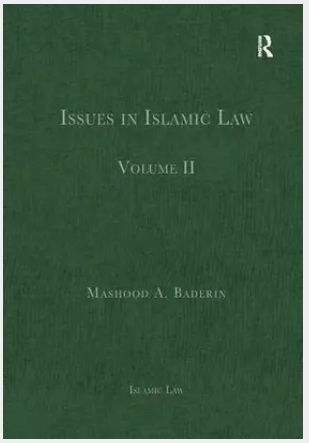
Baderin

Issues in Islamic Law

Islamic substantive law, otherwise called branches of the law (furÅ'' al-fiqh), covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law. It is to Islamic substantive law that the rules of Islamic legal theory are applied. The relationship between Islamic legal theory and Islamic substantive law is metaphorically described by Islamic jurists as a process of 'cultivation' (istithmÄr), whereby the qualified jurist (mujtahid), as the 'cultivator', uses relevant rules of legal theory to harvest the substantive law on specific issues in form of 'fruits' (thamarÄt) from the sources. The articles in this volume engage critically with selected substantive issues in Islamic law, including family law; law of inheritance; law of financial transactions; criminal law; judicial procedure; and international law (al-siyar). These areas of substantive law have been selected due to their contemporary relevance and application in different parts of the Muslim world today. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research.



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