

## Logical Applied Aspects of the Word Haq in the light of opinions of various schools of thought

1 Dr. Hafiz Nasir Ali. 2 Dr.Zuha Qaisar 3 Dr.Muhammad Majid Khan

1-V.Assistant Professor,Department of Islamic Studies, Thal University Bhakkar.

2-Lecturer,Department of Islamic Studies, Bahauddin Zakariya University, Multan

3- Assistant Prof .Dept. of Islamic Studies, Heritage international College, Chistian, Hasil Pur

### Abstract:

No doubt, the word "Haq" is used in different meanings in the dictionary. For example, to be proved, to be true, to be obligatory, to be appropriate, permissible, and necessary etc. This definition is close to the literal meaning only .Hence, the researchers claim that the scholars did not provide a comprehensive definition of right that includes all its forms. Some were satisfied because the meaning of right was clear to them, so they did not think it necessary to define, or because they did not apply the right to any single meaning, but continued to apply the right to different issues in different jurisprudential chapters. Sometimes it is applied to something that is proved for a person, whether it is financial or non-financial. This article will try to highlight all these issues are taken up and analyzed in the light of opinions of various schools of thought.

**Keywords:** Obligatory, appropriate, permissible, literal and opinions.

Haq is an Arabic term that translates it to 'right' or 'entitlement' in English. In Islamic jurisprudence, Haq refers to the rights and obligations that exist between individuals, communities, and along with the state. These rights include both legal and moral obligations, such as the right to life, property, and freedom of speech. The concept of Haq has a peculiar role in Islamic ethics and law. It is considered such a fundamental principle that governs the relationship between individuals and society. In Islam, Haq is seen as a divine obligation that must be fulfilled by all. The idea of Haq is no doubt a central to social justice in Islam. It emphasizes the importance of fairness, equality, and mutual respect in all spheres of life. Islamic scholars claim that the complete fulfillment of Haq is part and parcel to create a just, peaceful and equitable society in this era.

### The literal meaning of Haq:

The word right is used frequently by all of us. The literal meaning of right is appropriate, suitable, proper, obligatory, true, just, legitimate demand. Thus Haq is

an ambiguous word. On the one hand, it refers to truth and on the other hand to what we can legally and formally call our own or claim ownership of is included in it. However, there are different definitions, interpretations, and similarly there are many opinions in its application aspect. In this discussion, lexicographers, scholars, jurists, theologians, in addition to various sayings on the definition and application aspect of the word Haq, the word Haq has also been used in many places in the Holy Quran and some of its application aspects have been explained. In addition to terminological definition, specifically lexical definition is discussed in more detail.

**Allama Ferozabadi writes:**

"Truth is one of the Names of Allah or His Attributes, and the Qur'an is the antithesis of falsehood, the certainty of justice, peace, wealth, property, which is established and existing, truth, and certainty."<sup>1</sup>

**Allama Jurjani explains it as:**

"Truth is one of the Names of Allah and truth is something that is proven in reality and correctness. It should be proved in such a way that there is no scope for denying it."<sup>2</sup>

**Qasim bin Abdullah al-Qunawi al-Hanafi narrates it thus:**

"A right in the language of the lexicon is something that is proven in such a way that there is no scope for denying it."<sup>3</sup>

**The word "right" used in the Holy Quran as:**

The word "right" has been used frequently in the Holy Qur'an, but only Haq has been used 244 times in the Holy Qur'an and other words derived from this word have been used 30 times. It has been generally used in a literal sense; however, its literal uses are detailed below:

"Then will be returned to Allah Almighty, who is their guardian, the truth is, beware, the judgment is for him, and he is going to take account very soon."<sup>4</sup>

**Haq is sometimes used against falsehood as in the Holy Quran:**

"And do not mix the truth with falsehood and never hide the truth even though you know it."<sup>5</sup>

**Haq is often used for something that is proven and exists, in the Holy Qur'an:**

"And the people of Paradise will call out to the people of Hell that what our Lord promised us, we have confirmed and brought it into being."<sup>6</sup>

No doubt the meaning of this verse is that what our Lord promised us is proven and we have found it to be true. No matter we agree or not, it will happen and proven accordingly.

