

Sharī'ah Maxims (Islamic Legal Maxims) and their Significance

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Abstract— Sharī'ah Maxims (Islamic Legal Maxims) are such leading principles and regulations in the light of which legal scholars and academic philosophers explore the permissible commands of the enduring issues. One deducted legal rule doesn't cover up all the situations and matters underneath but its maximum states. The assumption of laws is just by the Qur'ān and the Noble statements of the Holy Prophet Muhammad (PBUH), or the Ijm'a (Consensus of Opinion), Ijtihad and Qias (Analogy) which are deduced from these sources of the Sharī'ah.

Keywords— Islamic Maxims, Islamic Legal Maxims, Legal Maxims, Maxims, Sharī'ah, Sharī'ah Formulae, Sharī'ah Maxims.

1 INTRODUCTION

THESE maxims are the idioms of the legal discipline that make easy to understand the ideology behind. As the other fundamental and branched rules of Islamic Jurisprudence are directly or indirectly figure out from the Qur'ān and Sunah, similarly these Legal explanations are constructed from the main sources of sharī'ah.

These explanatory officially authorized conventions are deducible so their application in the various fields of practical life is an easy approach to the day today generating issues. One of the leading aspects of the human life is **Economics**. It is the main pillar of the social and political life and major demand of an individual's life. As the importance of this factor is quite obvious in all domains of life so it's concerned matters, problems and issues are at the utmost peak.

At the time of Hijrah the economic condition of Madina city was under crisis, the poor had forced to remain as poor from centuries, they were plunged to slavery life. This critical downfall of human life was strategically switched by the wisdom of the Prophethood, which elevated the surety level on this divine religion.

Muslim world with all its resources, is now suffering from decline, due to the lack of advantageously religious and academic, potential and technological skill generating. In the existing scenario of our globe the major reason behind every conflict is the economic crisis.

Islam not only warns to be beneficial in one's own life instead it emphasis the equal availability of opportunities among the human beings. The glorious history of Islam shows tremendous such examples when there was no one available to receive Zakah (alms).

To overcome the present financial defeat, destruction of natural resources and unavailability of basic life requirements, the religious and literary persons have to combine their efforts. In order to sort out the best possible solutions of the contemporary economic crisis, especially in the Muslim countries the Islamic Economic system needs to be restructuring.

Regardless of depending that others make financial policies for our resources and consumption balance. There is a dire need to make working our intellectual, literary persons, thinkers, researchers & economists to rise up their mutual exertions. This research activity will categorically be a part of this inevitable need.

2 SIGNIFICANCE

Sharī'ah Maxims is most important with educational point of view rather than its legal vitality. It is also an easy approach for the understanding of reflection of sharī'ah in the daily life and its application in routine affairs. So, numerous scholarly efforts have been made in this regard. Some of these are mentioned here:

1. "Al- Ashbah wa Nazair" written by Ibn-e-Njaim.
2. "Al-Mudakhal al-Fiqhi al-aam" written by Sheikh Muṣṭafa al-zarqā'.
3. "Qawā'id Ibn-e-Rajab" written by Ibn-e-Rajab.
4. "Takhrij al-Faroo al-usul" written by Alama Zanjani.
5. "Tasis-o-Nazr" written by Imam Umer Dabosi.
6. "Uṣūl al-Karkhi" written by Imam Abul Hassan Karkhi.

These works are helpful in all aspects of Legal Maxims. To see their application in the present circumstances this contribution will be hope fully privileged and time honored.

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Five leading maxims are as:

2.1: Five Leading Maxims are

1. **Al-Umwro be Maqāṣidiha**
2. **Al-Yaqynu lâ yazwlu be ash-shakk**
3. **Al-mashaqqatu tajlebu at-tysyr**
4. **Lâ ḍarara wa lâ ḍirâr**
5. **Al-‘âdatu Muḥakkamah**

Giving the sense

1. **Acts are evaluated by the objectives followed them**
2. **Assurance is not made ineffective by hesitation**
3. **Hardship Begets Ease**
4. **Harm must be eradicated**
5. **Custom is the base of judgment**

The leading maxims are five and each one of these has its evidence from Al-Qur’ān, Al-Hadith and Islamic Jurisprudence. These are adapted for their significance by old and contemporary jurists in social, traditional and individual matters. Leading Maxims are elaborated with their subsidiary rules. In this ways maxims count reach to 100 plus and then approximately 400 plus maxims are formed on the bases of these five maxims. These are the helping tools in daily transactions for the jurists and common persons as well.

4 CONCLUSION

Main sources of Islamic Shari’ah are Al-Qur’ān and Al-Hadith. It has been worked out by the students of these two main sources to develop Al-Fiqh, its purposes and formulae (Shari’ah maxims) in later stages. In contemporary scholars’ time the results of these golden struggles are available. At present need is to address the things in rightful applicable manner. The given example is to maintain economic system in a sustainable way in the light of these maxims to approach basic Islamic teachers regarding finance. These Islamic maxims are easy and feasible tools for present jurists, economists and academics to consult.

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