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### A COMPARATIVE AND RESEARCH STUDY OF THE SELECTED MODERN JURISPRUDENTIAL ISSUES IN THE LIGHT OF SELECTIVE URDU TAFASEER

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#### **ABSTRACT:**

The Qur'an and Hadith are the primary sources of Islam. They offer solutions to the problems of every nation, region, and situation in the future. Apart from this, there are two secondary sources, which are jurisprudence and the interaction of the Ummah. The difference between the two sources is that the first mentioned source is mentioned in a principled and general style, while the latter secondary source is compiled in a detailed and detailed style. The hadiths of the Prophet ﷺ and the Sunnah of the Holy Qur'an are interpretations and explanations, while the jurisprudence and interaction of the Ummah are the interpretations and practical examples of the hadiths and the original.

The Muslim Ummah is facing many modern problems in every age and century. The solutions to these modern problems are found perfectly in the sources of Islam. For this, other sciences are needed only as support and not permanently. The research and comparative analysis of selected jurisprudential issues are presented in the light of selected Urdu commentaries. These three Urdu commentaries were Compiled by Mufti Muhammad shafi, Allama ghulam Rasool

saeedi and Abul-Ala Al-Maududi. All three personalities are great Islamic scholars who have elaborately discussed modern jurisprudential issues in their interpretations.

In the current era, there is a need to present research and a comparative review of these jurisprudential issues, these debates are covered in the present paper: the original about the rulings, a review of Western democracy and Islamic Shariatism, the command to offer Nafila prayers while riding, and offering prayers in moving trains and aeroplanes. Order, justification of prayer through a loudspeaker, order of hunting by gunshot, use of European products, and the issue of blood transfusion These issues are compared and analysed as well. The above-mentioned paper is divided into three main parts: in the first part, the types of modern problems and their solutions are discussed; in the second part, the selected jurisprudential problems are evaluated in light of the three interpretations; and in the third part, European products and blood transfusions are examined. A comparative review is presented. Summary discussion, conclusions, and recommendations are presented at the end of the paper, while footnotes are listed at the end.

### **TOPIC1:**

#### ***Types of modern problems and how to solve them***

There are three types of modern problems:

1. The first category is the problems that arise due to the inventions of the present age and the existing economic, social, and political systems. The way to solve them is "Research Manat", which means to find analogies of these modern problems from the ancient collection of Quran, Sunnah, and Islamic jurisprudence, then adapt these modern problems to these analogies and their Shariah solution with the help of these analogies. Be taken out.
2. The second type are those issues that are ancient in terms of occurrence and are mentioned in jurisprudence books, but due to the change of circumstances, customs, and habits, they need to be revised. Because what was common at that time has changed, and what was the reason for the order at that time is no longer there today. Therefore, the reason for the change requires that the order also be changed.
3. Under the third type of modern economic system, such institutions have been established that have become a necessity for the current industrial and scientific world; among them are banks and insurance. It has been suggested that an Islamic alternative method for these schemes be presented. The Islamic economic system has the ability to create legitimate and halal institutions according to modern requirements while staying within Islamic boundaries<sup>1</sup>.

### **TOPIC2:**

#### **1.Lawfulness is the base of all provisions:**

Maulana Ghulam Rasool Saeedi writes under Surah Al-Baqarah, verses 28, 29: "According to the opinions of the Qur'an, the Sunnah, and the jurists, there is the original ambiguity in the rulings, and the acts that have not been declared obligatory, haram, or abominable in the Qur'an and the Sunnah have been given

the authority to do or not to do." Therefore, the Prophet ﷺ organised gatherings of Kareem ﷺ and other notables on the virtues and character of Islam.