**Sometimes truth is also applied to belief as in the Holy Quran:**

"So by the Lord of the heavens and the earth, surely He is certain, as you speak."<sup>7</sup>

Here, in this narrated verse, truth is used in the sense of belief.

**Haq is used in the sense of honesty and truth as in the Holy Quran:**

"Allah Almighty says, so it is true and I am telling the truth."<sup>8</sup>

**Haq is often applied to justice and fairness as in the Holy Quran:**

"And Allah will judge with justice".<sup>9</sup>

**Sometimes the right is also applied to share and fate:**

Haq is also proven and obligatory for its owner as it is in the Holy Quran:

"He said research knows that we have no share in your daughters".<sup>10</sup>

Islam rightly interpreted Haq because it is also a proven religion and obligatory upon followers as it is in the Holy Qur'an:

"Verily, we have sent you with the truth, the religion of Islam, while you are a bearer of glad tidings and a warner".<sup>11</sup>

The right is also applied to something that is proven for a person or proven against a person, as in the Holy Qur'an:

"And a scribe should write among you with justice, and the scribe should not refuse to write because Allah has taught him to write. Fear Allah and do not detract from this right".<sup>12</sup>

**Haq is also used transitively and it means to oblige, to prove as:**

"So that He proves the truth and invalidates the falsehood, even if the guilty people dislike it".<sup>13</sup>

That which exists and is proven according to the requirements of wisdom is also called the truth, which is why it is, said (All the actions of Allah are the truth) So, Al-Quran is the truth of Allah Almighty.

According to the dictionary of law, several meanings have been quoted in the past, but when someone considers them, the result is that according to the dictionary of law, all the usages in all of them include proof and obligation (to be proven and To be obligatory) has a common meaning, as Allah Almighty is also proven and exists, and the truth that comes against falsehood is also proven. The

meaning of share and fortune has also been mentioned, so the share is also proven for the servant in reality.

This is the main reason why Dr. Saleh bin Abdul Rehman is the money maker after writing the literal meanings of Haq.

**Dr. Saleh bin Abdul Rehman writes the literal meanings of Haq:**

"All the literal uses of right revolve around the meaning of having to be proved and having to be obligatory".<sup>14</sup>

**Terminological definition of right:**

What is the definition of right according to the jurists and scholars, there is not much discussion among the advanced jurists in this regard, a couple of scholars have written much about it, so they have probably explained it briefly by considering it as a common word in the juristic mood. According to discipline and threat did not attack. In the present era, constitutional arrangements have been made for the protection of rights and their realization, a lot of profit and loss has been related to it, and the trading and dealings of formal rights have started to take place. Define the precise meaning of and divide it in such a precise manner that a distinction can be made between the provisions and effects of different rights.

**The definition of right according to the thinkers:**

Most of the books of Islamic jurisprudence are empty of the definition of right.

[1] Allama Abdul Halim Lucknowi writes while praising Haq:

"Haq means here the order which is proven".<sup>15</sup>

This definition is not a complete and comprehensive prohibition because the word command is used in this definition, while in the term of the Usulists, the command is called the address of the Shariah, and the right is not the address, but it is the effect of the address, if the command refers to the address. If the effect is taken as the term of the jurists, then the definition will not be prohibited because the effect includes arguments and legal rulings, so the definition of the right will be general with the command, because every right is a command, but every command is not a right.<sup>16</sup>

This definition of the right is same for the jurists, because according to the jurists, this definition does not include all those to whom the right is applied, for example, according to them, the right is also applied to owned property, but this property is not a ruling. Similarly, the right is also applied to the utilities of the land, but it is not a command, so this definition is not comprehensive.<sup>17</sup>

**Syed Imam Abul Qasim writes in praise of Haq:**

The truth is that which exists in every respect and there is no doubt about its existence. This is al-Sahar Haq (i.e. magic exists for sure), Al-Ain Haq (the bad sight is Haq), i.e. it exists in its effects. With this, the right (this debt is right) means that it exists in form and meaning for such and such a right is the responsibility of such and such.<sup>18</sup>

Its result is that the right is something that exists in all respects and there is no doubt about its existence. No one objected to this definition. The definition also revolves around the literal meaning of the right.

