

ATTRIBUTE AND SERVICES OF THE MEMBERS OF QAZA/ SANHEDRIN: A COMPARATIVE STUDY IN THE LIGHT OF TALMUD AND ISLAMIC TEACHINGS

Saad Jaffar

Lecturer Islamic studies, Department of Pakistan Studies, Abbottabad University of Science and Technology, KPK, Pakistan.

Email:saadjaffar@aust.edu.pk

Dr. Imran Naseem

Assistant Professor, Department of International Relations, University of Peshawar, KPK, Pakistan.

Dr.Syed Ghazanfar Ahmed

Assistant Professor, Department of Qur'an & Sunnah
University of Karachi

Dr .Muhammad Waseem Mukhtar

Assistant Professor, Department of Islamic Studies & Arabic, Gomal University D.I Khan

Dr.Zeenat Haroon

Associate Professor, Department of Quran and Sunnah, University of Karachi, Karachi
Waqar Ahmed

Lecturer, Institute of Islamic Studies, Mirpur University of Science & Technology (MUST), Mirpur
AJK

(Corresponding Author)

Abstract

There are many Attributes and Services of the Members of Qaza and Sanhedrin in Talmud and Islamic Teachings. Both played their important role in this regard. The study explores the appointment of judges and the qualities of a Qazi (judge), emphasizing wisdom, fairness, and impartiality necessary for justice administration in both Talmud and Islam. Through a comprehensive analysis, the research delves into the roles and responsibilities of these religious authorities in both traditions, shedding light on the similarities and differences. The study also engages with the Talmud's concept of the Supreme in light of the spirit, Complementing the spiritual wisdom of both traditions. Islam ordered best concepts for the Qaza on the other hand the Talmud have its own concepts on the other hand Islamic verses are seamlessly integrated into the discourse, reinforcing the principles of justice and divine order as enunciated in the Qur'an. This comprehensive and coherent tapestry of the attributes and services of the members of Qaza that what is comprehensive for them for the judgment, and teachings presents a divine commandment, guiding humanity towards righteousness, equality, and spiritual fulfillment are presented on this study.

Key Words: Qaza, Sanhedrin, Talmud, Islamic Teachings, Justice.

INTRODUCTION

It is clear from this that in Judaism, Majlis-e-Qaza-e-Ala Sanhedrin is a special court before the Second Temple, in which, along with hearing problems, it also performed the duty of explaining Jewish laws. Now that council does not exist, but its teachings are being followed. However, in Islamic teachings, there is a wide scope in the meaning of Qaza, which is still being practiced today, and it is expanding more and more in view of the time and circumstances, the solution of modern problems is also included in it and the conditions of appointed judges are also stricter than the theory of Majlis -e-Qaza of Talmud. If the basic issues are kept in mind, the Islamic concept of Qaza is comprehensive, simple and practical for everyone and mentions more clear principles in problem solving then to the concept in Talmud.ⁱ It is the best combination and example of comprehensiveness, amplitude and completeness, perfection and convenience.

Islamic Laws on Qaza and services of members

One of the most important factors for the survival and self-reliance of a society is to practice balance and moderation in relationships, mutual affairs and every sphere of life, due to which

nations, tribes and the country are on the path of development. Therefore, the religion of Islam advises to adopt the principles of justice and equality instead of exaggeration in social and economic problems and situations. By irrigating the society with the water of justice, equality and moderation, along with the final welfare, life is also able to progress.

Therefore, in order to save the society from discord, chaos, intemperance and fraud, the institutions of publicizing justice and fairness in the religion of Islam and the Islamic state are implemented, so that social discord, cruelty, coercion and injustice will end and a high society with good morals will come into existence, where everyone will be safe from the oppression, deception, and deceit. For this reason, the religion of Islam teaches the establishment and enforcement of justice and makes it the first responsibility, for which purpose the establishment of the institution of justice and judiciary is absolutely necessary.

Appointment of a judges

The ruler of the time appoints a judge to solve the problems of the people of an area. In which the provision of justice to the people, the solution of the problems is kept in mind. The judge is appointed to different important areas, and in the surroundings of that area as well, usually the ruler of the time does all of these the appointments.