And expressing happiness on your birthday, giving charity and other acts of worship, conveying the reward of the Prophet ﷺ to the elders of the religion and your relatives, saying Salat and Salam individually and collectively, and finishing the Qur'an in congregation in Taraweeh Building spacious mosques, establishing libraries, writing the names of surahs and the number of verses on the Mushaf (Quran), dividing the Holy Quran according to verses, building mihrab and minbar in mosques, and organising gatherings for preaching and exhortation During the days of the Prophet ﷺ and his Companions, taking out processions and setting up gatherings to commemorate them, holding annual gatherings of religious madrasas, visiting hadiths and reciting Kham al-Bukhari, and many other religious affairs that are used to promote the slogans of religion and its magnificence are expressed whenever there is an order to do them in the Shariah, nor is it forbidden to do them, and all these actions are permissible in their original sense, but they should not be believed to be believed to be obligatory or obligatory, nor should they be considered obligatory. These tasks should not be considered obligatory; neither should those who do them be blamed nor ridiculed and insulted. When a permissible act is given the status of Fard and Wajib, then the door of innovation opens from there<sup>2</sup>.

Mufti Muhammad Shafi has discussed under the mentioned verse whether the objects are actually forbidden or not. And two sayings have been stated in this regard: one is that there is ambiguity in the original objects, and unless the sanctity of something is proven by the Qur'an and Sunnah, then it will be considered halal. The second is that there is haram in real objects unless it is justified by an argument from the Qur'an and the Sunnah. Mem Lam is for causality, that is, everything that is on earth has been created because of you, so it cannot establish the argument that these things are halal or that they are forbidden, but the rules of halal and haram have been stated separately, and their following has been stated. It is necessary<sup>3</sup>.

### *Analysis*

Mufti Muhammad Shafi has explained the problem of whether the original objects are forbidden or not, but he did not talk about modern problems, while Maulana Ghulam Rasool has argued the justification of many modern problems with it, for example: wide and wide. Building mosques, establishing libraries, holding gatherings for sermons and exhortations, taking out processions during the days of the Prophet ﷺ and his Companions, and establishing gatherings for their dhikr, holding annual gatherings of religious madrasahs, visiting hadiths, teaching, concluding steaming, etc. These are all modern-day problems that are justified by the rule that real objects have ambiguity. But Mufti Muhammad Shafi quoted from Bahr Mohit that there are separate rules of halal and haram, so they should be followed.

## ***2. Difference between Western democracy and Islamic Sovietism:***

Mufti Muhammad Shafi, may Allah have mercy on him, writes under Surah Al-Baqarah verses 30 (to 33):

Assemblies are a model of the same behaviour; the difference is that the assemblies of ordinary democratic countries and their members are completely independent and can make good or bad laws just by their opinions. They are bound by the rules and laws that Allah Ta'ala has given them through His Messenger (peace and blessings of Allah be upon him). There are also certain conditions for membership in this assembly, or Majlis Shura, and there are also certain limitations for the person they choose. Then their legislation can also be within the scope of the principles stated in the Qur'an and Sunnah; they have no authority to make any law against them<sup>4</sup>.

### ***Evidence that some provisions of the constitution comes from the mentioned verse:***

The first is that the power in heaven and earth belongs to Almighty Allah. The second is that for the implementation of the commands of Allah Ta'ala on earth, his vicegerent and caliph is his messenger, and indirectly, it also became clear that when the chain of divine caliphate ended with the Prophet ﷺ, now the chain of caliphate of the Messenger is his. An acting position was held, and the appointment of this caliph was decided by the election of the nation<sup>5</sup>.

Maulana Syed Abul Ala Maududi (may Allah have mercy on him) writes under the above verse 30 of Surah Al-Baqarah:

A caliph is one who exercises the powers delegated to him in his country as his vicegerent. The Caliph is not the owner but the deputy of the original owner. His powers are not personal but granted by the master. He does not have the right to act according to his own intention, but his job is to fulfil the intention of the owner. If they consider themselves owners and start using the delegated powers in an arbitrary manner, or recognise someone other than the original owner as owner and follow his intentions and obey his commands, then it will all be acts of treason and rebellion<sup>6</sup>.