These two definitions of right have been found in the books of Usul al-Fiqh, but in some books the term definition of right is not mentioned, but the two types of right are defined as the rights of Allah and the rights of the servants, and then the definitions of the rights of Allah and the rights of the servant have been mentioned. If they do, then they will also mention the objections have been raised against them.

Therefore, **Mulla Jeevan** did not define the term Haq, but he defined its two types Haq-Allah and Haq-ul-Abd. The right of Allah is the one with which the benefit of the common people is related.<sup>19</sup>

**And then the definition of Haq-ul-Abd is described as follows:**

"The right of servants is the one with which special expediency is related".<sup>20</sup>

**The definition of right according to the jurists:**

Many jurists have described Haq according to their thinking in different ways.

**Allama Badruddin Aini Hanafi writes:**

In this statement of the rules of rights, rights are the plural of right and right is what a man deserves and it has other meanings, one of them is the right that is the opposite of falsehood.<sup>21</sup>

**Allama Qarafi al-Maliki writes as:**

"Therefore, the right of Allah Almighty is His commands, and the right of a servant is His interests".<sup>22</sup>

According to the jurists, right applies to several objects which are as follows!

[1] Right applies to both financial and non-financial issues, for example in jurisprudence:

"He who sold with a cash price and then delayed it, then it is right because it is his right. Does he not see that he has the right to cancel the price, then he will also have the right to delay it".<sup>23</sup>

[2] The right is also applied to the obligations that are established on the contract and the matter.

First handing over the cash price, then handing over to the seller, and according to these jurists, whoever sold the goods in return for the price should hand over the price first to prove equality between the parties, because the seller is determined by determining the price. And the price is not determined without possession; therefore it is a condition to hand over the price first, but that the price is late, because he has canceled his right by delaying, so the right of the other person will not be canceled.<sup>24</sup>

[3] The salary that is given to judges and jurists from Baitul-Mal.

**Ibn e Najim says:**

Those who are entitled to tribute, such as fighters, scholars, students, muftis, and jurisprudents, will be assigned the share of their descendants accordingly, and it will not be lost due to the death of the original, in order to encourage the people.<sup>25</sup>

[4] Land benefits such as the right of way, the right to water, and the right to divert water.<sup>26</sup>

**Definition of Haq according to the theologians and scholars of meanings:**

The theologians and people of meaning apply the truth to what is in accordance with the facts, so **Allama Taftazani writes:**

Those who are right say that the right is the ruling that is in accordance with the facts; it is applied to the sayings, beliefs and religions on the basis that these things contain the truth and its opposite is false.<sup>27</sup>

**Shamsuddin Safarini writes:**

Haq is a ruling that is in accordance with the reality and it is applied to the statements of beliefs and religions and religions in the sense that they contain it and it is invalid against it and also one of the names or attributes of Allah Ta'ala. There is truth, but truthfulness is spoken in sayings, and its opposite is falsehood, and a distinction is made between truth and truthfulness in such a way that conformity is believed on the side of truth on the side of events, and on the side of truthfulness, command is believed. On the part of, then, the truth of the ruling will mean that it is in accordance with the fact and its rightness will mean that the fact

is in accordance with it, and what is known about both is that each of them is in accordance with the fact. 28

**Abu Abdullah Hazmi writes thus:**

And in the dictionary, truth is something that is proven and there is no scope for denying it, and in the terminology of people of meaning, truth is a ruling that is in accordance with the facts, it is applied to sayings, to religions, and to beliefs and religions. Since they contain it and it is void against it.<sup>29</sup>

**The result of the definition of right according to the predecessors:**

The result of the previous discussion is that according to the scholars and usulists, some of these meanings are found in the definitions of right.

Some definitions are based on the literal meaning of the right to be proven, to exist and to be certain, while another definition, which is not comprehensive, because in this definition, it is said that the rights of Allah will not enter into that which a man deserves. It is also necessary to get away from this definition because the knowledge of what a person deserves depends on the knowledge of the right and the knowledge of the right depends on the knowledge of the privilege.<sup>30</sup>

**Attention seeker note:**

Some researchers say that the proponents did not define a comprehensive definition of right that includes all its types. The definitions they have given are close to the literal meaning. It was enough to be famous because the meaning of right was clear to him, so he did not feel the need to define it, or because he did not apply the right to a single concept, but he used to apply the right to different issues in different jurisprudential chapters. Sometimes it is applied to something that is proven for a person, whether it is financial or non-financial.

