



HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

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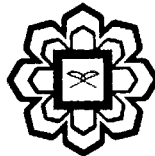


**HARMONISATION OF THE
SHARĪ'AH AND CIVIL LAWS
(PERSPECTIVE AND PRACTICE)**

EDITORS

ABDUL HASEEB ANSARI

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1. Introduction

Generally speaking, morals are just and good acts of human relations and human behaviours. Moral rules are social norms and rules based on divine wisdom that endeavour to promote just and good human relations and human behaviours in every sphere of human life, violation of which is considered as socially deviant behaviors or violation of divine commands and might be subjected to social sanctions or religious sanctions. Morality is a system of morals, like Western morality and Islamic morality having different sets of morals. Ethical rules are also moral rules which have limited applications, like medical ethics comprises moral rules applicable to people related to medical profession; likewise, there are ethical rules to be followed by judges and lawyers. They may or may not be codified. For Western secular thinkers, morality is purely the product of the society, which varies with the change of time and space, and violation of which might be subjected to legal actions. Contrary to this, in Islam, there are two sets of morals: morals that are based on divine wisdom, for example injunctions derived from the Qur'an and *Sunnah* in the form of mandatory and recommendatory rules; and morals developed on the basis of human wisdom. The first category of morals are eternal, immutable and universal; whereas, the second set of morals may change with the change of time and space, but for their validity they have to be in conformity with injunctions based on Divine wisdom. The best example of this may be solemnization of marriage in Islam. For a marriage of two Muslims, one male and the other one female, *Ijab* (offer) and *Qubul* (acceptance) are the two essential