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## Jurisprudential Rules a Path to Understanding Moderation and Moderation

# A Rule of "there Should be Neither Harming nor Reciprocating Harm" as an Example

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#### **Abstract**

Jurisprudential rules are a way to understand moderation and moderation - the rule of no harm and no harm as an example, to explain the importance of jurisprudential rules and their fruit, which is achieving moderation and moderation.

Explaining the jurisprudential rules established by jurists and scholars in order to achieve moderation and moderation, under the pretext of benefiting from the approaches of jurists in dealing with reality and achieving moderation in Islam. Since Islam appeared neither abstractly spiritual nor rigidly physical, but rather humanly in between, taking a share from each, as it was compatible with human nature and was not available to others, that is why it is called: the religion of natural nature."

Moderation in all matters is one of the most important advantages of the Islamic approach. It is not an abstract meaning, but rather a behaviour, treatment, and intellectual approach that should be dealt with. Perhaps we are more in need of it today than at any other time because fanaticism and extremism have kept some people away from understanding the true meaning of Islam.

The article discussed from two problems: First: What is the relationship of jurisprudential rules to achieving moderate moderation?

The second: What are the legal applications of the jurisprudential rules that prove moderation and centrism? The study reached results including that moderation in all matters is one of the most important advantages of the Islamic approach. It is not an abstract meaning, but rather behaviour, treatment, and an intellectual approach that should be dealt with, and that fanaticism and extremism have kept some people away from understanding the true meaning of Islam.

As the study showed through the application of what is related to imprisonment, there are two things that must be dealt with. Taking them into account in dealings is a way to understand the religion. The first: that a man should not harm his brother in the first place, and harm is that he does not harm him as a reward. The second: matching harm with harm - so what is meant by denying harm here is to deny the idea of revenge by mere revenge, the idea that increases the harm and expands its scope. Harm, even if it is for the sake of Interviewing may not be an intended goal, but rather resorted to out of necessity, in addition to moderation and moderation being free and innocent dealings without harbouring malice or evil.

**Keywords:** Moderation, Harm, Jurisprudential Rules.

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#### 1. INTRODUCTION

All the praises and thanks be to Allah, the Lord of the 'Alamin mankind, May peace and blessings be upon the Messenger of God, Muhammad, his family, and companions, and those who follow him and are guided by his guidance:

Islam appeared neither abstractly spiritual nor rigidly physical, but rather humanly and in between, taking a share from each. Thus, it had the compatibility with human nature that was not available to others... That is why it was called: "the religion of natural instinct," and moderation in all matters is considered one of the most important advantages.

The Islamic approach is not an abstract meaning, but rather a behaviour, treatment, and intellectual approach that must be dealt with, and perhaps we are in greater need of it today than at any other time, because fanaticism and extremism have kept some people away from understanding the true meaning of Islam, and from here I decided to write about this topic from an angle that I had not previously reached, which is a statement.

The rules of jurisprudence are a way to understand moderation and moderation, taking the great rule of jurisprudence as a living example to prove the philosophy of study. This is because moderation and moderation are the way to understand the meanings of Islam.

• Research problem:

The research includes a set of questions that it attempts to answer as follows:

What is the relationship between jurisprudential rules and achieving moderation?

What are the legal applications of the jurisprudential rules that demonstrate moderation and moderation?

- Research aims:
- Explaining the importance of jurisprudential rules and their fruit, which is achieving moderation and moderation.
- Explaining the jurisprudential rules established by jurists and scholars in order to achieve moderation and moderation.
- Benefiting from the approaches of jurists in dealing with reality and achieving moderation in Islam.
- Previous studies:

Through research and investigation, I did not find anyone who preceded me on this topic.

- Research Methods:
- The inductive and descriptive approach: in tracing the rules of jurisprudence.
- The deductive analytical approach: in studying the jurisprudential rules, interrogating them, and highlighting the most important aspects.

#### 2. BASIC CONCEPTS OF SEARCH TERMS.

It has two requirements:

First: Moderation:

Definition of moderation and moderation in language:

Moderation in language: "Justice" What has been established in the souls is that he is upright and he is against injustice, and the most just among the people is: the one who is pleasing and upright in his manner, and it was said: he who is pleasing in his speech and his judgement, it is said: this is justice and they are justice. Zuhair said:

When do people seek protection, their secrets are few \*\* They are among us, then they are satisfied, and they are just.

