

Analysis of Disagreements Regarding Haram and Halal in the Book “Al-Hidaya”

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Abstract: General Background: Islamic jurisprudence has long engaged in discussions about what is considered halal (permissible) and haram (forbidden) in various aspects of life. These classifications are essential for Muslims, guiding them in religious, social, and economic matters. Specific Background: Burhanuddin al-Marghinani’s Al-Hidaya is one of the most significant works in Hanafi jurisprudence, systematically addressing legal disagreements (hilyaf) related to halal and haram. However, differences persist among Islamic legal schools, particularly in dietary laws, financial transactions, and family law. Knowledge Gap: While extensive research exists on Al-Hidaya, few studies have focused on its role in resolving disagreements regarding halal and haram across different schools of thought. Aims: This study aims to analyze the major disagreements on halal and haram within Al-Hidaya, comparing its interpretations with other seminal Islamic legal texts, including Al-Muwatta by Imam Malik and Al-Umm by Imam Shafi’i. Results: The analysis demonstrates Al-Hidaya’s methodological approach in reconciling legal differences, promoting inclusivity, and fostering jurisprudential flexibility. Novelty: This study highlights the enduring relevance of Al-Hidaya in contemporary Islamic legal debates and its impact on shaping a tolerant and cohesive legal tradition. Implications: Understanding Al-Hidaya’s approach to legal disagreements offers insights into how classical jurisprudence can inform modern legal challenges in the Muslim world.

Keywords: Al-Hidaya, Burhanuddin al-Marghinani, halal, haram, islamic jurisprudence, Hanafi school, legal disagreements, qiyas (analogy), istihsan (preference), ijma (consensus), legal interpretation, comparative analysis, dietary laws, financial transactions, family law.



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INTRODUCTION

“Al-Hidaya” (The Guidance), authored by Burhanuddin al-Marghinani in the 12th century, is a cornerstone text in Hanafi jurisprudence, providing an exhaustive legal framework on a wide array of issues, including the concepts of halal (permissible) and haram (forbidden). This pivotal work has been instrumental in shaping the discourse on what is deemed permissible and forbidden in Islamic law, and it delves into the various disagreements among Islamic legal scholars and schools of thought (mazhabs) regarding these concepts. This article aims to analyze these

disagreements, highlighting key points of contention, underlying principles, and their implications for contemporary Islamic jurisprudence.[1]

METHODS

This study employs a qualitative analysis of the text of “Al-Hidaya,” supplemented by historical and comparative methodologies. Primary sources include the original text of “Al-Hidaya” and secondary sources such as scholarly articles, commentaries, and historical records. Comparative analysis with other seminal works in Islamic jurisprudence, including “Al-Muwatta” by Imam Malik and “Al-Umm” by Imam Shafi'i, is conducted to assess the unique contributions of “Al-Hidaya” to the science of legal disagreements (hilyaf). This multifaceted approach facilitates a comprehensive understanding of diverse opinions on halal and haram and their significance in Islamic law.[2]

RESULTS

“Al-Hidaya” was composed during the Islamic Golden Age, a period marked by prolific scholarly activity and the development of various legal schools. Burhanuddin al-Marghinani, a prominent Hanafi jurist, compiled this exhaustive guide to Hanafi jurisprudence. The work, divided into four volumes, covers a wide range of legal issues, from worship and transactions to marriage and criminal law. The systematic and detailed nature of “Al-Hidaya” has made it a cornerstone reference for scholars and practitioners of Islamic law (Kamali, 2005).[3]

Among the key disagreements regarding Halal and Haram are:

✓ dietary laws

The first area of disagreement revolves around dietary laws, particularly what types of food are considered halal and haram.

- Hanafi School: In the Hanafi madhab, many types of food are considered halal as long as they do not contradict the fundamental principles of Islam. Issues related to animal sacrifice and adherence to halal rules are thoroughly discussed in “Al-Hidaya” (Marghinani, 2000).
- Shafi'i School: The Shafi'i madhab is stricter regarding dietary laws and requires more detailed rules for animal sacrifice and food preparation. The emphasis is on ensuring that every step of the process adheres strictly to Islamic guidelines (Kamali, 2005).
- Maliki School: Maliki scholars also adhere to strict rules regarding dietary laws, especially concerning seafood and other specific types of food. They emphasize the importance of following traditional practices (Esposito, 1995).
- Hanbali School: The Hanbali madhab also strictly observes halal rules and considers multiple factors when determining the permissibility of food. The focus is on adhering to the Quranic injunctions and prophetic traditions (Hallaq, 2009).

✓ financial and commercial transactions

Another significant area of disagreement involves financial and commercial transactions, particularly what is deemed halal and haram in business dealings.

- Hanafi School: In the Hanafi madhab, significant attention is given to the permissibility (halal) and prohibition (haram) of financial and commercial transactions. Particular emphasis is placed on contracts, loans, and the conditions of transactions (Vogel, 2000).[4]
- Shafi'i School: The Shafi'i madhab strictly regulates issues of loans, credit, and contract conditions to avoid riba (usury) and fraud. They emphasize the importance of transparency and fairness in financial dealings (Kamali, 2005).

