I Definition of Makasid Sharia : The objective of Islamic law: the straight way, wisdom and purpose that Sharia came to achieve for the benefit of the servants in this world and the hereafter. II The General purpose of Islamic legislation: Achieving the interest of people in this world and in the hereafter by bringing benefits and warding off harms. And eventually knowing God and worshiping Him. – Wisdoms behind rulings include developing consciousness of God. III Traditional Classification of Makasid: 1. Necessities: essentials: they are the Five universals that people s lives cannot survive without them and their lack lead to corruption in this world and in the hereafter. a. Preserving Faith: – He set out to produce them: The pillars of Islam and Pillard of Faith. – He set out to prevent its absence: forbidden of polytheism, requiring Jihad, the limit of apostasy. b. Preserving Soul: – He set out to produce them: permitting eating and drinking, legislating marriage and encouraging births. – He set out to prevent its absence: prohibiting miscarriage, and killing as well as legislating retribution for a punishment. c. Preserving mind: (intellect) – He set out to produce them: the order to Seek knowledge and the command to contemplate and reflect on God's creation. – He set out to prevent its absence and prohibiting wine and legislating the limit of drinking it. d. Preserving lineage: offsprings, honor: – He set out to produce them: legislating marriage and encouraging births and the command to be chaste (chastity). – He set out to prevent its absence: Legislating the limit of adultery and slander as punishment. e. Preserving wealth: (money, property) – He set out to produce them: legislating: types of sales and commerce and partnership. – He set out to prevent its absence: prohibiting cheating, usury, fraud, theft. We should know that the destruction of these items leads to Chaos within a society, and that the purpose is not valid unless it leads to the fulfillment University of Algiers 1 Faculty of Islamic Sciences 2024/2025 Class/ master 2 Comparative Jurisprudence and Its Fundamentals Teacher: Dr. Latrem Halla of some good or avoidance o some mischief; as well as that the purpose is what fulfils the purpose of the legislator. 2. Needs: complementary: it is what people need in order to expand and relieve hardship and alleviating difficulty, so, life does not stop with their lack but ratter becomes narrow and so hard. a. Worship: Legislating Legal license: Dry ablution instead of wet one; legislating Breaking fast and shortening the prayers to travelers and sicks. b. Transactions: permitting contracts that meet peoples need such as : leasing and rent , and mortgage, forward sale (the ladder). c. Habits: Permitting to hunt and enjoying good things. 3. Luxuries: (desirable) They are refinements in society, what is more that what is necessary and need which leads to perfection and their lack does not lead to corruption or hardship. a. Worship: the command to purify, and the order to cover up , command to pray in congregation . b. Transactions: Prohibiting extravagance, prohibiting stinginess, prohibiting sell on sale, prohibiting sermon upon sermon. c. Habits: Instruct the etiquette of eating, drinking sleeping, and prohibit eating carrion. IV The importance of arranging the objectives of Sharia: The importance appears in the event of conflict between them, such as: conflict between preserving one's life and covering private parts of body. Permissibility of drinking wine, alcohol for those who almost died from choking because preserving one's life comes first. V The second: Classification 1. General makasid: they the objectives observed throughout the Entire body of Islamic laws. 2. Specific makasid : these are observed throughout a certain chapter of the Islamic law such as the welfare of Children and preventing criminals. . 3. Partial makasid : these are the intents behind specific scriptures of rulings

تم تلخيص النص بواسطة موقع لخصلي © lakhasly.com