Justice: the judgment of equality, and it is said that a thing is equal to a thing: it is justice, and the justice of a thing is equal to it, that is, it is balanced, and fairness is the equivalent, and moderation is a middle state between two states in quantity or quality, as they say: a body that is equal. Use water between long and short, and moderate water between cold and hot, and whatever suits. He has moderated (Dictionary of Language Standards Article: Modified).

Moderation" is a language: Ibn Faris, may God have mercy on him, said: "Middle": letters waw  $\mathfrak{z}$ ,  $s\bar{\mathfrak{l}}$ n  $\mathfrak{u}$ , and  $ta\bar{\mathfrak{a}}$ '  $\mathfrak{L}$ .' are a correct construction that indicates justice and fairness, and the fairest thing is its middle and middle. (Dictionary of Language Standards, article: middle) Ibn Manzur, may God have mercy on him, said: The middle of a thing is what is between its two extremes. The poet said:

If I leave, make me a mediator \*\* I am old and cannot stand stubbornness.

The middle of the thing: the best and the best, like the middle of pasture is better than its two ends, and the middle of an animal for riding is better than its two ends. It may be in the middle of an adverb meaning: between, as when you say: I sat among the people.

That is: between them and the middle of the sun: its middle is the sky, and the middle of the necklace: the substance that is in its middle, and it is the finest of it. It is said: He is from the middle of his people, meaning: the best of them, and from Him is the Almighty's saying: "He said, 'The middle of them." [Al-Qalam: 28]

That is, he prepared them and was the best of them, and from him the middle prayer was named. Because of its superiority over all other prayers.

And the middle of something and its middle: the fairest of it Zuhair said, praising:

They are among the people who are satisfied with their ruling \*\* If one of the nights descends with most.

Meaning of fairness. And something in the middle, meaning between good and bad (Lisan al-Arab by Ibn Manzur, article: middle).

Second: Definition of moderation and moderation in terminology:

They have a meaning that pertains to the nation, and a meaning that pertains to the individual.

As for what concerns the nation, it is the qualification of the Islamic nation in terms of justice, charity, and righteousness, which makes it worthy of being a witness to the worlds. God Almighty said: {thus We have made you a moderate nation that you may be witnesses over the people and that the Messenger may be a witness over you} [Al-Baqarah: 143]

An individual's moderation is mediating matters by choosing the best, best, and most just of them. Moderation is charity and preference, and every moderation is accompanied by goodness and is the best. This includes the words of Abu Bakr al-Siddiq, may God be pleased with him, on the Day of Saqifa about the superiority of the Quraysh: They are the average Arabs in lineage and family.

From it is the saying of the Bedouins to Al-Hasan Al-Basri, may God have mercy on him: O Abu Saeed, teach me a correct religion, neither going in the wrong way, nor falling in the wrong way! Al-Hassan said to him: Well, done, Bedouin. The best things are the middle ones, and it is not always necessary for the charity to be in the middle between the two parties, although in most cases there are two reprehensible parties with a praiseable middle between them, and that is the concept of moderation, for moderation is the mediation between two situations between excess and negligence.

Second: Definition of jurisprudential rules:

#### A. Grammar is a language:

Rules: the plural of the singular rule. The word rule has several uses and meanings among linguists, including:

- 1. The foundation: The foundations are the foundations of everything, such as the foundations of Islam, the foundations of the house, etc., and the foundations of the building: its foundation. The Almighty said: "when Abraham raised the foundations of the house, and Ishmael. Our Lord, accept them from us. Indeed, you are the Hearer, the Knower." Qurra: 127], the rule: the origin of the exponent, It is gathered on bases (by Al-Zubaidi: 1/2209), and the exponent is the firm, firm thing, and its plural is a foundation with a kasra, and the bases are: the foundation, and its plural is established with two dhammas, and the base of the house is its foundation (Ibn Faris: 1/14, Lisan al-Arab, by Ibn Manzur: 3/357).
- 2. The origin: It is the bottom of everything, including the bases of the howdah: which are four intersecting beams at its bottom on which the sticks of the howdah are mounted, and the bases of the clouds: their origins intersecting to the horizons of the sky have been likened to the foundations of a building (Al-Azhari: 1/151-135, Ibn Faris: 5/109). Ibn Manzur: 3/357).
- 3. The elderly woman: And a woman who is sitting, if she wants to stay, and she stops menstruating: it stops for her, and she stays away from her husband: she is patient, and the plural is rules and in the revelation: "the standing ones are among the women who do not hope for marriage" [An-Nour: 60], Al-Zajjaj, may God have mercy on him, said in the verse: Interpretation of this verse: They are those who abstain from marriage (Al-Zajjaj: 4/53).