Maulana Ghulam Rasool Saedi (may Allah have mercy on him) writes under Surah Al-Baqarah, verse 30:

This is the second meaning of caliph in this verse. In this sense, there is a difference between the Sunnis and the Shias in the appointment of the caliph. According to the Shia scholars, the clear text of the Prophet and the Messenger is necessary for the appointment of the caliph, while the Sunnis It is permissible to appoint a caliph based on text, consensus, and the choice of Arbab Hal and Uqd. In summary, the caliph is only the prophet of God, and the caliph is appointed by the people<sup>7</sup>.

### ***Analysis***

The three commentators have given the best interpretation under the thirtieth verse of Surah Al-Baqarah; the preceding quotations show that the last-

mentioned commentator has described the meaning of the caliph, explained its types, and mentioned the difference between Sunnis and Shiites in choosing the caliph. While the text of the above-mentioned commentator explains the meaning of caliph, he is an advisor to the Supreme Authority, and the first-mentioned commentator has clearly deduced two principles for the state from this verse: the first is that the supreme power belongs to Allah, and the second is that the Khalifa is the Messenger of Allah. It happens, and after Rasoolullah sallallahu alayhi wasallam, the chain of caliphate was established, and the caliph was appointed by the election of the nation. Almost all three commentators agree on this point.

Next, only the first-mentioned commentator has explained the difference between Islamic Sharia and Western democracy, which is summarised in three issues: In Western democracy, the assemblies and their members are free, while in Islamic Sharia, they are bound by the laws of Allah and the Messenger. There are certain rules and limitations for the selection of members; the legislation can be within the scope of the Quran and Sunnah and not against it. On the other hand, the text of the middle-mentioned commentator is also an advisor on the side that arbitrariness by leaving the original owner or accepting another as owner is rebellion.

In summary, Mufti Muhammad Shafi (may Allah have mercy on him) has clearly defined the difference between modern politics and Islamic politics, while other commentators have implied it.

### ***3. The command to perform Nafil prayer while riding***

Mufti Muhammad Shafi, may Allah have mercy on him, writes under Surah Al-Baqarah verse 115:

Some commentators have called the verse “فَأَيُّنَمَا تَوَلُّوا فَتَمَّ وَجْهُ اللَّهِ<sup>8</sup>” a command for the Nafil prayer, but it should be remembered that this command is only for those rides on which it is difficult to turn towards the Qiblah while riding and the rides in which the rider is facing the Qiblah. It is not difficult to turn towards such things as trains, ships, and aeroplanes; they have the same ruling as the direction of the Qibla in the state of Hazrat, that if the Nafil prayer is also offered in them, then the direction of the Qibla should be performed (of course, the state of prayer). If the direction of the train or the ship is turned and there is no room for the person praying to turn towards the Qiblah, he should complete the prayer in that state<sup>9</sup>.

### ***4. The justification for performing obligatory prayers in a moving train:***

Allama Ghulam Rasool Saedi, may Allah have mercy on him, writes under Surah Al-Baqarah verse 115:

From this verse, it is known that it is permissible to recite Nafil while riding a horse, even if the rider is facing in any direction, and it is not permissible to perform obligatory prayer while riding without an excuse, because it is obligatory to face the Qiblah, and without an excuse, the obligation is not

invalidated. If there is an excuse, then it is permissible. And if there is mud on the road and the clothes are covered in mud after dismounting from the horse and praying, then it is permissible to perform the obligatory prayer while riding. Imam Tirmidhi (RA) narrates:

Ya'ali bin Murah narrates that once the Messenger of Allah, may God bless him and grant him peace, and his Companions, may God bless him and grant him peace, were on a journey, and the time for prayer came. It was raining from the sky, and there was mud on the ground. He went forward on his ride, and the Companions were riding behind him. He led them in prayer while riding. I also prayed on the ride because of the mud<sup>10</sup>.