Ibn Tamiyah writes about the appointment of a Qazi:

"يجب على الإمام أن ينصب حاكماً (قاضيًا) عند الحاجة والمصلحة إذا لم تصل الحقوق إلى مستحقها، أو لم يتم فعل الواجب وترك المحرم إلا به، وقد يستغنى عنه الإمام إذا أمكنه مباشرة الحكم بنفسه"ⁱⁱ

The Imam is obliged to appoint a Qazi (judge) at the time of need and, if the rightful person is not getting his right, or if the obligation is not fulfilled and the forbidden is left without him. Then the Imam can give the order himself, so that he can also be waived.

That is, the Imam can do this work himself, but due to other engagements, he should send someone to perform his position. It is right to do so. The imam should be appointed for specific areas, and the judge of the area can also appoint other people to solve problems with the permission of the imam. Justice is closely related to Qaza and the judge plays a key role in the execution of Qaza matters, therefore, the Islamic Shariat has set rules and regulations for those who are elected as judges, which are known as the conditions of the Qazi, so the conditions for appointing a Qazi will be explained below.

Conditions for the Appointment of a Qazi [Judge] from an Islamic perspective

In Islam, making a vow is very important and in the eyes of people, this position is very important, therefore, different rules and regulations should be kept in mind in determining this important and central position. However, most of the basic conditions are the same. Shariat has ordered to keep the conditions in determining the judge. According to Ibn Abi Al-Dum, there are ten things that must be done in the appointment of a judge.

شروط القضاء عشرة: الاسلام والحريّة و الذكورة والتكليف والعدالة والبصر والسمع والنطق والكتابة والعلم بالاحكام الشرعيةⁱⁱⁱ

There are ten conditions for obtaining the oath of Qaza. Be a Muslim, be free, be male, obey the commandments, be truthful/just, be able to see, hear and speak, know how to write and have knowledge about the Sharia rules. Some people have mentioned 9 of these conditions, according to the Hanaf, the exception of these matters will be kept in mind in holding the office of Qaza, which is necessary for the witness. His mention in Fateh al-Qadir has been presented as follows.

شُرُوطُ الشَّهَادَةِ مِنَ الْإِسْلَامِ وَالْبُلُوغِ وَالْعَقْلِ وَالْحُرِّيَّةِ وَكَوْنُهُ غَيْرَ أَعْمَى وَلَا مَحْدُودًا فِي قَدْفٍ، وَالْكَمَالُ فِيهِ أَنْ يَكُونَ عَدْلًا عَقِيفًا عَالِمًا بِالسُّنَّةِ.^{iv}

The conditions of martyrdom are: be a Muslim, mature and sane, be free, not blind, or have been subjected to Qazaf. The best thing is that he should be just, pure and live according to the Sunnah. That is, the judge must be a Muslim, because Islam is the source of decency in the world, so he should be more aware of the condition of Muslims, and the greatness and honor of a Muslim requires that the one who resolves his affairs be a Muslim, because the dhimmis are subordinate to the Muslims. Therefore, justifications should be made. Due to the honor of freedom, even a slave cannot be appointed as a Qazi, the foundation of freedom is higher than that of a slave, so the affairs of a free person should be freed. Obligatory means to be wise and mature, because the non-obligatory person is in the worship of someone, so he is not qualified to be a ruler. Be a male. Because it is the opinion of the people that it should be a man not a woman to rule the affairs, and there is agreement with this principle, although the Hanafi jurists approve of making a judge apart

from the limits and punishments, but the person who does such a thing will be a sinner and this is an undesirable matter.

والمرأة تقضي في غير حد، وقود وإن أثم المولى لها: لخبر البخاري: لن يفلح قوم ولوا امرهم امرأة.^v

A woman can become a ruler in matters other than limits and retribution, but the one who imposes the duty will be a sinner. The tradition of Bukhari indicates prohibition. A nation that makes a woman a ruler cannot prosper.