From the above definitions that I mentioned, it becomes clear that the closest meaning to the rule is the first meaning, which is the foundation, because rulings are built on it, just as a wall is built on a foundation (Al-Sa'idi: 17).

B. Definition of jurisprudential rules in terminology:

It is possible to limit ourselves to defining the jurisprudential rules based on scientific considerations:

That is: as a title and knowledge of the specific art, it is the knowledge of the general jurisprudential rulings that are pronounced on particulars whose rulings are known from them.

Imam Al-Qarafi, may God have mercy on him, said: These rules are important in jurisprudence, of great benefit, and to the extent that one is aware of them, the status of the jurist will be greater and honourable, the splendour of jurisprudence will appear and become known, and the methods of fatwa will become clear and revealed (Al-Azhari,: 2/56).

### 3. THE RELATIONSHIP OF JURISPRUDENTIAL RULES TO ACHIEVING MODERATION:

I. The importance of studying jurisprudential rules in rulings:

The importance of this science lies in several things, some of which we mention:

II. It regulates multiple scattered matters, and organizes them into a single thread, which enables one to perceive the connections and unifying qualities between the dispersed particles. It is, as Ibn Rajab said: It organizes for him scattered issues into a

single thread, restricts the strays for him, and brings near to him all that are far apart (Al-Hanbali: 1/39).

- III. Controlling them makes it easier for the jurist to master jurisprudence with its rulings and saves him from memorizing most of the details. Since memorizing the details of jurisprudence and its branches is impossible for a person to be able to do, contrary to the rules, memorizing them, even if they are many, is within the realm of possibility. Therefore, Al-Qarafi, may God have mercy on him, said: Whoever masters jurisprudence according to its rules will dispense with memorizing most of the details. Because it is included in colleges.
- IV. Studying it creates in a person a jurisprudential faculty that illuminates the way for him to study the wide and multiple sections of jurisprudence, know the legal rulings, and devise solutions to emerging facts and emerging issues. Therefore, the rules have become an enriching resource for jurists, and a source of constant movement and renewed activity, keeping jurisprudence from becoming fossilized and its issues becoming stagnant (Al-Furuq: 1/3).

Imam Al-Suyuti, may God have mercy on him, said: I know that the art of similarities and analogues is a great art, through which one learns the facts and perceptions of jurisprudence, its points and secrets, and is prepared in understanding and recalling it, and is able to append and graduate, and know the rulings on issues that are not written, and accidents and events that do not pass over time.

V. It enables the jurist to graduate the branches in an even manner and keeps him away from the confusion and contradiction that may result from graduating from partial occasions (Ibn Rajab: 1/4).

Scientists and researchers, ancient and modern, have emphasized the necessity of paying attention to the rules of jurisprudence in classification, teaching, and control.

Al-Hafiz Ibn Rajab al-Hanbali says: (These are important rules with great benefits that define for the jurist the principles of the doctrine, inform him of the points of jurisprudence that he had missed, organize for him the scattered issues in one line, restrict for him the strays, and bring closer to him all that are far-fetched, so let the one who examines it enjoy his consideration.) (Ibn Rajab, Introduction: 11).

Al-Taj Ibn al-Subki says: (It is the duty of every seeker of investigation and whoever seeks to reach the highest position in perception and assent, to establish the rules of rulings, to return to them in the event of ambiguity, and to carry out the burden of diligence to the fullest extent, and then to confirm them by memorizing the branches a lot, so that they become firmly established in the mind, fruitful for him with unlimited benefits. Its virtue is not forbidden, but as for extracting the powers and making an effort to limit yourself to memorizing the branches without knowing their origins and organizing the particulars without understanding their origin, no one with a disdainful soul or one of the people of complete knowledge will be satisfied with it for himself (Ibn Rajab: 1/4).