Allama Qazi Khan Ozjundi writes:

It is not permissible to pray while riding without an excuse. And the excuses are: In getting off the horse, his life or the life of the animal is in danger from a beast or a thief, or there is mud on the ground and no dry place can be found, or the animal is rebellious. "After dismounting from it, you cannot ride it without a helper," and if a helper is not available, "praying on a cow is permissible in these circumstances," because Allah Almighty says: If you are afraid, then walk or ride. Do pray. And after he is able to dismount, it is not necessary to repeat the prayer to him, as the patient prays with gestures while riding, even if the cow is moving at the time<sup>11</sup>.

Some more excuses are mentioned in Fatawi Alamgiri:

Obligatory prayer on a cow without an excuse is not permissible, and the excuses are: In getting off the cow, he is in danger of his life, his clothes, or the life of the rider, a thief, a beast, or an enemy; or the cow is unruly; and after dismounting, there is no helper. Cannot be mounted on it' or is old and cannot mount by himself and does not find a rider or the ground is muddy and there is no dry place" is the same in "Environment" and after being able to alight on it It is not necessary to repeat ' Similarly, in "Siraj Wahaj"<sup>12</sup>.

Apart from Qazi Khan and Alamgiri, these prayers are by Allama's son-in-law, Allama Ibn Hammam, Allama Babarti, Allama Khwarazmi, Allama Halabi, Allama Shami, Allama Ibn Najeem, Allama Haskafi, Allama Sharanbilali, Allama Tahtawi, Allama Shibli, Allama Ibn Bazar Kardri, and Maulana Amjad. Ali has also stated When a high-speed express train does not stop at a station during the entire time of prayer, it is permissible to perform fard prayer on the moving train, but it is obligatory because it is clear from the Holy Quran (al-Baqarah: 239) that if there is a risk of death while riding the train, it is permissible. Namaz can be offered, and there is definitely a danger to life in getting down from a moving train to offer Namaz<sup>13</sup>.

Our jurists have written that it is permissible to perform the obligatory prayer while riding in less danger than this and stated that there is no repetition of the prayer when riding in fear of getting stuck in the mud and being cut off from the caravan. But if the prayer is permissible, it will be permissible in the first place to perform the obligatory prayer in a fast-running train due to the danger of life<sup>14</sup>.

### *Analysis*

In verse 115 of Surah Al-Baqara, Maulana Maududi has not addressed the statement of jurisprudential issues, while Mufti Muhammad Shafi has taken this verse to mean nafl prayer, saying that it is necessary to face the qiblah on the rides on which it is difficult to face the qiblah in the nafl prayer. No, and it is not difficult to turn towards the Qiblah on those rides. Mufti Muhammad Shafi said about the modern rides of rail, watercraft, and aeroplanes that it is not difficult to turn towards the Qiblah in them. The Nafl prayer will also be read facing Qibla.

Allama Ghulam Rasool Saeedi has said that it is permissible to offer obligatory prayers on a high-speed express train if the train does not stop at a station during the entire time of obligatory prayers. I also have an obligatory prayer. It is also written under verse 143 of Surah Al-Baqarah that:

1. Nafl prayer is permissible on a moving horse, even if the horse does not face the Qiblah.
2. It is permissible to perform obligatory prayer on a moving vehicle (even if it is a moving train) even if the vehicle does not face the Qiblah due to an excuse, and it is not permissible to repeat it later<sup>15</sup>.

### ***6. The justification for praying with a loud speaker:***

Mufti Muhammad Shafi, may Allah have mercy on him, writes under Surah Al-Baqarah verse 143:

Now the issue under discussion, i.e., the instrument of loud sound, has become easy to decide because there is no illusion of following this instrument even remotely. So you should also prostrate with this device; it is only known that the Imam has gone into Ruku or is going into Sajdah. After this knowledge, he follows the Imam and not the command of this device, and following the Imam is a divine command, as is this speech. It is based on the fact that the sound of the loud instrument should not be considered the voice of the imam, but it should be considered a copy and narration, and the people of art call its voice the exact voice of the imam. According to his research, there is no problem with the justification of Salat<sup>16</sup>.

