

*Al- Qawā'id al-Fiqhiyyah* (Islamic Legal Maxims):  
Concept, Functions, History, Classifications and  
Application to Contemporary Medical Issues.

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## ABSTRACT

This thesis analyses *al-qawā'id al-fiqhiyyah* (Islamic legal maxims), one of the significant disciplines of Islamic legal thought. It aims to introduce the subject theoretically and practically. For the former, it introduces the principal abstract areas relating to the discipline: namely, definition, functions, types, sources, relationship with other disciplines of Islamic legal thought. It also traces the historical development of the discipline from the earliest stages to recent times. These areas are covered in the first two chapters, which comprise almost half of the whole thesis. For the practical element of the thesis, the discussion aims to present the various practical applications of *al-qawā'id al-fiqhiyyah* through two means. First, examining the so-called *al-qawā'id al-khams al-kubrā* (the five universal maxims) and *al-qawā'id al-kulliyyah* (the general maxims), which have been seen as representative of the entire field, due to their large scope of application over the *fiqh* particulars. The discussion mostly contains the examples that jurists have adduced in the course of history. In some cases, however, examples of contemporary issues have also been added. The main focus is to show the significance of *qawā'id* in categorizing the scattered and, sometimes, unmanageable *fiqh* cases into general principles. This is presented in two chapters: the third and fourth. Second, examining the use of *al-qawā'id al-fiqhiyyah* in deducing legal determination for contemporary issues. Six medical issues have been selected to be study cases in this regard. The aim is to show the importance of *qawā'id* in the area of *ijtihād* and finding out the legal status for the novel issues. This has been presented in the last chapter.

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