



THE CONCEPT AND DUTIES OF MAJLIS -E -QAZA / SANHEDRIN: A COMPARATIVE STUDY IN THE LIGHT OF TALMUD AND ISLAMIC TEACHINGS

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Abstract

This study comparatively explains the concept and duties of Masjlis-e-Qaza within Islamic teachings and Talmud, focusing on the essence of justice as expressed in the Qur'an, Hadith, and teachings of the Holy Prophet (PBUH) and in the teachings of Talmud. The study shed light on the concept of Majlis-e-Qaza Ala. Due to the Talmud the Majlis-e-Qaza Ala emerges as the milestone of justice and fair dealing among humanity, The study not only provides a comprehensive introduction but also explains the concept of Majlis-e-Qaza Ala in both Islam and Talmud. Further it provides detailed information about the great Sanhedrin, their introduction, qualifications, education and way of appointment in the Study in comparison with Islam. Through qualitative method it explains the need of Talmud and Islamic teachings for justice. This study serves as evidence of the richness of Talmudic and Islamic teachings in formulating the concept of compensation. By delving into deep debates within the Sanhedrin and illuminating the principles of Qaza in Islamic jurisprudence, this study provides a nuanced understanding of justice, restoration, and healing. In a world where the pursuit of Qaza is more important than ever, this comprehensive study stands as a beacon, guiding scholars and researchers to a deeper understanding of the timeless principles that underlie the concept of reparations.

Keywords: Masjlis-e-Qaza, Justice, Sanhedrin , Talmudic, Islamic Teachings.

INTRODUCTION

Qaza plays an important role in uplifting the values of any society. It is the only and solitary means to protect the personal, individual and collective rights of different classes (people) living in the society and to protect them from the loss of rights. This is the reason why it is impossible and unbearable to ignore justice and fairness along with moral and social aspects (fraternity, love, sacrifice, generosity, compassion, and honesty) in the formation and completion of a good and noble society, because justice is the only guarantee and method for the survival of a culture and civilization. Yes, it cannot be ignored at any level. In order to eliminate the imbalance in social life, the protection and enforcement of rights is one of the important issues, because of depriving any individual of his legitimate rights, the society is corrupt. That is where the lack of social relations, social peace and harmony comes to the forefront, so the survival of national unity and integrity is possible only by publicizing the concept of high social values, in which the most important role is to publicize justice and fairness.

It is related to all areas of life, whether they are related to society or livelihood, ethics, Sufism, society, politics or family life, so the supremacy of law is a must in all and due to neglecting it, i.e. due to lawlessness being common, the society is destroyed, peace and order disappears and crimes increase, this is the reason why legal experts and thinkers call lawlessness as a sign of social destruction. Some of the laws related to human life are related to human character and some are

related to practical measures. For the supremacy of law in any society, the Legislature (legislative body) is necessary in solving modern problems, after the legal status, the administration that implements it and according to it, the judiciary has a very important responsibility. Only by fulfilling the law and implementing it in practice can the word of justice be raised and a balance can be created in the rights and duties of the people and the end of injustice is possible.

Judiciary alone can provide justice to humanity very quickly by practicing justice and fairness and can protect people from each other's atrocities. The purpose of the Supreme Court is to be independent, impartial, fair, transparent and professional, with the exception of professional matters. Therefore, based on the importance of this institution and its reputation in the society, a review of the related Talmud and Islamic teachings is presented, through which the two laws will gain knowledge about whether or not there is a fundamental difference related to it.

Concept and duties of Qaza in the teachings of Islam

Comprehension of Qaza :

Qaza is a source and it is a three-syllable word, it is Kamada [Q.Z.Y], which is used in the dictionary in the sense of making a decision, completing a task, bringing it to an end, making a final decision and making a decision, etc.

" (الْقَضَاءُ) الْحُكْمُ وَالْجَمْعُ (الْقَضِيَّةُ). وَ (الْقَضِيَّةُ) مِثْلُهُ وَالْجَمْعُ (الْقَضَايَا). وَ (قَضَى) يَقْضِي بِالْكَسْرِ (قَضَاءً) أَيْ حَكْمًا. وَقَدْ يَكُونُ بِمَعْنَى الْفَرَاعِ يَقُولُ: قَضَى حَاجَتَهُ. وَقَدْ يَكُونُ بِمَعْنَى الْأَدَاءِ وَالْإِنْهَاءِ. وَقَدْ يَكُونُ بِمَعْنَى الصَّنْعِ وَالْتَقْدِيرِ، يُقَالُ: قَضَاهُ أَيْ صَنَعَهُ وَقَدَّرَهُ"ⁱⁱ

That is, Qaza is used in the sense of giving a final and complete form to something and leaving no deficiency in it. From this, it is necessary to bring matters to their end or completion and not to leave any deficiency in it. .