### ***Analysis:***

Mufti Muhammad Shafi has discussed moving in prayer to the sound of a loud speaker in the discussion of Qibla. The other two commentators have not discussed it. Mufti Muhammad Shafi has described two positions for the loudspeaker: one is that the sound of the loudspeaker should be taken as a copy of the imam's voice, and the other is that its voice should be taken as the exact voice of the imam. There is no problem with the justification of Salat in the second position; in the first position, it also makes the prayer permissible because it is not following this instrument but following the order of the Messenger of Allah ﷺ.

### ***7. Hunting with a gun:***

Under Surah Al-Baqarah verse 173, Mufti Muhammad Shafi, may Allah have mercy on him, has written the rulings on five modern issues:

(1) Problem: If an animal is wounded by a gunshot and dies before slaughter, then it is like if it dies by being hit by a stone or a stick, which is called Muqoozha in the second verse of the Holy Qur'an and has been declared haram. If it is slaughtered, it will become halal<sup>17</sup>.

(2) Problem: Nowadays, a bullet from a gun has been made pointed. Some scholars believe that it is in the order of an arrow, but according to the majority of scholars, it is not an offensive tool like an arrow but a piercing one, which increases the power of gunpowder. By means of which the meat is torn; otherwise, there is no edge in it itself that can injure the animal, so it is not permissible to kill such a bullet without slaughtering it<sup>18</sup>.

### ***Analysis:***

According to this verse, only Mufti Muhammad Shafi has described the command of an animal hunted with a gun bullet. It will be mentioned in Surat al-Maida.

## **TOPIC III:**

### **1. Use of European products:**

Problem: It is a precaution to avoid things from Europe (soap, etc.) in which fat is used, but there is scope due to the fact that the knowledge of the fat of the dead body is not certain and also due to the fact that some of the companions of the Prophet Ibn Umar, Abu Saeed Al-Khudri and Abu Musa al-Ashari, have declared the use of carcass fat as haram only for food and have allowed its external use; therefore it has also been permitted to buy and sell it<sup>19</sup>.

### ***2. Shariah ruling on using domestic and foreign soaps:***

It is also not permissible to eat or use the fat of dead land animals. Imam Bukhari narrates:

Hazrat Jabir bin Abdullah (may Allah be pleased with him) narrated that he heard the Messenger of Allah (ﷺ) say in the year of the conquest of Makkah that Allah and His Messenger have prohibited the sale of alcohol, dead pigs, and idols. God! Tell me about the fat of the dead, because boats are greased with this fat, and its oil is applied to skins, and people get light from it. He said, No! It is forbidden. Then the Messenger of Allah, may God bless him and grant him peace, said, May Allah destroy the Jews. When Allah forbade the fat of the dead, they melted it, sold it, and ate its price<sup>20</sup>.

It is known from this hadith that carcass fat is haram; it is not permissible to buy and sell it, and it is also not permissible to use it. It is generally known that soap contains carcass fat, especially foreign soaps. This matter is not certain,



therefore its use will not be unlawful, and fat itself is najis, but if fat is mixed with something and that thing is mixed with another thing, then that thing will not be najis according to Sharia. Whether or not it is used by foreigners, water is poured over the hands or body without soap.

Allama Abu Bakr Jisas Hanafi writes:

Hazrat Abdullah bin Umar narrates that a person asked the Messenger of Allah, peace and blessings be upon him, what he should do if a rat crawls in the fat. You asked, Is she frozen? He said, Yes! He said, Turn away the rat and the fat around it, and eat your fat. The companion asked, O Messenger of Allah! If that fat is melted, He said, Make profit from it and do not eat it. In this hadith, the Prophet (peace and blessings of Allah be upon him) forbade eating it and allowed all kinds of benefits from it. Hazrat Ibn Umar, Hazrat Abu Saeed Al-Khudri, Hazrat Abu Musa Al-Ash'ari, and other righteous Salafs did not eat this type of fat. It is permissible to profit from it, but it is forbidden to eat it.