Be fair, have a prominent position among people because of honesty and nobility. People do not trust the wicked and liars. The power of enquiry, speech, vision, and writing are required to make judgments. Without it, it will be impossible to reach the reality or to explain something or to be able to differentiate between the parties and any party can object to the decision. Qazi Mujtahid would also be able to make a correct decision in the light of Shariah teachings through insight and understanding or to make a decision by keeping a religion in mind, knows the best and most important sayings of Tawas. Apart from this, some issues are very good to be found in Qazi. Be free from greed, be strong and not afraid to make the right decision, but have gentle and soft natured as well, so as to be empathetic.

This is a very important office and position, which is very responsible, therefore, in the opinion of the jurists, such a person is eligible for the position, who is agreed upon by the people and has a good reputation in the eyes of the people, having full access to the religious and jurisprudential sciences and reaching the reality through great wisdom and intelligence, and let nothing prevent him from making the right decision. Hence due to the importance of the position some strict conditions have been imposed.

Attributes of a Qazi [Judge]:

After the appointment, it is very important for the judge to have some good qualities and additional qualities for this position. In other words, the jurists and scholars have elaborated on what qualities a Qazi should possess, but there are some things that must be present in a Qazi in view of the glory and importance of this position.

1. Avoiding anger and obstinacy: It is important for the judge to not be angry with anyone during the hearing, he should not hold a grudge against any party, so he must hear the case with a clear heart and all mental thoughts aside.

The mercy of the world (peace be upon him) is unbelieving, He said: .

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَحْكُمُ الْحَاكِمُ أَوْ لَا يَقْضِي الْقَاضِي بَيْنَ اثْنَيْنِ وَهُوَ غَضَبَان»^{vi}

The Messenger of Allah (ﷺ) said: No ruler or judge should decide between two people in a state of anger.

Anger causes a person to become emotional, due to which it is not possible to consider all aspects of the matter at times, therefore, it is highly likely that instead of giving a correct decision, one should not give a wrong decision. Therefore, according to the Mujtahidin and jurists, it is not correct to give a decision in a state of anger, it is necessary to avoid it. Ibn Qayyim writes about this: .

التحذير مما يحول بين الحاكم وبين كمال معرفته بالحق، وتجريد قصده له؛ فإنه لا يكون خبر الأقسام الثلاثة إلا باجتماع هذين الأمرين فيه، والغضب والقلق والضجر مضاد لهما؛ فإن الغضب غول العقل يفتاله^{vii}

It is to be warned that until the full knowledge of the truth prevents one from making a decision and before reaching the final completion of one's intention, two things will accumulate in it, anger and anxiety, etc. are opposite to them, because anger destroys the intellect. Therefore, it is important to avoid taking any decision in a state of anger

During the trial, the judge is obliged to listen to the arguments and try to find out the importance and truth of the testimony and it is also necessary to know the other reasons related to the case, which makes it easy to make a decision. The judge must not be harsh, but he should be strong in terms of his position and lenient as well, so that the owner of the rights do not feel fear [that is, he began to think that his right was lost], but the decisions should not be soft.

The judge should be mild-mannered, obstinate and away from emotions, because of which no party would take benefit from him. He would be fitin and understanding so that no party could deceive him. He should be pure, he should be the one to satisfy others, he should be the one to avoid haram affairs so that everyone accepts him in important matters, the judge should also consult with other people, this was the way of the Prophet.

وَكَانَ أَبُو هُرَيْرَةَ يَقُولُ: مَا رَأَيْتُ أَحَدًا أَكْثَرَ مَشَاوَرَةً لِأَصْحَابِهِ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ^{viii}

Hazrat Abu Huraira (ra) says that I did not find anyone who consulted his friends and companions more than the Messenger of Allah (peace and blessings of Allah be upon him). Similarly, it is necessary for the judge to sit the parties in front of them and listen to them and try to reach the truth.

"قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ الْخَصْمَيْنِ يَفْعَدَانِ بَيْنَ يَدَيِ الْحَاكِمِ" ix

The Messenger of Allah (peace and blessings of Allah be upon him) ordered that both the plaintiff and the defendant should be brought before the judge

That is, it is not permissible for a judge to discriminate against one party while giving importance to him, similarly, standing in reception of someone or asking for his opinion, and it is not permissible for the judge to make it a part of the decision. Through this, the other party is disrespected and heartbroken, the status and importance of the judge is reduced and his confidence is lost.

