

### **Syllabus of the Subject:**

<b>Subject:</b>	Usulul Fikh - Sources of Islamic Law
<b>Study program:</b>	Islamic Studies
<b>Number of ECTS credits:</b>	6 ECTS
<b>Status of the subject:</b>	Compulsory
<b>Code of the subject:</b>	310
<b>Fund of classes:</b>	3+2
<b>ACADEMIC YEAR:</b>	2021/2022
<b>Semester:</b>	-VI-
<b>Teacher:</b>	Dr. Ajni Sinani

### **Brief description of the subject:**

Subject Usul Fikh deals with basics and methodology on which the Islamic Jurisprudence has developed. This subject studies and analyses bases of Islamic Jurisprudence one by one with the rules and specifics of each of them. Respective methodologies are also disintegrated in all arguments and the manner of creating - extracting legal norms out of them. All this is made in light of the methodology which has been set up by great scholars and founders of Islamic legal schools. This subject trains students to first of all understand the core and spirit of the Islamic Law and its sublime aims.

### **Aim of the subject:**

It equips students with basic knowledge regarding the science of Usuli Fikh, with basics and methodology on which the Islamic Jurisprudence has been built. That is by analysing and studying basics of the law of Sheriat one by one and specifics of each of them. Respective methodologies are also disintegrated in all arguments and the manner of creating - extracting legal norms out of them. All this is made in light of the methodology which has been set up by great scholars and founders of Islamic legal schools. With all this, gaining and advancement of the sense of critics and comparison in the aspect of evaluation of arguments and their classification is carried out based on the methodology of this science. Student shall be given the opportunity to critically by encouraging debate, to understand that the contested issues between legal schools are as a result of respective methodology of each school, and to be able to make general comparison amongst them. Even comparisons between these schools can advance in all aspects in these contested matters by using competences gained from this course. It also provides opportunity for accessing to contemporary novelties and to create a reflection towards them and to analyse stances of Islamic jurists related to them.

### **Expected learning outcome:**

#### **Following completion of the course, student will be able to:**

Describe the fundamentals of Islamic jurisprudence.

Compare and categorise each of them in their respective position.

Discuss about conditions and specifics of each of these bases.

Describe the methodology of establishing legal norms from their sources.

Argument - justify all competences gained with respective arguments.

Train the others with the same competences following conclusion of the semester.

### **Methodology of teaching:**

Teaching shall be carried out in form of lecture classes and exercises where students will be encouraged to make questions and analysis within the held lecture. Equipment for presentation such as projector for presenting knowledge in form of slides with power point program will be used. Seminars will also be held, which will be presented individually but also in group, and also self-assessment tests will be conducted. All these will be complemented with their implementation in practice by reading-reciting by the students before the professor. Students will have opportunity that during the preparation of subject to contact the professor and take instructions intending to reach the aimed quality and outcomes in learning process.

### **Content of the subject:**

**First week:** Getting acquainted with the science of Usul Fikh and importance it has. Discuss the syllabus of the subject for this semester and the method which shall be applied. DEFINITION OF THE SCIENCE OF USUL FIKH. Discussing the notions of the definition of el-Usul, el-Fikh. Differences between scholars and the science of Usuli Fikh in its definition. Explanation of definition.

**Bibliography:** Taxhedin BISLIMI, Hyrje në shkencën e Usuli Fikhut f. 6-13 (*This book in the text below will be referred to as basic literature of development of classes, therefore we will only deem enough to mention the pages*).

**Second week:** ORIGIN AND DEVELOPMENT OF USULI FIKH. Legislation (Sharia) in the period of the Prophet s.a.v.s. Period of his followers. Period of mujahidin imams. Imam Shafi and compilation of Usuli Fikh. SCHOOLS AND METHODOLOGIES OF COMPILATION OF USULI FIKH. School of Shafi-s or mutekelimin-s. School (method) of Hanafi-s. Method of later scholars. Benefits of Usuli Fikh.

**Bibliography:** (pg. 15- 27)

**Third week:** SOURCES OF ISLAM LEGISLATION. Division of sources of legislation. Aspects of division of these sources. Unified sources of legislation. Introduction to Quran

definition. Repeating of past classes lectures. DEFINITION OF QURAN. Explanation of definition. Definition of Quran, its norms and benefits. Miracle of Quran in expression and meaning. Sole reading, norms and its argumentation. Practical fruits of this stance.

**Bibliography:** (pg. 35-46 ).

**Fourth week:** MIRACLE OF QURAN AND ITS METHODOLOGY. Argumentation of Quran. Aspects and fields of miracle of Quran. Provisions of Quran and their types. Methodology of clarification of provisions. Repeating of past classes lectures.

**Bibliography:** (pg. 47-58).

**Fifth week:** SUNNET - SECOND SOURCE OF SHARIA. Definition of Sunnet from the etymological and terminology aspect. Division of Sunnet from the aspect of legislation. Situations when prophetic tradition is not taken for argument. Twinning of some functions in the personality of the Prophet s.a.v.s and its impact on legislation. ARGUMENTATION OF SUNNET AND ITS DIVIDING BASED ON TRANSMITTING. Arguments from Quran, consensus and hadith. Division of Sunnet by chain of transmitters, and result of division. Conditions of acting with hadith Ahad. Position of Sunnet towards Quran.