Our Companions have said that it is permissible to sell this type of fat, and the seller should explain its defect.

This debate is in the fat in which the rat has fallen. Mufti Muhammad Shafi Deobandi has placed it absolutely on the fat of the dead and wrote: Also, because some of the companions of the Prophet, Ibn Umar, Abu Saeed Al-Khudri, and Abu Musa Ashari, have declared the use of carcass fat as haram only for food, 'external consumption has been allowed', and therefore, its sale and purchase have also been allowed<sup>21</sup>.

This conclusion of Mufti Sahib is not correct, nor is this the view of the companions of Al-Sadr, nor is this text of Allama Jisas absolutely related to the fat of a dead body. The latter writes:

According to them, this fat is not a substitute for the fat of a dead body because it is absolutely forbidden like the flesh of a dead body, and the melted fat in which a rat has fallen is not absolutely forbidden. It is permissible to derive any other kind of profit from it.

Allama Jisas has deduced this principle from this hadith:

If something that is intrinsically impure falls into something, the part in which it is impure will become impure due to its proximity to the impure object, and the part that is adjacent to the impure part will not be impure. A rat dropped it, and He made it impure, and the rest of the fat that was mixed with it was permitted to be profited from<sup>22</sup>.

Therefore, we say that even if the soap contains the fat of a dead person, then the soap will be impure because of the fat, but when the soap is mixed on the body, it will not make the body impure because anything that is impure due to the proximity of someone It does not make other things impure, and even if it is impure, there is no impurity after the water has been drained. And in Christian countries, the fat of slaughtered animals is used, so it is permissible to use domestic and foreign soaps, and they do not impure the hands or the body<sup>23</sup>.

### ***Analysis:***

In the above two passages, the order regarding the soap made from carcass fat, especially the soap that is foreign, i.e., coming from non-Muslim countries, has been described. If it is made from the fat of a dead body, it will be impure. In non-Muslim countries, it is better to be careful unless you are sure of the use of carcass fat. According to Allama Ghulam Rasool Saeedi, even if there is carcass fat in the soap, the soap will be impure because of the fat, but when the soap is pure,

So the body will not become najis because something that is najis due to proximity to someone does not make another thing najis, and even if it is najis by default, there is no najaas after the water has been washed away. That the dead fat is not to be used.

### ***3. Cheese from European and non-Islamic countries:***

Problem: A substance is used in making milk cheese, which is called infaha in Arabic. What has happened is that there is no harm in using it; the meat and fat of slaughtered animals are all halal, but if it is taken from the stomach of a non-slaughtered animal, there is a difference of opinion among the jurists. Imam Abu Yusuf, Muhammad, Thauri, etc. call it impure (Jisas, Qurtubi), which comes from Europe and other non-Islamic countries and is made into cheese.

There is a possibility that the excrement of non-slaughtered animals is used in it, so it should be avoided, according to the opinion of the public jurists. According to the opinions of Imam Azam Abu Hanifa and Imam Malik, there is room. Yes, some cheeses from Europe also contain pig fat. Used and written on the box, they are absolutely haram and impure. But there is room for it in the words of Imam Abu Hanifah and Imam Malik<sup>24</sup>.

### ***Analysis:***

The issue of cheese has not been mentioned by Mufti Muhammad Shafi, except by the other two commentators. There are two types of cheese from non-Islamic countries, one of which is written on the box that pig fat has been used in it, then it is cheese. It is forbidden and impure. The second type is the one on which this detail is not written, but there is a possibility of using dead fat, so caution is better than using it.