In the term of jurisprudents, Qaza is an effort to resolve a dispute, fight or different issue between two parties, in which the Shariah rules and regulations are kept in mind. The scholars of jurisprudence have mentioned several definitions of Qaza .

"هو فصل الخصومات وقطع المنازعات على وجه مخصوص"ⁱⁱⁱ

Those disputes cannot be settled according to certain methods

In addition to this, in other definitions, it is also possible to resolve the issues by examining the claim in a specific way and to end the conflicts according to the Shariah rules and the command of Allah Almighty.

Qaza in the light of Qur'an and Sunnah:

Qaza is a very important social duty, which brings peace and tranquility in the society, and whoever practices it gets a very high position in the society. That is why justice has been described as an attribute by the Prophets, that they make decisions based on justice while acting according to the commands of Allah Ta'ala, and do not waste anyone's rights.

As Rahmat al-Alam said while commanding:

"وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ"ⁱⁱⁱⁱ

And judge in their affairs according to the revelation of God, and do not follow their desires.

In the same way, Hazrat Dawood was ordered to judge between people keeping in mind the truth, and to keep aside all matters of justice and to support the truth and decide without partiality.

"يَا دَاوُودُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ"^{iv}

O Dawood (AS)! We have appointed you as our vicegerent in the earth, so judge among the people according to the truth.)

Therefore, when Allah makes a decision in several verses, he should support the truth and in the case of becoming a ruler or judge, follow the footsteps of the Prophets and issue correct decisions, so that there is no harm and no oppression. In the same way, in all matters of life, whether it is individual or collective, it is necessary to follow the command of justice, that is, when deciding something, whether it is individual or collective, he also encouraged to make a decision keeping in mind the command of Allah.

Like the Holy Qur'an, Holy Prophet also encouraged the practice of Qaza, guided towards its basic principles and informed about the disadvantages and difficulties of neglecting Qaza. By following the guiding principles of the Prophet (peace be upon him), humanity can progress in the worldly life with balance and moderation.

"عن أم سلمة رضي الله عنها- أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَمِعَ جَلْبَةَ خَصْمٍ بَبَابِ حُجْرَتِهِ، فَخَرَجَ إِلَيْهِمْ، فَقَالَ: "إِنَّمَا أَنَا بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْخَصْمُ، فَعَلَّ بَعْضُهُمْ أَنْ يَكُونَ أَبْلَغُ مِنْ بَعْضٍ، فَأَحْسِبُ أَنََّّهُ صَادِقٌ، فَأَقْضِي لَهُ"^{vi}

It is narrated from Hazrat Umm Salama that the Messenger of Allah (peace and blessings of Allah be upon him) heard the noise of those who were quarreling at the door of his room. The Prophet (peace be upon him) went outside to him and said: I am a human being and quarrelsome people come to me, maybe one of them is a sharper, I think he is truthful and decide in his favor.

That is, the judge makes a decision according to the reality of the situation, and there is an attempt to make a decision according to the truth if someone turns the judge's punishment towards himself with his manipulative language [Even though he was not in the right]. However, by the judge's decision, the forbidden thing will not be lawful for him.

In the same way, if the Qazi [judge] will find out the truth by his own effort and decide according to it, the help of Allah will remain with him, if he deviates from the truth, he will not be with Allah. .

"عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أُوفَى قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ اللَّهَ مَعَ الْقَاضِي مَا لَمْ يَجُرْ، فَإِذَا جَارَ تَخَلَّى عَنْهُ وَلَزِمَهُ الشَّيْطَانُ»^{vii}

It was narrated on the authority of Hazrat Abdullah bin Abi Ufai that the Messenger of Allah, peace and blessings be upon him, said: Allah is with the judge as long as he does not commit injustice, and when he deviates from the right path, Allah also deviates from his help and Shaytan takes hold of him.

In other words, in the blessed hadiths, in addition to explaining the virtues and importance of Qaza, it will shed light on the benefits of fulfilling the obligations in the best way and the disadvantages of neglecting the duties during Mansab Qaza. In this way, if the efforts of the Qazi are in accordance with the Shari'ah and to find out the truth and support it, then the grace of Allah will be involved, so it is considered as one of the most important matters and has been declared as the best work.