Al-Badr Al-Zarkashi says: (Regulating the various widespread matters in the united laws is more likely to memorize them and more likely to control them, and it is one of the rules of number for which it was established, and the wise man, if he wants to teach, must combine two statements: general, to which the soul looks, and detailed, to which it dwells) (Al-Zarkashi: 1 / 65-66).

Al-Zain bin Najim says: (Knowing the rules that are referred to and branching out the rulings on them, which are the foundations of jurisprudence in reality, and through them the jurist rises to the level of ijtihad, even in fatwa).

#### VI. The goodness of this nation is in its moderation:

Wisdom is knowing the best things with the best sciences. There is no doubt that moderation in Islam is one of its most prominent features: wisdom and balance between matters. It is the moderation of Islam that we say to the doer, "Well done," and to the wrongdoer, "You have done evil." It is part of the moderation of Islam that we take the hand of the oppressor. It is part of the moderation of Islam to seek excuses for others.

It is part of moderation to differentiate. Between the stubborn person and the interpreter in judgment and treatment, and from moderation in Islam is that the excuse of ignorance does not remove the guarantee of rights and damages, and from wisdom in Islam is to take into account the intention in judgements, words, words and actions, and from wisdom and balance in Sharia law (that no bearer of burden shall bear the burden of another) Al-Najm: 38,

Among the wisdom and balance in Sharia law is that there is no obligation except by those who are able, and that harm is removed, and if the matter is narrow, it expands, and the protection of the weak and those with special needs, and among the wisdom and balance in Islam is to refer to people who specialize in everything small and large, and to take into account competence, and to vote when there is similarity or suspicion, etc. that.

Whoever contemplates the provisions of Sharia law finds that they are characterized by wisdom and balance, and in many cases, it is a relative matter whose determination is subject to several factors that must be considered, including benefits and harms, and whether it is general or specific, and this can only be achieved with wisdom.

Wisdom is putting something in its place, and it carries the meaning of intention and moderation. Wisdom is a medium between excess and negligence, and thus it is synonymous with moderation and justice. Balance is the mediation between matters. Mediating between the requirements of the soul and the body is balance, mediating between exaggeration and negligence is balance, and mediating between the works of this world and the works of the hereafter is balance, so wisdom Balance is one of the most important features and characteristics of moderation in Islamic law.

The effect of the rule: (No harm, no harm) in achieving moderation and moderation. It has two requirements:

First: Explanation of the rule:

It is expressed by the rule (the damage is removed)

That is, no act of harm or harm to anyone in our religion, that is, it is not permissible according to Sharia law for anyone to inflict harm or harm on another. This was stated in the manner of denying gender, so that it would be more eloquent in its prohibition and rebuke.

This rule is the wording of an honourable and hasan al hadith, narrated by Ibn Majah, Al-Daraqutni, and others on the authority of Abu Saeed Al-Khudri, Ibn Abbas, and Ubadah bin Al-Samit, may God Almighty be pleased with them, with a chain of narration, and Malik in Al-Muwatta', it is mursal (Ibn Anas: 4/1078).

Harm is harm and it is the opposite of benefit, this is what Al-Jawhari said. So, the second is a confirmation of the first, but what is known is that there is a difference between them, so making the word based on the foundation is better than the emphasis.

They differed regarding the sects based on the sayings mentioned by Ibn Hajar al-Haythami, the best of which were:

The first meaning: causing harm to others in general.

The second meaning: inflicting corruption on another person in the same manner as the opposite, but without being restricted by the restriction of transgressing by example and advocating for what is right. This is appropriate for the word damage.

The rule is unanimously restricted to harm other than that permitted by Sharia, such as retaliation, punishments, and other punishments and punishments, because preventing evil takes precedence over bringing about interests, although it does not legislate in the truth except Also to pay the damage.

Second: Application of the rule in a way that achieves moderation and moderation:

Many sections of jurisprudence branch out from this rule, the legitimacy of which is to prevent harm from occurring. Hence:

Taking prisons, then making them in a tedious form in which the prisoner is not able to lay down a bed or a blanket, or earn a living, and no one is able to enter him for comfort. Although it is the safest of punishments, it is one of the greatest punishments and is coupled with punishment. The father of the painful in His saying, Glory be to Him, in Surat Yusuf: {Unless imprisonment or a painful punishment}

Whoever knows from the oppressors, the debauchees, and the people of corruption, that such a prison is waiting for him, deterring him, and preventing his harm from people. However, the benefit of imprisonment is not limited to deterring prostitution, but there is also another benefit, which is prevention. The criminal is harmed by the ruler if he punishes him at a time when he is angry about his crime.