It is not right for a Qazi to joke and whisper with any party and give important arguments to win the case.

Likewise, it is not permissible to accept a gift from a person who did not give a gift before becoming a judge. It is considered a bribe. And it is not permissible for a judge to take a bribe. Those who accept bribes deserve the curse of Allah, the Prophet ﷺ said.

"عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَعْنَةُ اللَّهِ عَلَى الرَّاشِيِّ وَالْمُرْتَشِيِّ»" x

On the authority of Hazrat Abdullah bin Amr, the Messenger of Allah, peace and blessings be upon him, said: May the curse of Allah be upon the one who gives a bribe and the one who takes a bribe.

Qazi should not go to buy and sell by himself [precaution]. In this way, people will try to benefit him unnecessarily and later use the same process to gain interest. Those whose decisions require haste, the judge should make decisions on an emergency basis, so that they benefit, such as orphans, prisoners, mentally disabled, etc. That is, it is not permissible for a judge to discriminate against one party while giving importance to him, similarly, standing in reception of someone or asking for his opinion. In the same way, it is very important for the judge to be fair in these matters.

قال: ولا خلاف. بين الفريقين أن الاختيار في صفة القاضي أن يكون عارفاً. يحمل علم الكتاب والسنة وإجماع الأمة، واختلاف أئمة السلف. ففيه النفس، يعقل وجوه القياس إذا ورد، ويعرف اللغة إذا سمع. عالماً بتخريج الأخبار، إذا اختلفت، وترجيح أقاويل الأئمة إذا اختلفت. وافر العقل، أميناً. مثبِتاً. حليماً. ذا فطنة وتيقظ. لا يؤتا من غفلة ولا يخذع بغيره. صحيح حواس السمع والبصر. عارفاً بلغات قضائه. جامعاً للعفاف، نزيهاً بعيداً من الطمع. عدلاً. رشيداً. بريئاً من الشحشاء، والمماظة، والحيف والعصبية. صدوق اللهجة. ذا رأي وشورة. لكلامه لين إذا قرب، ومساواة إذا حاور، وهيبة إذا أوعد. وجد إذا حكم، وفصل لا تأخذه في الله لومة لائم. ذا هيبة وأناة، وسكينة ووقار. xi

That is, the judge should not differentiate between the parties, he should know about the book, the sunnah, the consensus of the ummah and the Salaf. Be a jurist by nature and know the language of those you are listening to, have knowledge of all things. If there is a difficult or suspicious matter, then be knowledgeable about the aspect of preference. Honest, meek, truthful, away from negligence and have good sense of sight and hearing. Be knowledgeable about previous decisions. Be virtuous and pious. The element of greed should not be found. One who avoids panic should be strong. Tone should be smooth. Sophistication and dignity should be shown in speaking, clothes etc. This is a map of the external attributes of the Qazi who is appointed to the position of judge in Islam, which is a high position and position of good choice, dignity, knowledge, chastity, gentle nature and staying away from all suspicious affairs. These attributes show the magnificence of the system of justice in Islam, which is difficult to find an example of. The purpose of this work is to create kindness, relief, speedy justice and confidence in the efforts of humanity for their legitimate rights. So that people do not question the judge's decision.

Conditions of a Qaza [Judge] from Talmudic

Qualifications of the members of the Sanhedrin

What should be the qualifications, and qualities of the members of the Sanhedrin? The standards set forth in Jewish law, particularly the Talmud, are as follows:

1. Wisdom:

The most important thing for a member of the Sanhedrin is to be fully aware of the Jewish laws and traditions and have a good knowledge of them, so that he can be guided by them according to the times and circumstances.



Members of the Sanhedrin were required to possess a high level of knowledge and understanding of Jewish law and tradition. ^{xii}

2. Character

Such an important position requires that such a person should be appointed, whose integrity and honesty are not doubted by the people and whose character is clean and pure in their eyes. Members were expected to be of good character, with a reputation for honesty and integrity. ^{xiii}

3. Age:

Those who are being appointed should have reached the level of perfection in terms of intellect, that is, the age at which prophets were sent for prophethood, that is, they should not be less than forty years of age.

