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اِنْبِرَارًا بِحَسْبِ حَلْفِنَا

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VIA MICROSOFT TEAMS

Garden of Knowledge and Virtue

The Concept of *Wasatiyyah* under Islamic law Perspective : A Manifestation of Just and Balanced Rule

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OBJECTIVE OF THE STUDY

- To examine the manifestation of the concept of wasatiyyah in various fields of Islamic law: ibadat, transaction (*mu'amalat*), family law (*munakahat*), criminal law (*jinayat*), International Relations (*al-siyar*) etc.



Meaning of *wasatiyyah*

- Literally: middle, center, heart
- Technically:

“Thus we have made you a just (balanced/the best) ummah that you be witnesses over mankind and the Messenger (Muhammad s.a.w) be witness over you...” al-Baqarah: 143



Meaning of *wasatiyyah*

- balance (*tawazun*) between two opposite sides;
to provide each side according to its scope/ambit.
to give each side according its right without extreme/exceeding the limit and shortening/decreasing.



Meaning of *wasatiyyah*

- this world and next world
- material and spiritual
- individual and society
- justice (al-‘adl)
- the best (al-khiyar/al-jawad)



Methodology of *wasatiyyah*

- The Qur'an and Sunnah
- The principles of Islamic jurisprudence
- Islamic legal maxim
- Maqasid al-Shari'ah



Manifestation of *wassatiyyah* in the field of Ibadah

Concession

- dropping the responsibilities: a woman who is in menstrual period, she is not obliged to perform prayer and she does not have to replace the missed prayer.
- reducing responsibilities: shortening the prayer.
- bringing forward an obligation to a future date: fasting for the traveller and sick person.
- changing the form of obligation: prayer



Manifestation of *wassatiyyah* in the field of Islamic Family law (*munakahat*)

- Mutual Rights and Responsibilities of Spouse:
 - maintenance.



Manifestation of *wassatiyyah* in the field of Islamic law of Transaction (*Mu'amalat*)

- moratorium: payment of debt.
- legality of forward sale (bay' al-salam) ,
manufacturing contract (istisna'), leasing
(ijarah).



Manifestation of *wassatiyyah* in the field of Islamic Criminal law (*Jinayat*)

- Imposition of punishment:

“Set aside the execution of *hudud* punishments in cases of doubt (*shubhah*).”



Manifestation of *wassatiyyah* in the field of Islamic law on international relations (*al-siyar*)

- balanced legal principles on jihad.
- The verses must be read as a whole, taking into consideration the causes of the revelation and the context in which the verses were revealed.
- It is not proper to refer to just part of a verse
e.g. “And slay them wherever you catch them”
(Qur’an, 2:191 in part),



Islamic law on international relations (*al-siyar*)

disconnecting it from the immediately preceding verse “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loves not transgressors” (Qur’an, 2:190) which provides the cause of fighting, namely: existence of aggression.



Conclusion

- The above discussion shows the manifestation of the concept of wasatiyyah/balance and justice in various field of Islamic law.
- It can be a tool, methodology or factor to be considered in harmonising Islamic law itself as propounded by various school of law and also between Islamic law and civil law.



THANK YOU



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