

# Al Qawaid Ul-Fiqhiyyah

## Its Definition

From the angle of being a compounded word (**two words**)

Al Qawaid

Plural of Qai'dah, Meaning: Foundation

Al Fiqhiyyah

In relation to the science of Fiqh

From the angle of being a **singular** title

A Fiqh matter that encompasses all/ most sub-branches

## Its relationship with Fiqh and Usul Ul-Fiqh

**#1 : Usool Ul-Fiqh**

- Generally knowing the Islamic evidences
- The process of extracting rulings
- The situation of the extractor (Mujtahid)

**#2: Fiqh Issues**

**#3: Al Qawaid Al-Fiqhiyyah**

## Its Sources

Quran & Sunnah

Following up the Evidences

## Its Types

**Major** Legal Maxims

In **majority** of the sub-branches

**Non-Major** Legal Maxims

In **some** of the sub-branches

**Singular** Legal Maxims

In **one** sub-branch only

## Benefits Of Studying it

To solidify Fiqh issues in one go

To aid in the memorisation of Fiqh issues

Makes it easier to deal with Nawazil (Newly developing Fiqh issues)

Makes it easier to understand the objectives of the Shariah

Matters Are Determined by Its Objectives

**Its Definition**

Ruling pertaining to speech and actions are based upon its intentions.

**Its Evidences**

Hadith of Umar Ibn Khattab: "Actions are based upon their intentions".  
[Source: Agreed Upon]

**Its Masail**

Its Benefits

To The Fuqaha (scholars of Fiqh)

Distinguish **worship** from **habitual practices**

Distinguish **worship** from **other acts of worship**

To The Scholars of Tazkiyyah

To distinguish what is **intended by the action**

Its Ruling

What **requires** intention

Acts of worship

Ambiguous/Unclear Statements

What **does not require** intention

Leaving off actions

Clear statements in divorce and its likes.

Its Timing

**Beginning** of the act of worship or **before it by a little**

Its Nullifiers

**Breaking** of the intention

**Hesitation** of the intention

A **firm resolve to break** the intention

Its Place

In the **heart**

**Its Sub-Principles**

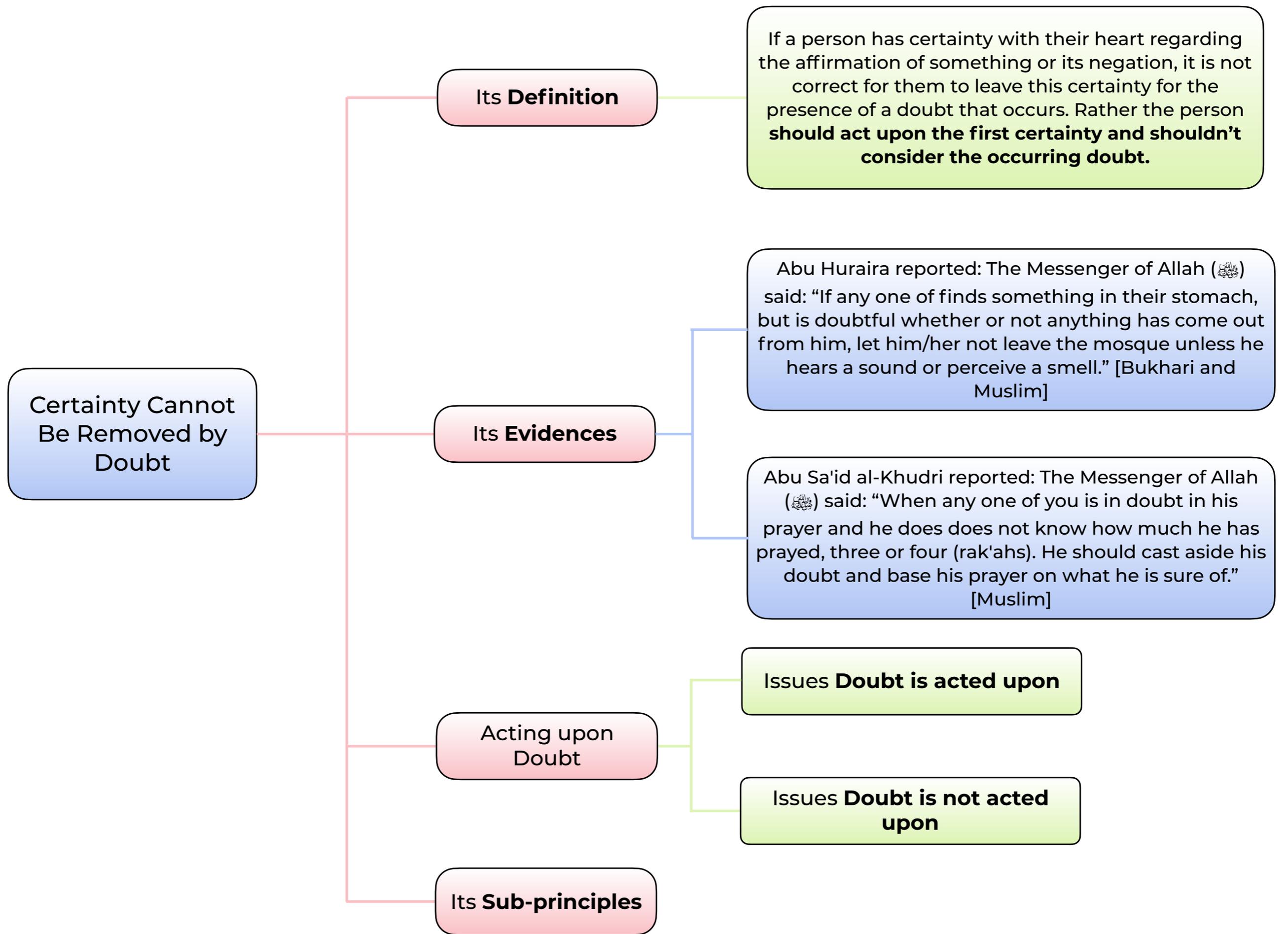
**Sub-principles that fall under:  
Matters Are Determined by Its  
Objectives**