**For this reason, Sheikh Ali Al-Khafif describes as:**

According to jurists, the use of right is not different from its literal use.<sup>31</sup>

**Similarly, Sheikh Mustafa Zarqa narrates thus:**

In terms of the general meaning of right, I have not seen any correct and comprehensive definition of it neither among the Islamic jurists of nor among the jurists.<sup>32</sup>

**Definition of right according to contemporaries:**

Contemporaries have defined three types of right in their research:

- (1) Some have defined the right with expediency,
- (2) Some have defined the right only,

(3) Some wrote the right keeping the literal meaning in front.

**Sheikh Ali Al-Khafif praises Haq:**

The right is the expediency that is deserved and proven for the expediency of the Shariah.<sup>33</sup>

**Abd al-Razzaq Sinhoudi has also praised its near-rightness, so he writes:**

A right is an interest that is valuable and financial and the law protects it.<sup>34</sup> But this definition is based on the goal of the right; it has nothing to do with the nature and reality of the right, because the right has a special relationship between the owner of the right and the goal.<sup>35</sup>

**Professor Mustafa Zarqa says in praise of Haq:**

Haq is an appropriation which the Shari'ah prescribes as dominion and hardship.<sup>36</sup>

**Abdul Salam Al-Abadi describes as follows:**

A right is a privilege that is established in the Shari'ah, that requires the authority of Allah Almighty to oblige His servants or that one person has over another.<sup>37</sup>

**Wahba Mustafa Zohaili writes about this definition as:**

Among all definitions of rights, this definition is the best because this definition encompasses all types of rights.

Religious rights such as prayer, fasting, etc. mean the rights of Allah that are imposed on the servants.

Civil rights such as the right to ownership mean the right to own property. Rights of literature such as rights of obedience (obedience of children to their parents).

Public rights such as the right of government over the people.

Financial rights such as the right to maintenance.

Non-monetary rights include non-monetary rights such as guardianship over the self.<sup>38</sup>

The characteristic of this definition is that the nature of the right becomes clear in it, that the right is the name of a special relationship with a certain person, like the right of the seller in the price. If there is no special relationship, it will become a general permission, like hunting is now permissible for everyone, it is not related to any particular person, similarly, cutting wood from the forest is also



permissible for everyone, and it is not exclusive to anyone. Hence, they will not be called right, but it is a common leave for people.<sup>39</sup>

In this definition, the word "Salta" is used. It means that this domination is over a particular person, such as the right of custody and guardianship over the self, or this domination is over a certain object, such as the right of ownership. In the definition, the second word suffering has been used. . In this Shariah definition, it was indicated that the right in Islam is that which is valid on behalf of the Shariah and there is no physical or intellectual right in Islam, that is, derived from nature or intellect.<sup>40</sup>

**Dr. Ahmed Abu Sunnah writes the definition of Haq as follows:**

Whatever is proved against man or Allah Almighty in the Shari'ah.<sup>41</sup>

Dr. Ahmed Bin Abdullah has preferred this definition that this definition is more correct than the above mentioned definitions, but if the word person comes instead of the word human, it will be better because this definition was made keeping in mind the literal meaning. And it includes all types of rights, while other definitions have been made by keeping the law in front.<sup>42</sup>

**Summary Conclusion:**

In the present era, constitutional arrangements have been made for the protection of rights and their realization, a lot of profit and loss has been related to it, and the trading and dealings of formal rights have started to take place. There are a lot of precise meanings of right and their division in such manners that a distinction can be made between the provisions and effects of different rights.

The concept of Haq has relevance beyond Islamic jurisprudence. It is a universal principle that underpins the human rights discourse. The United Nations has recognized the importance of Haq in its Universal Declaration of Human Rights, which enshrines the fundamental rights and freedoms of all individuals.

In short, "Haq in Urdu" is a fundamental concept in Islamic jurisprudence that emphasizes the rights and obligations that exist between individuals, communities, and the state. It is a universal principle that has relevance beyond mere ethics and law, with implications for social justice, peace and other basic human rights. Hence, the study of logical applied aspects of the Haq in the light of opinions of various schools of thought is a dire need of modern era.

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