Members of the Sanhedrin had to be at least 40 years old. ^{xiv}

Education:

Have been formally educated in Jewish law while living with a teacher and have access to all Jewish traditions.

Members had to have received a formal education in Jewish law and tradition. ^{xv}

Appointment

These gentlemen have been selected and appointed by the President or later by the Chief Justice for cross-examination of their qualifications and abilities.

Members of the Sanhedrin were appointed by the Nasi (president) and Av Beit Din (chief justice) based on their qualifications and expertise. ^{xvi}

In addition to these rules, other important things that are recommended to be observed, such as avoiding prejudice, practical efforts to uphold and uphold the Jewish law, practice it, high morals were also included. So that their decisions have significance in the eyes of the people and they can incorporate and implement them (instructions and decisions) in their lives without protesting. According to Jewish law, the following criteria were required to serve as a member of the Sanhedrin. This is the reason why this institution played a very important role in maintaining Jewish culture, laws and religious identity even during the era of strict rulers.

The Sanhedrin also had an important role in maintaining the religious and cultural identity of the Jewish people during a time of foreign rule and influence. It was responsible for overseeing the practice of the Jewish religion, ensuring that it remained true to its traditions and values, and protecting it from outside influences that could threaten its purity and authenticity. ^{xvii}

The destruction of this institution and the end of its importance to the people began after the destruction of the temple in 70 AD, its influence on the society and society gradually disappeared, however, in the present era, most of the Jewish community does not recognize it.

The Sanhedrin played an important role in Jewish life during the Second Temple period, and its decisions had a significant impact on the Jewish community. However, after the destruction of the Second Temple in 70 CE, the Sanhedrin ceased to exist as a formal institution. Today, there are various attempts to revive the Sanhedrin in Israel, but they are not recognized by the Israeli government or the majority of the Jewish community. ^{xviii}

In practice, this institution does not exist, but its effects exist, such as the implementation of Jewish laws and decisions, respect for Jewish experts, etc. Today, while the Sanhedrin no longer exists as a formal institution, its legacy and influence can still be seen in Jewish law and tradition. Many aspects of Jewish law and practice continue to be based on the rulings and decisions of the Sanhedrin, and its members are still held in high esteem as scholars and experts in Jewish law. ^{xix}

The most important thing is that the laws of the Sanhedrin are related to the specific region (Jerusalem), because according to Jewish teachings, the culture, social problems of each region are different, the court orders of one region are related to the people of another region. It is worth noting that the laws and procedures of the Sanhedrin may not be applicable to other legal systems or cultures. The role and authority of courts and judicial bodies may vary depending on the country, legal system, and cultural context. ^{xx}

The Sanhedrin was of special importance in Judaism, because it was unique in the resolution of disputes, legal and religious interpretations, the laws concerning this institution contained in the Talmud. Among them are the appointment of judges, jurisdiction, the presence of witnesses and evidence and the rules for accepting their testimony, as well as mention of capital punishment in addition to corporal punishment, which, in addition also discuss the types of punishments, provides some guidance on the procedure for judgment and appeals against them.

The Talmud provides detailed guidelines for the Sanhedrin's legal procedures, including how to hear arguments, deliberate and take a vote. The Talmud allows for the possibility of appeals to higher



courts in cases where the Sanhedrin's ruling was in dispute. ^{xxi}

That is, if the parties are not satisfied with the decision of the lower courts, the Talmud allows that the decision may be appealed to the higher and central court, where the quorum is chosen keeping in mind the nature of the case. The minimum number of people to hear any problem was 23, in case of less than that, the problem was not heard, but another time was fixed for hearing, when all the people were present [the quorum was complete].

Basic rules and points:

The Supreme Court is of great importance to Judaism, the Jewish laws depend on it, and that is why these laws remain in practice, and these institutions continue to play a very important role in eradicating social and family problems. According to the Jewish traditions, there were some rules for these institutions, which were necessary to be followed, so the basic rules and points that were considered here are as follows.