### ***4. The problem of giving blood to a patient:***

The research on this problem shows that human blood is a part of the human being, and when it is removed from the body, it is also impure. Because it is obligatory to respect human organs, and it is contrary to this respect. Secondly, because blood is impure and the use of impure things is illegal, Proved below First, although the blood is a human part, to transfer it to the body of another human being, there is no need for surgery or dissection of the human organs. Its example is like milk, which comes out of the human body without any cutting and becomes a part of another human being. And the Shariat of Islam, in view

of the need of the child, has declared human milk as its food and made it obligatory for the mother to breastfeed her children, as long as they remain married to the father of the children, forcing the mother to breastfeed after divorce. It cannot be done. It is the responsibility of the father to provide sustenance for the children. He should breastfeed from another woman or compensate their mother and breastfeed from her. There is a clear definition of this in the Holy Quran: "فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ"<sup>25</sup> "If your estranged wife breastfeeds your children, then give her wages and compensation. In short, although milk is part of the human body, it is permitted to be used for children due to necessity and as a treatment for adults as well. That is in the universality: "ولاباسَ بان يسعط الرجل بلبن المرأة ويشربه للدواء"<sup>26</sup> that there is no harm in putting a woman's milk in a person's nose for medicine or using it to drink, and Mughni Ibn Qudama mentions this issue in more detail. (Mughni Kitab Al-Sayed, p. 602, J. 8)

If blood is hypothesised on milk, then it is not far from hypothesised because milk is also a modified form of blood and it is common to be a human being. If it happens, there is no reason for prohibition here; only the issue of impurity remains. Some jurists have allowed the use of blood in the treatment of Therefore, the Shariah order of transfusing human blood into the body of another is known to not be permissible under normal circumstances, but its use as a treatment is undoubtedly permissible in a reflex state. There is a danger to his life, and no other medicine is effective or available to save his life. There is a strong suspicion that blood donation will save his life.

Giving blood under these conditions is permissible according to the Qur'anic text, in which it is clearly mentioned that the patient can save his life by eating a dead animal. According to some jurists, it is permissible, while others say it is impermissible, the details of which are mentioned in the books of jurisprudence<sup>27</sup>.

### ***5. Reasons for transferring one person's body to another due to necessity:***

Allama Ghulam Rasool Saedi writes under the mentioned verse:

In these two verses of Al-Sadr of the Holy Qur'an, dead bodies, blood, etc. are prohibited without Shariah necessity, and when the Shariah necessity is fulfilled, i.e., when the problem of using these things is to save life or to remove disease and maintain health, Then there is no problem with using these things. Allah says:

"وما جعل عليكم فى الدين من حرج"<sup>28</sup>.

Translation: And Allah has not restricted you in the rules of religion. Imam Bukhari narrates:

Hazrat Abu Hurairah (R.A.) narrates that the Messenger of Allah (ﷺ) said: You have only been sent to convey simple commands<sup>29</sup>.

Allama Qurtubi writes:

Toil and burdens have been removed from religion, and the rule in the Sharia is that the worship that the ummah finds difficult and burdensome to perform has been removed from the ummah. The patient breaks his fast and performs tayammum. There are other examples of this.

In some cases of compulsion, there is a need to transfuse the blood of another person into the body of a sick or injured person. One reason is when there is a large amount of blood lost from the body due to an accident that causes immediate death. But in order to save his life, he needs a blood transfusion. Another reason is that a person's liver stops making blood. Requires<sup>30</sup>.

The third reason is blood cancer, in which sometimes the whole blood of the body has to be changed every month. If another drop of blood is not transfused into his body, his life is in danger.

These are all cases of emergency, and the Holy Quran has allowed the use of blood in cases of emergency, so in these cases, it is permissible to transfuse the blood of one person into another person's body<sup>31</sup>.

### *Analysis:*

Mufti Muhammad Shafi and Allama Ghulam Rasool Saeedi have described the issue of blood transfusion, but Maulana Maududi has not mentioned it. Transfusion of blood is said to be permissible on the basis of two arguments: one is the cause of an emergency, and the second is the supposition that the blood is supposed to be in milk.

### **SUMMARY DISCUSSION**

The summary of the selected jurisprudential issues that have been compared is as follows:

Mufti Muhammad Shafi has explained the problem of whether the original objects are forbidden or not, but he did not talk about modern problems, while Maulana Ghulam Rasool has argued the justification of many modern problems with it, for example, wide and wide. Building mosques, establishing libraries, holding gatherings for sermons and exhortations, taking out processions during the days of the Prophet ﷺ and his Companions, and establishing gatherings for their dhikr, holding annual gatherings of religious madrasahs, visiting hadiths, teaching, concluding steaming, etc.