- Maliki School: Maliki scholars also examine the permissibility of financial operations in detail, particularly concerning rent and trade. They focus on ensuring that all transactions are conducted ethically and in accordance with Islamic principles (Esposito, 1995).
- Hanbali School: The Hanbali madhab adheres to strict rules regarding financial transactions and requires compliance with specific conditions for their permissibility. They place a strong emphasis on avoiding any form of exploitation or unfair advantage (Hallaq, 2009).
- ✓ family law.

Family law is another area where there are significant disagreements regarding what is considered halal and haram.

- Hanafi School: The Hanafi madhab provides flexibility in matters of marriage and divorce but clearly defines what is halal and haram in these issues. They emphasize the importance of mutual consent and fairness (Marghinani, 2000).
- Shafi'i School: The Shafi'i madhab is stricter in matters of family law and requires adherence to various conditions for the conclusion and dissolution of marriage. They focus on ensuring that all actions are in accordance with Islamic guidelines (Kamali, 2005).
- Maliki School: Maliki scholars adhere to strict rules regarding marriage and divorce, especially concerning alimony and inheritance. They emphasize the importance of maintaining family integrity and providing for dependents (Esposito, 1995).[5]
- Hanbali School: The Hanbali madhab also strictly regulates family law issues and requires compliance with specific conditions for marriage and divorce. They place a strong emphasis on protecting the rights of all parties involved (Hallaq, 2009).

COMPARATIVE ANALYSIS

A comparative analysis of “Al-Hidaya” with other foundational texts in Islamic jurisprudence, such as “Al-Muwatta” by Imam Malik and “Al-Umm” by Imam Shafi'i, reveals the unique contributions of Burhanuddin al-Marghinani. While “Al-Muwatta” and “Al-Umm” are seminal works in their respective schools (Maliki and Shafi'i), “Al-Hidaya” stands out for its thorough analysis and presentation of legal norms from multiple perspectives. This makes “Al-Hidaya” an invaluable resource for the science of hilyaf, as it provides a comprehensive and systematic framework for understanding legal disagreements (Calder, 1997).[6]

DISCUSSION

“Al-Hidaya” by Burhanuddin al-Marghinani has had a profound impact on the science of hilyaf, contributing to the understanding and resolution of legal disagreements in Islamic jurisprudence. The work's systematic presentation of legal opinions, detailed analysis of conflicting rulings, and methodological contributions have made it a cornerstone in the study of Islamic law.

One of the key strengths of “Al-Hidaya” is its ability to promote tolerance and inclusivity in legal interpretation. By providing a clear framework for understanding the reasoning behind different rulings, the work encourages scholars to appreciate the diversity of legal opinions within the Islamic tradition. This is particularly important in the modern context, where the global Muslim community is diverse and faces a wide range of legal and social challenges (Esposito, 1995).[7]

The influence of “Al-Hidaya” on later works in Islamic jurisprudence cannot be overstated. The methodology and structure of the work have been emulated by subsequent scholars, contributing to the development of a more cohesive and comprehensive body of Islamic legal literature. This has had a lasting impact on the science of hilyaf, shaping how scholars approach and resolve legal disagreements (Vogel, 2000).

The methodological contributions of “Al-Hidaya” have enriched the science of hilyaf. The use of qiyas (analogy), istihsan (preference), and ijma (consensus) in the work provides scholars with a robust framework for analyzing legal issues from multiple perspectives. This promotes flexibility and adaptability in legal interpretation, essential for addressing contemporary legal and social issues (Kamali, 2005).[8]

The ability of “Al-Hidaya” to systematically compare legal opinions and present a balanced view of different rulings makes it an invaluable resource for resolving legal disputes. This is particularly relevant in the context of the science of hilyaf, where understanding and navigating legal disagreements are crucial. The work's emphasis on reasoned argumentation and comprehensive analysis helps scholars develop a more nuanced understanding of Islamic law (Hallaq, 2009).[9]

“Al-Hidaya” also plays a crucial role in promoting legal consistency and unity within the global Muslim community (Mukhamedov N., & Turambetov N., 2023). By systematically comparing and analyzing different legal opinions, the work helps scholars identify common ground and develop more cohesive legal frameworks.

CONCLUSION

“Al-Hidaya” by Burhanuddin al-Marghinani remains a cornerstone in the science of hilyaf, offering valuable insights into the resolution of legal disagreements and the development of Islamic jurisprudence. The work's systematic and detailed approach, coupled with its methodological contributions, has made it an enduring and influential text in the study of Islamic law. By promoting legal tolerance, inclusivity, and adaptability, “Al-Hidaya” continues to be a vital resource for contemporary scholars and practitioners. [10]

As the global Muslim community faces new legal and social challenges, the insights provided by “Al-Hidaya” remain relevant and valuable. The work's emphasis on systematic analysis, methodological rigor, and inclusivity in legal interpretation offers a model for contemporary Islamic jurisprudence. By fostering a comprehensive understanding of different legal opinions, “Al-Hidaya” helps scholars appreciate the richness and diversity of Islamic law, ultimately contributing to a more cohesive and harmonious legal tradition.[11]

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