Jurisdiction

Certain types of cases (civil and criminal, etc.) and geographically certain places (Jerusalem) came under its jurisdiction.

Legal Issues

It used to discuss matters related to legal problems and conflicts (religious, business, social, economic, etc.), apart from following religious teachings, questions related to prohibitions and regulations are also included in it.

Composition

The Supreme Court consisted of 71 judges (rabbis and scholars), in which the greatest and highest rabbi was called a priest, an elder and jurist, who was also called the father of the court.

Leadership

Yehuda Nasi (Rabbi) was the first President of the Supreme Court and the first Chief Justice of Ayo Beit Din, whose decisions have a profound impact on Jewish law. Their decisions also have special significance.

Procedures

Cases are decided in the Supreme Court according to certain procedures, such as the presence of two witnesses, warning the parties about the decision before the death sentence, etc.

Calendar and Temple

Preparation of the calendar to follow the religious festivals, informing the people about the calendar, matters and issues of the temple and the people serving the temple, appointing new ones or maintaining the previous ones were also determined here.

Jewish Law

This institution was also responsible for detailing/collating and applying the difficult and complex aspects of all Jewish laws, including personal (individual) and communal problems of Jews (family laws, business affairs and business practices, religious observance and other issues) were included.

Dissolution

During 516 BC - 70 AD, this institution continued to perform its duties very well, after that it began to decline and decay, until in 358 AD, it was completely neglected and destroyed by the Romans and later it could not be established again.

Legacy and Influence:

In the present era, this institution does not exist in its original form, however, the rules and procedures of this institution can be seen from various aspects even today. In other words, the Jews are still following his ways individually. ^{xxii}

The laws of the Sanhedrin as a whole are set forth in the Talmud, i.e. the Talmud provides a framework for the functioning of the court, through which the importance of Jewish law in regulating society and promoting justice is revealed.

Among the issues discussed under Sanhedrin in the Talmud are hundreds of individual rules and guidelines about court composition, jurisdiction, legal procedure, evidence and witnesses, punishments, and more.

A Comparative Study in the Light of Talmud and Islamic Teachings

The role and practical application of justice and fairness is the most prominent aspect in the welfare and success of any society, and due to neglecting it, the end of welfare in the society and the degradation of social, moral and cultural teachings become possible. Therefore, in maintaining and developing the culture and civilization of any place and region, firstly, the rules and regulations are important and secondly their practical application play a very important and effective role. Therefore, every civilization has followed their traditions and interpretations in the execution of

judicial affairs for the purpose of its survival and in solving modern problems in view of time and circumstances, due to which, wherever social and societal problems [conflicts, disagreements, etc.] were solved, there were modern problems. He performed the duty of guidance in an auspicious way. How Talmud and Islamic Laws guide humanity in Majlis Qaza/Supreme Judiciary, their comparative study will be presented below.

Objectivity

The purpose of the Sanhedrin in the Talmud was to provide guidance in religious, social, moral and economic matters and to resolve legal complications. Criminal, civil and administrative matters were resolved in the light of Sharia laws. Ending conflicts, protecting religious values, clarifying Jewish law and maintaining social peace, fulfilling God's order, promoting mutual harmony and creating consensus in the Jewish community was the main purpose. The purpose of Islamic teachings is to implement the rulings of the ruler [the Lord Almighty] as the vicegerent of Allah, following the Sunnah of the Prophet ﷺ and generalizing justice and equality, ending class differences, promoting justice, protecting honor and integrity, social and social unity, solving social and family conflicts and preventing crimes, which improves the state of public order and peace in the society. In Islam, where there is a command to fulfill the responsibilities of upholding justice and integrity, there is also a source of reward and remuneration for fulfilling these responsibilities.

Time

This institution was active for almost 100 years [516 BC - 70 AD]. In it, he fulfilled the task of protecting Jewish law and oral traditions in an excellent way and also presented solutions to many modern problems. His explanations were also included in the Talmud. This institution remained active until the destruction of the Second Temple. The concept of Islamic Court and Supreme Council started with the Prophet's mission and due to its expansion in jurisprudence, this institution has developed a lot and even today it is solving the modern legislative problems of different countries in the light of Islamic judicial principles, regulations and definitive texts and the judicial system tries to implement them. The Islamic judicial system has been and continues to be implemented.