These are all modern-day problems that are justified by the rule that real objects have ambiguity. But Mufti Muhammad Shafi quoted from Bahr Mohit that there are separate rules of halal and haram, so they should be followed.

The three commentators have given the best interpretation under the thirtieth verse of Surah Al-Baqarah; the preceding quotations show that the last-mentioned commentator has described the meaning of the caliph, explained its types, and mentioned the difference between Sunnis and Shiites in choosing the

caliph. Is, while the text of the above-mentioned commentator is implicitly a consultant to the Supreme Authority while explaining the meaning of the Caliph.

And the first-mentioned commentator has clearly deduced two principles for the state from this verse: the first is that the authority belongs to Allah Almighty, and the second is that the Caliph is Allah's messenger, and after the Messenger of Allah, the chain of Caliphate was established and the Caliph was appointed by the people's choice. Happens. Almost all three commentators agree on this matter.

Mufti Muhammad Shafi has described two positions for the loudspeaker: one is that the sound of the loudspeaker should be taken as a copy of the imam's voice, and the other is that its voice should be taken as the exact voice of the imam. There is no problem with the justification of Salat in the second position; in the first position, it also makes the prayer permissible because it is not following this instrument but following the order of the Messenger of Allah ﷺ.

Mufti Muhammad Shafi has described the order of hunting an animal with a gun bullet. The other two commentators have not commented on this; however, Allama Ghulam Rasool Saeedi has discussed this issue in detail in Surat al-Maida.

In the above two passages, the order regarding the soap made from carcass fat, especially the soap that is foreign, i.e., coming from non-Muslim countries, has been described. If it is made from the fat of a dead body, it will be impure. For soaps from non-Muslim countries, it is best to be careful unless you are sure of the use of carcass fat.

But there is room for it in the words of Imam Abu Hanifah and Imam Malik. There are two types of cheese from non-Islamic countries: one is the one whose box says that pig fat has been used in it, and that cheese is haram and najis. The second type is the one on which this detail is not written, but there is a possibility of using dead fat, so caution is better than using it.

Mufti Muhammad Shafi and Allama Ghulam Rasool Saeedi have described the issue of blood transfusion, but Maulana Maududi has not mentioned it. Transfusion of blood is said to be permissible on the basis of two arguments: one is the cause of an emergency, and the second is the supposition that the blood is supposed to be in milk.

### **CONCLUSIONS AND RECOMMENDATIONS:**

The following issues are presented as conclusions and recommendations after conducting an exploratory and comparative analysis in the paper under review. The three commentators have elaborately discussed selected modern jurisprudential issues.

1. Mufti Muhammad Shafi Deobandi and Maulana Ghulam Rasool Saeedee Sahib appear to be doing ijtiḥād in the field of Hanafi jurisprudence, while Maulana Syed Abul Alaa does not represent any dental school of thought

but directly discusses modern jurisprudential issues according to his principles and rules. Are seen

2. While the last exegete, apart from the Qur'an and Hadith, examines the issues in the light of the sayings of all the schools of jurisprudence,

3. The methods of inference used by the three commentators are also slightly different. The first two find solutions to problems in the light of the sayings of the Qur'an, Hadith, and Hanafi jurisprudence, while the last commentator examines the problems in the light of the sayings of all schools of jurisprudence, apart from the Qur'an and Hadith. Are The need for this is that the comparative study of modern jurisprudential issues should not be limited to only these three interpretations, but a comparative review of modern jurisprudential issues should be presented in the light of other interpretations.

Apart from this, under the comparative study, not only the comparison of modern problems should be done but also the comparative evaluation of scientific fields such as the method of interpretation of the Holy Qur'an, types of interpretation etc.

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