

Second paper (2)

The Rule of the Imam's Acting on the Subjects Depends on the Interest and its jurisprudential applications in contemporary family issues

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Abstract:

The jurisprudential rules have a very great importance, as they help the diligent person to derive the new jurisprudential rulings, and to understand the purposes, wisdom, and secrets of Sharia law. Due to the importance of this jurisprudential rule - the subject of the research -, I have dealt with it from two aspects: The first theoretical aspect: I have dealt with the definition of the rule of the imam's action over the subjects. The interest, the evidence of its legitimacy, the controls for its implementation, and its relationship to the objectives of Islamic law, and the second applied aspect: It dealt with a number of contemporary family jurisprudential issues in application of the rule that is the subject of the study, such as: setting a specific age for marriage, determining dowries, obligating a medical examination before marriage, and obliging to document contracts. Marriage, the obligation to document divorce contracts.

In this research, I have reached several results, the most important of which is that what is meant by the imam in the rule under study is anyone who takes charge of one of the affairs of Muslims, whether he is a ruler of the state, a judge, a guardian, or others, and therefore the content of this rule does not stop at the limits of the ruler's actions. Or the head of the political state. The implementation and application of this jurisprudential rule - the subject of the study - is governed by several controls, including: that the action of the imam or whoever takes his place is linked to the interest of the subjects. The action must be in the public interest, not a private interest. The imam's action should not be a permanent ruling.

Keywords: disposition, imam, parish, mandate, interest.