Basis of law

The foundation of the High Judiciary was based on oral traditions or the Old Testament, however, the learned experts explained many problems with their scientific research, which became a torch for the later ones. In Islamic teachings, the basis of laws related to Majlis-e-Ala / Judiciary are according to the Holy Quran and the Sunnah of the Prophet ﷺ. The importance of justice, integrity and the solution of modern problems were emphasized in the Holy Qur'an. There are ways to implement it in the Sunnah of the Prophet ﷺ.

Members and Responsibilities of Majlis Ala

The number of members of the Sanhedrin was 71. These men were responsible for examining matters related to constitutional, civil, criminal and administrative laws and solving problems related to these matters. No specific number has been determined in Islamic teachings, but judges are appointed to solve people's problems and it was allowed to appoint more than one judge at the time of need. For these purposes, the solution of constitutional, civil, criminal and administrative problems is their responsibility. If the judge is special for hearing one type of cases, then he is bound to hear the same cases or he is bound to hear matters based on the division of the area. For modern problems, the ruler will appoint experts in that area for that work, who will solve modern problems.

Number in hearing of cases

According to the Talmud, a minimum of 3 judges, usually 23 judges, would hear the case due to the importance and situation of the case, while all the gentlemen [71] were required to be present during the more important case.

In Islamic teachings, there is no specific number of cases to be heard in judicial matters, it is at the discretion of the ruler of time and the chief justice. That in view of the nature and importance of the problem, he can appoint more people in a case and can also seek help from other experts.

Qualifications, age and responsibility of members

A member of the Sanhedrin, the head of the Talmud, must know the basic laws of Judaism, be honest and trustworthy, not suspect in the eyes of people, be 40 years old. Be educated at an institution related to Jewish law. Nasi (president) and Av Beit Din (chief justice) appointed him, and this institution also guided in important matters such as the protection of Jewish traditions, the arrangement of the religious calendar and the duty of guarding, appointing monks to serve the temple.

According to Islamic teachings, the judge should be Muslim, wise and mature and his senses should also be correct, as well as knowing the previous opinions of the predecessors, through this he would be guided in solving problems. According to some scholars, one should also be a mujtahid, so that such modern problems, which are not clearly stated in the texts, have the ability to provide acceptable solutions and actions to the people by using their ijtihad skills. Also, the judge is required to refrain from various things, such as taking bribes, accepting gifts or gifts without knowledge, talking to one of the parties or discussing the case, etc. In Islamic teachings, no age has been specified for appointing a Qazi, however, a Qazi can be appointed even at a young age if the above-mentioned qualities are present. However, with the above-mentioned qualities, a judge can be appointed even at a young age. Their responsibility is to provide solutions to people's problems and resolve conflicts.

Below, the laws related to Majlis Ala are highlighted in the form of a map, which will help in understanding Talmudic and Islamic laws regarding the concept of Majlis Ala

Conclusion

By concluding the research it can be said that Islam has more flexibility in its teachings as this is a comparative study of the attributes and services of members of the Qaza\ Sanhedrin from both Islamic teachings and Talmud which provides valuable insight into the similarities and differences between these two systems of jurisprudence. Through this research, it becomes clear that while both traditions share principles of fairness, justice, and ethical behavior, the specific attributes and conditions for the appointment of a Kazakh/judge are based on cultural, historical, and religious interests. The study of these variables not only increases our understanding of diverse legal systems but also promotes international cultural dialogue and mutual respect among different faith communities. It is important to recognize and appreciate these differences while also recognizing the common values that underlie the pursuit of justice in both Islamic and Islamic traditions.