**Bibliography:** (pg. 58-76).

**Sixth week:** IJMA - CONSENSUS, THIRD LEGISLATIVE SOURCE, Definition of Ijma. Pillars of Ijma. Conditions of Ijma. Argumentation of Ijma. Possibility of forming Ijma and its implementation in practice. Provisions, rank and its types. Organisation of the first test, students will be divided into two groups.

**Bibliography:** (pg. 98-105).

**Seventh week:** ANALOGY - KIJAS, FOURTH LEGISLATIVE SOURCE Conditions and motive. Argumentation of Kijas - Analogy. Arguments from Sunnet regarding Kijas. Scope of survey on the motive. Types of motive. Manner of knowing the motive. Discussions with students regarding expected and achieved results in test.

**Bibliography:** (pg. 106-115).

**Eighth week:** ANALOGY - FOURTH LEGISLATIVE SOURCE Conditions and motive. Argumentation of Kijas - Analogy. Arguments from Sunnet regarding Kijas. Scope of survey on the motive. Types of motive. Manner of knowing the motive.

**Bibliography:** (pg. 115-127)

**Ninth week:** NON-UNIFIED SOURCES OF SHARIA. ISTISLAH - LEGAL REASONING BASED ON THE GENERAL INTEREST. Its definition and its types. Conditions of argumentation with it. The stance of four medhhebs (schools) regarding this source by concrete examples from the norms deriving from this source.

**Bibliography:** (pg 128-134).

**Tenth week:** ISTIHSAN - PREFERENCE OF LEGAL REASONING, Definition of Istihsan, argumentation and its types. Division of Istihsan of hanafi-s. URFI - TRADITION AS A LEGISLATIVE SOURCE. Defining the tradition, its types and

provisions. Distinctions between the Tradition and Ijma. Argumentation of Tradition. Amendment of provision with amendment of tradition.

**Bibliography:** (pg. 135-146 )

**Eleventh week:** ISTIS'HAB - LEGAL REASONING BASED ON EARLIER CONDITIONS.

Definition of Istis'hab and its types. Norms of Istishab and its position. Disagreements in its argumentation and its outcome. Some rules of Sharia which have been built on Istis'hab. Repeating of past classes lectures. Organisation of the second test, students will be divided into two groups.

**Bibliography:** (pg. 146-152)

**Twelfth week:** SHARIA OF THOSE BEFORE US. MEDHHEB OF SAHABI (FOLLOWER). What do we intend with the Sharia of those who lived before us? Stances of Islamic jurists towards this legislative source and their outcomes. Medhheeb of sahabi, its definition and argumentation. SEDDU DHERAI - LEGAL REASONING ON PREVENTIVE MEASURES. DEEDS OF MEDINA INHABITANTS. Definition of these non-unanimous sources and opinions of Islamic jurists related to them. Discussions with students regarding expected and achieved results in test.

**Bibliography:** (pg. 152- 160 )

**Thirteenth week:** MANNER OF CREATION OF PROVISIONS FROM TEXTUAL ARGUMENTS.

Introduction and acquaintance with the nature of this chapter - elmushterek - ambivalent words as sample. ORDER OF CITATIONS FROM ASPECT OF CLARITY. Texts with clear meaning, their order and norms deriving from each of them. ORDER OF CITATIONS FROM ASPECT OF NON-CLARITY. Unclear texts and their categorisation, norms deriving from each of them. Repeating of past classes lectures.

**Bibliography:** (pg. 271-286).

**Fourteenth week:** IJTIHAD - INTELLECTUAL CONTRIBUTION OF SCHOLARS IN CREATING NORMS. Legal basis of Ijtihad. Scope of Ijtihad and where it is not allowed. Conditions of Ijtihad and its provisions. Proportion of Ijtihad and its result. Amending of Ijtihad and its annulment by another.

TAKLID - FOLLOWING THE FETVA-S- LEGAL REASONING. Definition of taklid and its scope. Taklid in secondary issues. Fetva, scope and distinction between them and judgement. Types of Ijtihad.

**Bibliography:** (pg. 77-97).

**Fifteenth week:** SUBLIME AIMS OF ISLAMIC LAW. General aim of divine legislation. Types of objectives and their ranking. Argumentation for their ordering. Building of provisions of Sharia on these objectives.

**Bibliography:** (pg. 309-317)

### **Criteria and components of evaluation:**

Attendance and engagement in lectures 10%

Seminar work 10%

1 <sup>st</sup> intermediary test	20%
2 <sup>nd</sup> intermediary test	20%
Final exam	40%
Total	100%

#### **Basic bibliography - mandatory:**

1. Taxhedin BISLIMI, Hyrje në shkencën e Usuli Fikhut; Shkup 2003.

#### **Additional and optional bibliography:**

1. *Flamur Sofiu; Usuli Fikhu -Bazat dhe metodologjia e jurisprudencës Islame, Prishtinë, 2000*
2. El-xhevanibu Et-trbevijetu fi Usulil Fikhil Islamij, prof. dr. El-Buga, Mustafa Dib, Irbid- Jordani 2006.