Methods Envisioned by Islam for Protecting Property:

1)   Encouraging Work as a Source of Earning and Livelihood: Islam views work as the foundation of human life and encourages the effort

to earn property – provided the intention is right and it is done through legitimate means – as a form of worship. Allah Almighty says the following regarding this matter:

"It is He who has given you freedom to use the earth from end to end and to provide for you therein." (Al-Araf, 7/10)

Islam provides guidance on trade, work, and earning wealth through legitimate means, but it stipulates that these activities must be carried out with good intentions and through legitimate means.

2)   Recognizing the Importance and Value of Work: The religion of Islam values manual labor and respects the rights of workers. Our Prophet (peace be upon him) said in an authentic hadith:

"No one has ever eaten anything better than what he has earned with his own labor. Even the Prophet David ate from what he earned with his own labor."

3)   Encouraging Legitimate Ways of Earning: The religion of Islam encourages legitimate ways of earning and approves of agreements that do not infringe upon or violate the rights of individuals. Therefore, Islam emphasizes the necessity of conducting various contracts such as buying and selling, renting, mortgages, and partnerships fairly.

4)   Prohibits Unjust Enrichment and Illegitimate Means: Islam explicitly prohibits acquiring wealth through illegitimate means and fraudulent methods that harm others. For example, it forbids usury (riba) because it disrupts the social and material balance. This prohibition is clearly stated in the verse:

"Allah has permitted trade and forbidden usury." (Al-Baqara, 2/275)

Furthermore, it also prohibits consuming the property of others through deception, theft, or other unlawful means.

5) Ensuring the Fair Use of Wealth for the Benefit of Society: The Islamic religion has limited the use of wealth in a way that is consistent with the general benefit of society. Islam condemns luxury consumption and advises against wasting wealth. The Quran states:

"Those who waste their wealth are brothers of Satan, and Satan is ungrateful for the blessings of his Lord." (Isra, 17/27)

6) Encouraging Inheritance, Foundations, and Charitable Institutions: Islam encourages mechanisms such as inheritance, foundations, and charitable institutions to ensure the sustainability of wealth and its use for the benefit of society. Therefore, it has commanded the allocation of a certain percentage of wealth for aid and social welfare, such as zakat, and has also encouraged the giving of charity (sadaqa).

The following verse is significant in this regard:

"O Messenger! Tell those who hoard gold and silver instead of giving in God's cause that they will have a painful punishment." (Tawbah, 9/34)

Only if Islamic law is applied in a society can the protection of religion, life, intellect, lineage, and property be ensured. These protections are the most important factors for the peaceful and prosperous life of that society. This is only possible through the application of Islamic law.

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Home Page   Articles