The ruler is prohibited by law from punishing the criminal when he is angry with him, lest his punishment exceed the limit sufficient to rebuke him. Rather, he should send him to prison until his anger subsides, and he will then punish him with what he deserves.

An example of this is in asking for the meaning of his saying, peace and blessings be upon him: "There is no harm or harm," and he says while talking about speculative evidence that goes back to a definitive origin.

For it falls under a definitive principle in this sense, for harm is inherently preventable in the entire Sharia in particular facts and universal rules.

Among them is the prohibition against trespassing on souls, property, and honour, and against usurpation, and injustice, and everything that in its meaning is harm or harm, and includes crime against the soul, the mind, or the offspring. It is a very general meaning in the Sharia, with no doubt or doubt, and the verses Which included this origin many.

The rule of "no harm, no harm" is a great jurisprudential rule with a comprehensive and integrated meaning that reflects the tolerance and wisdom of the Islamic religion, as this legislation represents a fixed approach and a comprehensive, unified codification, within which general issues are organized, and through which the partial branches are understood, and that is through their appeal to Principles that regulate it, and frameworks that bring it together, push all the implementation of Islamic law by neglecting to take into account the intersection of some human interests, the interests of oneself, and the interests of others.

In this requirement, the principle of moderation appears to us in the meaning of the rule that deals with this aspect, within two branches, the details of which are as follows:

- 1. Harm is that a man does not harm his brother in the first place. Harm is that he does not harm him as a reward.
- 2. Reciprocating harm with harm so what is meant by denying harm here is to deny the idea of revenge, by mere revenge, the idea that increases the harm and expands its scope. Harm, even if it is by way of reciprocity, may not be an intended goal, but rather one resorts to it out of necessity.

If harm befalls a person, it does not allow them to harm others.

For example, if someone destroys someone else's money, it is not permissible for him to be reciprocated by destroying his own money. Because this increases the harm without benefit, and it is better for the destroyer to include the value of what he destroyed. This contrasts with the crime committed against the soul or body, for which retaliation is prescribed, because felonies can only be suppressed by a punishment of its kind.

- 1. Harm is when a person causes harm to others without benefit. Harm is when a person causes harm to others without benefit.
- 2. Ibn al-Qayyim says: "The wisdom of the law requires that harm be removed from those responsible as much as possible. If it cannot be removed except by greater harm, then it remains as it is, and if it is possible to remove it by committing less harm, then it will remove it."
- 3. Harm is the noun, harm is the verb, so the meaning of denying harm is harm in the hadith in the rule: harm itself is negated in Sharia, and causing harm without right is forbidden.
- 4. Damage is damage in one sense, since the second damage is certain of the first damage.

#### 4. RESULTS:

- 1. The study showed, through the rule of "no harm, no harm," that Islam appeared neither abstractly spiritual nor rigidly physical, but rather humanly and in between, taking a share from each, so it had the compatibility with human nature that was not available to others. That is why it was called: "The religion of natural instinct."
- 2. A study of the rule (no harm, no harm) showed that moderation in all matters is one of the most important advantages of the Islamic approach. It is not an abstract meaning, but rather a behavior, treatment, and intellectual approach that should be used.
- 3. The study showed that fanaticism and extremism have kept some people away from understanding the true meaning of Islam.
- 4. The study showed, through the application of what is related to imprisonment, two things that must be considered in transactions as a way to understand religion.

The first: that a man should not harm his brother in the first place. Harm is not harming him as a reward.

The second: matching harm with harm - so what is meant by denying harm here is denying the idea of revenge by mere revenge, the idea that increases in Harm and the expansion of its scope. Harm, even if it is in return, may not be an intended goal, but rather it is resorted to out of necessity.

- 5. The study showed that moderation and moderation are free and innocent dealings without harboring hatred or evil.
- 6. The study showed that the Islamic nation, with the rules that scholars have created and established in terms of controls, serve the understanding of Islam and are a way to achieve justice, moderation, goodness, and righteousness, which is what made it worthy of being a witness to the worlds. This is it [Al-Baqarah: 143.

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