1. Jaffar, Saad. "An Overview Of Talmud Babylonian And Yerushalmi And Their Styles Of Interpretation And Legal Opinion About Oral Tradition." *Webology* 19, no. 2 (2022): 6465-6475.
2. Ibn Taymiyyah, Ahmad bnin Abdul Halim, *Majmu al-Fatawa*, Majma al-Malik Fahd Publishers, Saudi Arabia, 1995, vol.31, P87
3. Ibn Abi al-Dam, Ibrahim bin Abdullah, *Kitab Adab al-Qazi*, Dar al Fikr, Damascus, 1982, P 70
4. Ibn Al Humam, Muhammad bin abd ul Wahid, *Fath Al-Qadeer*, Dar al Fikr, Beirut, Ibid, Vol.7, P 253
5. Al-Haskafi, Muhammad bin Ali, *Al-Durr al-Mukhtar Sharh Tanwir Al-Absar*, Dar al-Kotob Al-Ilmiyah, Beirut, 2002, P 476
6. Al- Shafi'i, Muhammad ibn Idris, *Musnad Al- Shafi'i*, Shirkat Ul Gharas Publication, Al Kuwait, 2004, Vol.4, P.5, Hadith No# 1680
7. Ibn Qayyim, Muhammad ibn Abi Bakr, *Zad al-Ma'ad Fi Hadyi Khair Al 'Ibaad*, Dar Ibn Al-Jawzi Publication, Saudi Arabia, 1423 H, Vol.3, P.426
8. Ibn Hibban, Muhammad ibn Hibban, *Sahih Ibn Hibban*, Muasisatur-Risalah Publication, Beirut, 1988, Vol.11, P.217, Hadith No#4872
9. Al-Hakim, Muhammad ibn Abdullah, *Al-Mustadrak ala aṣ-Ṣaḥeeḥayn*, Dar Al –Kitab al-Alamiyah, Beirut, 1990, Vol.4, P.7029, Hadith No# 7029; Sunan Tirmizi, Hadith No# 1337



10. *Al-Tabarani, Sulayman ibn Ahmad, Al-Dua, Dar Al –Kitab al-Alamiyah, Beirut, 1413 H, P.578, Hadith No# 2093; Sunan Abu Dawood, Hadith No# 3588*
11. *Ibn Al-Qas, Ahmad bin Abi Ahmad al-Tabari, Adab al-Qazi, Maktab al-Sadiq, Al-Taif, 1989, Vol. 1, P.98*
12. Langbert, Mitchell, and Hershey H. Friedman. "Perspectives on transformational leadership in the Sanhedrin of
13. ancient Judaism." *Management Decision* 41, no. 2 (2003): 199-207.
14. "Sanhedrin." Jewish Virtual Library, American-Israeli Cooperative Enterprise,
15. www.jewishvirtuallibrary.org/sanhedrin. : Date:4/26/2023;Time:9:40 PM
16. "Mishnah Sanhedrin 1:6." Sefaria, sefaria.org/Mishnah_Sanhedrin.1.6?lang=bi. Date: 4/26/2023; Time: 9:50 PM
17. Elon, Menachem. *Jewish Law: History, Sources, Principles*. Jewish Publication Society, 1994.
18. "The Sanhedrin." Chabad.org, Kehot Publication Society,
19. www.chabad.org/library/article_cdo/aid/62221/jewish/The-Sanhedrin.htm.: Date:4/26/2023;Time:9:45 PM
20. Stone, S.L., 2008. Religion and state: Models of separation from within Jewish law. *International Journal of Constitutional Law*, 6(3-4), pp.631-661.
21. Murphy, Frederick J. "Second Temple Judaism." *The Blackwell companion to Judaism* (2003): 58-77.
22. Berkovitz, J.R., 2007. The Napoleonic Sanhedrin: Halachic Foundations and Rabbinical Legacy. *CCAR JOURNAL*, 54(1), p.11.
23. Talmud ,Sanhedrin: 37b
24. Talmud ,Sanhedrin: 87a
25. Neusner, Jacob. "Sanhedrin." *Encyclopaedia Britannica*, Encyclopaedia Britannica, Inc., 20 Apr. 2018, www.britannica.com/topic/Sanhedrin. "Sanhedrin." *Encyclopaedia Judaica*, 2nd ed., vol. 18, pp. 424-433.