The **consideration in contract** are based on **objectives** and **meanings**  
[e.g. A gift in exchange for money]

The intention **specifies something general** or **generalises something specific**  
[e.g. Saying to one's wife "If I see you enter this room then you are divorced"]

The **oaths** are build upon the **objectives not upon the wordings**  
[e.g. Someone makes an oath not to buy something for their son for ten pounds].

**There is no reward except with intention**  
[e.g. Returning trust/debt whilst being heedless of the intention]



**Sub-principles that fall under:  
Certainty Cannot Be Removed By Doubt**

The original essence is **the remaining of something upon its previous state**  
[e.g. Someone is certain of being in the state of purity and has doubts about impurity]

The original essence is **being free from liability/obligation/debt**  
[e.g. Someone claiming you owe them money]

**The original essence in material things is permissibility**  
[e.g. Using modern gadgets and technology]

**The original essence in private parts, meat, inviolable money/property, and life is impermissibility.**

**There is no consideration to doubt whose error/fault is made apparent**  
[e.g. Whoever prays assuming the time for prayer has entered then finds out he/she was mistaken]

# Hardship Brings Ease

## Types Of Hardship

Hardship that separates from the worship majority of the time

Hardship that **does not** separate from the worship (*not considered*)

**Great** Hardship  
*(considered)*

**Slight** Hardship  
*(not considered)*

**Average/Middle** Hardship  
*(differed upon)*

## Types Of Ease

Reducing

Advancing

Concession

Dropping

Substitution

Postponing

Changing

## Reasons For Ease

Sickness

Forgetfulness

Rampant Difficulty and Widespread Necessity

Travelling

Coercion

Ignorance

Deficiency

## Its Evidences

“Allah intends (to provide) ease for you” - [Al Baqarah 185]

“He (Allah) has chosen you and did not impose any hardship on you in the religion” - [Al Hajj 78]

The Prophet ﷺ said: “You have been sent to make things easy (for the people) and you have not been sent to make things difficult for them.” - [Bukhari]

## Its Definition

The difficult and hardship that a mukalaf (person who is commissioned with responsibility) finds in fulfilling legal rulings becomes a valid legal means for facilitation and ease for them

**Sub-principles that fall under:**  
Hardship brings Ease

**Necessity allows/makes permissible the forbidden**  
[e.g. Eating a dead animal for one compelled with death]

What is allowed for necessity is **appraised according to the need**  
[e.g. The quantity of dead animal eaten when compelled with death]

**Necessity does not invalidate the rights of others**  
[e.g. The one compelled with death eaten from the property of another person]