Citizens are given these rights through the Department of Justice and enforced through court orders. In this way, due to the important role of protection of people's rights and recovery of their rights, important matters are carried out and also in applying the process of punishment, Also, this institution also provides legal clarifications in new issues. Justice and Qaza are closely related, and Qaza is based on integrity and righteousness, so the concept of Qaza is briefly related to justice and its importance.^{vii}

Concept and duties of Qaza: Conception of Majlis-e-Qaza-Ala/ Sanhedrin in Talmud:

The Supreme Judiciary is the body responsible for examining matters related to the constitution and civil, criminal and administrative law in Judaism, which also instructs judges in cases brought before it by the courts.^{viii} The Supreme Court has the power to supervise the judgments issued by other courts, and citizens can file complaints with it regarding court proceedings or court decisions. Among the ancient Jews, it had the status of a political and religious institution as well as a judicial system, and various smaller subsidiary institutions were established under the central institution. The ancient Jewish court system was called the Sanhedrin. The Great Sanhedrin was the supreme religious body in the Land of Israel during the time of the Holy Temple. There were also smaller religious Sanhedrins in every town in the Land of Israel, as well as a civil political-democratic Sanhedrin.^{ix}

That is, during the time of the rabbis, the assembly/institution was very active and through it action was taken against lawbreakers, where everyone had the right to defend himself, there was no lawyer, two witnesses were necessary for punishment. The accused, witnesses were cross-examined in the court, apart from this, this institution was considered important in providing solutions to religious matters, social problems, complexities of laws.^x

The Great Sanhedrin dealt with religious and ritualistic Temple matters, criminal matters appertaining to the secular court, proceedings in connection with the discovery of a corpse, trials of adulterous wives, tithes, preparation of Torah Scrolls for the king and the Temple, drawing up the calendar and the solving of difficulties relating to ritual law. ^{xi}

The consensus of scholars and rabbis in solving problems and other matters in the meeting of the Sanhedrin were considered final and meetings were held on a daily basis except on the Sabbath and

festivals. The decision of this assembly was considered final in Jewish law, and anyone who violated it was considered a rebellious elder and was sentenced to death. .

The Great Sanhedrin met daily during the day, and did not meet on Sabbaths, feasts, or festivals. His opinion on Jewish law was considered the final authority, and any scholar who went against his rulings was subject to the death penalty.

The head of this council was called Prince and his deputy was called Father of the court. Below are descriptions of Talmudic literature and laws related to the Sanhedrin in order to understand and perform this task correctly. It is difficult to provide the exact number of laws related to the Sanhedrin in the Talmud. However, a chapter related to this has been established in the Mishnah.

Sanhedrin:

To provide justice to the people, there were different levels of subordinate institutions, where people's cases were resolved, in case of not being satisfied with the decision, the matter was presented in the central court of Jerusalem, the central institution was called the Sanhedrin.

What was the reason for this name, as well as the objectives of this institution, are explained as follows:

San-he-drin san-'he-drən. sän-; san-'hē-, 'sa-nə- : the supreme council and tribunal of the Jews during postexilic times headed by a High Priest and having religious, civil, and criminal jurisdiction. xii

Since the Sanhedrin is associated with Jewish law and tradition, most of its details are contained in the Talmud, which also discusses the institution's role, history, rabbinical details of procedures, court organization, court's functioning, and qualifications of members. xiii

The Sanhedrin is mentioned frequently in the Talmud, a central text in Jewish law and tradition. The Talmud includes extensive discussions and debates among the rabbis about the role and function of the Sanhedrin, as well as its history and practices ... Discussions about the qualifications and eligibility of Sanhedrin members, as well as their procedures for making legal rulings and judgments. xiv

Apart from this, matters related to governance were discussed in this assembly and institution, it was an autonomous institution, which sometimes imposed death penalty in addition to fines, imprisonment etc.

The Sanhedrin had a wide domain of authority and responsibility, including matters related to Jewish religious practice, civil and criminal law, and governance of the Jewish people. It had the power to enforce its decisions and rulings through fines, imprisonment, and even capital punishment in some cases. xv

This institution was the leader in the social, social, political, economic, and all worldly affairs of the Jewish community, and its institutions and sub-institutions were also present in the suburbs of Jerusalem and other important cities, which were all in the light of the orders of the center. He used to guide people in matters and problems. The center also supervised all institutions. xvi

Under this institution came specific types of cases, which were limited to specific geographical locations, this institution was active for almost 200 years, whose mission was to explain the Jewish law and maintain peace in the society and resolve all such conflicts, which lead to the destruction of peace.

That existed during the Second Temple period (516 BCE - 70 CE) in Jerusalem. It was responsible for interpreting Jewish law and settling disputes among the Jewish people. xvii

The Jewish disputes were finally heard and their solutions were sought. The cases which this institution had the authority to hear and the judicial affairs in which it was employed are as follows:

The exact number of laws that the Sanhedrin was involved with is difficult to quantify, as Jewish law encompasses a wide range of topics and areas of concern. Jewish law covers all aspects of Jewish life, including personal conduct, family law, business practices, and religious observance. As such, the Sanhedrin would have been involved with a broad range of legal issues and disputes, ranging from criminal cases to civil matters to questions of religious practice and observance. xviii

This court guided almost all matters related to the life of the Jews and resolved disputes, in



addition to this institution, it also guided important issues such as the protection of Jewish traditions, the arrangement and duty of the religious calendar, the appointment of monks to serve the temple. In addition to its judicial function, the Sanhedrin was also responsible for overseeing the religious calendar, maintaining the Temple and its services, and preserving and transmitting Jewish tradition and law.^{xix}

During the resolution of various disputes and issues, the number of rabbis and scholars in the Supreme Court (Majlis Qaza Aala) differed, that is, in important issues, this number increased, sometimes this number increased even more than seventy, and in some cases their number was 23 and in some cases only 3 rabbis/scholars used to hear the problem and commence the hearing. Local Sanhedrins consisted of different numbers of sages, depending on the nature of the offenses it dealt with. For example, only a Sanhedrin of 71 could judge a whole tribe, a false prophet or the high priest. There were Sanhedrins of 23 for capital cases and of three scholars to deal with civil or lesser criminal cases.^{xx}

This institution was very dynamic and active in its early days, and it had a profound impact on the Jewish community. The rabbis and scholars were very famous among the people and they were considered to be the guardians of Jewish traditions and Jewish laws. During the time when the Sanhedrin existed, it had significant authority and influence over Jewish life in Jerusalem and the surrounding areas. Its decisions and rulings were respected and followed by the Jewish people, and its members were highly respected and regarded as experts in Jewish law and tradition.^{xxi}

Only rabbis and scholars were included in this institution, those who were proficient in Jewish laws, were faithful to moral values, had a reputation for seniority, that is, they were considered very authoritative in terms of knowledge, jurisprudence and morals. Members of the Sanhedrin were required to be experts in Jewish law and tradition, and were selected based on their knowledge and moral character.^{xxii}

That is, this court was considered final in solving civil, criminal and other life-related issues, and the rabbis who worked in it were experts in Jewish laws and traditions and had a very good position in terms of ethics. These courts continued to guide the Jewish nations for half a century. Below is a brief description of the characteristics of the members of this court (rabbis).

CONCLUSION

Finally it can be concluded that this comparative study of the concept and duties of majlis from the perspectives of Talmudic and Islamic teachings provides a comprehensive understanding that both are following their own way of teachings and solving the matters. Islam is more flexible in comparison with Talmud the reason is that it is a religion of flexibility. This comparative study makes it clear that both traditions emphasize the importance of fairness, justice and the rule of law in their respective communities. As the concept of Majlis-e-Qaza ala refers to a collective body responsible for deciding legal matters and upholding moral values. Although specific duties and procedures differ between the Talmudic and Islamic traditions, the basic purpose remains the same which is to ensure fair and just resolution of disputes and to promote social harmony. It is clear that not only the diverse perspectives of jurisprudence in different religions exist but at the same time their need of the universal desire for a just society still demanded. Understanding the similarities and differences between the Majlis Qaza in Islam and in the Sanhedrin deepens our appreciation for the rich tapestry of legal and ethical principles woven into the fabric of religious traditions. It emphasizes the importance of dialogue and mutual understanding among diverse religious communities, promoting a shared commitment to achieving justice and righteousness in the world.

The Concept of Qaza in Islamic Teachings

Contemporary situation	Responsibility	Number of members	Time and duration	Terms & Conditions	Cause/place of action
Implementation is being done and it is becoming more diverse. Different works are being done at the national level.	Resolving constitutional, civil, criminal and administrative issues and resolving disputes between people	Not fixed, may vary due to time and circumstances and issue	It started with the prophethood and it is being implemented continuously	Muslim, wise, mature, sensible, knowledgeable in all matters of jurisprudence, and stays away from dubious matters.	As the deputy of Allah Ta'ala, the application of commands, the utility of people and the solution of modern problems

The concept of Supreme Council in light of the soul of Talmud.

Contemporary situation	Responsibility	Number of members	Time and duration	Terms & Conditions	Cause/place of action
The organization does not exist after the Second Temple, but they follow its teachings on their own.	Resolving constitutional, civil, criminal and administrative issues and resolving disputes between people	The members of Sanhedrin were 71, the important cases were all attended, the rest depending on the condition and nature	[Was active for only 516 years [516 BC - 70 AD]	Age should be 40 years, civil law expert. You have a good reputation among people. Be an educated person from any institution and be honest and trustworthy	During the time of the Holy Temple, Israel was the highest religious institution in the land, preserving Jewish traditions and laws

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