ABSTRACT

We face many problems in applying Islamic studies in our life, this research deals with how we renew the Islamic studies, especially in Legal Maxims of Islamic Jurisprudence model. Therefore, the motivation of the study is the need to Renew Islamic Studies. The problem is there are many problems in Islamic studies, for example; the Legal impediments of renewal are ignorance, intolerance, external influences, controversy and despair. Thus, we need to give new examples of the Legal Maxims of Islamic Jurisprudence and make link between Legal Maxims of Islamic Jurisprudence and our life to help us solve our problems, and change the way of teaching the Legal Maxims of Islamic Jurisprudence at schools and universities to facilitate knowledge of fiqh rules. Hence, the research objectives are these research Statements: What is the meaning of "Renew of Islamic Studies"? What are the Guides in Holy Quran and the Prophetic hadith? What are the Legal impediments of renewal? What are the Holding firms of renewal? Is the renewed one or a group? The researcher used the descriptive methodology and methodologically approach on the renewal of Islamic Studies. The results are: Renewal in Islamic Studies is giving somebody new strength or energy after a break he set to work with renewed enthusiasm, make something valid for a further period of time to renew. Renewal will be in the nation's relationship with religion but not in the religion. There are many Verses in Holy Quran and prophet hadiths to renew Islamic studies and to start writing Islamic Studies, for example; Legal Maxims of Islamic Jurisprudence again to fit our lives. The Legal impediments of renewal are ignorance, intolerance, external influences, controversy and despair, so we should avoid these legal impediments and find solutions to them. There are many Holding firms of renewal, for example; renewal in sections. Renewal is to get away from the pressures of others. In my opinion, the renewed is a group because the hadith is general and just one cannot renew alone. Recipes from renewed: Indeed priority jurisprudence has a strong relationship with jurisprudence of objectives, textual jurisprudence and jurisprudence of balance. We need to write new applications. There are many points of renewal; for example, giving new examples of the Legal Maxims of Islamic Jurisprudence and making a link between Legal Maxims of Islamic Jurisprudence and our life to help us solve our problems, and change the way of teaching of the Legal Maxims of Islamic Jurisprudence at schools and universities.

Keywords: Renewal- Legal Maxims-Islamic.

Introduction

We need in our life to Renew Islamic studies. There are many problems appear in front of the Islamic Studies, and how to apply it in our life. There are many problems; for example the old applications of rules and a lot of number of rules on the students. The Research will try to answer these questions: What is the meaning of Renewal? What are the guidelines of lawful renewal? What are the Legal impediments of renewal? What are the Holding firms of renewal? Is the renewed one or a group?

What are the points of renewal?

The researcher used the Descriptive and methodologically approach on the renewal of Islamic Studies.

Research Details are: The first topic: the meaning of Renewal of Islamic Studies. The second topic: The Guides in the Holy Quran and the Prophetic hadith. The third topic: The Legal impediments of renewal. The forth topic: The Holding firms of renewal. The fifth topic: The renewed is one or a group. The six topic: The Points of renewal. The most important results and proposals. Recommendations.

The first topic the meaning of Renew.

Renew in English has three meanings:

One-to start something again: renewed outbreaks of violence, to renew a friendship 2- to give somebody new strength or energy after a break he set to work with renewed enthusiasm. 3- to make something valid for a further period of time to renew. (1)

It means: Replace something with something new of the same kind. Renewal will be in the nation's relationship with religion but not in the religion. Therefore, the message of Islam is valid for all times and places.

The second topic: the Guides in Holy Quran and the Prophetic hadith.

There are many Verses in the Holy Quran and hadiths propheth to renew Islamic studies, for example:

قال تعالى: "مَا كَانَ الْأُمُوَّلُونَ يَبْعِثُوا كَافَّةً فَأَتَوْا فَأَنْفُسَهُمْ مَعَهُمَّ مَا كَانَ يَبْعِثُوا فِي النَّارِ يُقَدِّمُونَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعِلْهُمْ لَبَدَاوْنَ" [التوبة: 122]

Allah said: "And it is not (proper) for the believers to go out to fight (Jihad) all together. Of every troop of them, a party only should go forth, that they (who are left behind) may get instructions in (Islamic) religion, and that they may warn their people when they return to them, so that they may beware (of evil)." [9:122]

Hadiths prophet:
It is narrated on the authority of Ibn 'Umar ('Abdullah b. 'Umar) that the Messenger of Allah (ﷺ) observed: Verily Islam started as something strange and it would again revert (to its old position) of being strange just as it started(2). Narrated Muawiya:

"Theban reported that Allah's Messenger (ﷺ) said. Verily, Allah drew the ends of the world near me until I saw its east and west, and He bestowed upon me two treasures, the red and the white. The rest of the hadith is the same(4)

Narrated Anas: that the Messenger of Allah (ﷺ) said: "The parable of my Ummah is that of a rain; it is not known if its beginning is better or its end."(5)

The Third Topic: the Legal impediments of renewal:
Renewal obstacles:
1-Ignorance

Quoted in the Name of your Lord, Who has created (all that exists) [96:1]

Moses refuse from ignorance and say

And (remember) when Musa (Moses) said to his people: "Verily, Allah commands you that you slaughter a cow." They said, "Do you make fun of us?" He said, "I take Allah's Refuge from being among Al-Jahilin (the ignorant or the foolish)."

[2:67]

Allah warned Noah of ignorance saying

Allah warned Noah of ignorance

"so ask not of Me that of which you have no knowledge! I admonish you, lest you be one of the ignorant." [11:46]

Nay! They say: "We found our fathers following a certain way and religion, and we guide ourselves by their footsteps.

[43:22]

2-Intolerance

So follow not the lusts (of your hearts), lest you may avoid justice [4:135]

3-External influences

Thus he [Fir'aun (Pharaoh)] be fooled and misled his people, and they obeyed him. Verily, they were people who were Fasiqun (rebellious, disobedient to Allah [43:54].

4-Controversy

But, man is ever more quarrelsome than anything [18:54]

In addition, say: "Are our aliha (gods) better or is he ['Iesa (Jesus)]?" They quoted not the above example except for argument.

Nay! But they are a quarrelsome people. [43:58]

5-Despair

So do not become weak (against your enemy), nor be sad, and you will be superior (in victory) if you are indeed (true) believers [3:139]

The fourth topic: the Holding firms of renewal

1-Renewal in sections

Aishah (May Allah be pleased with her) reported: Messenger of Allah (ﷺ) said, "If anyone introduces in our matter something which does not belong to it, will be rejected".

The narration in Muslim says: "If anybody introduces a practice which is not authenticated by me, it is to be rejected. .(6)

(2) Sahih Muslim, The Book of Faith, Chapter: Clarifying that Islam started as something strange, and will revert to being something strange, and it will retreat between the two Masajid, p:146.
(3) Sahih al-Bukhari , Chapter: Chapter, Virtues and Merits of the Prophet (pbuh) and his Companions, 3641
(4) Sahih Muslim, The Book of Tribulations and Portents of the Last Hour, Chapter: (Parts of) This Ummah Will Destroy One Another, 2889
(6) [Al-Bukhari and Muslim]. The Book of Miscellany, Book 1, Hadith 169
2-Renewal is to get away from the pressures of others:

And so judge (you O Muhammad SAW) between them what Allah has revealed and follow not their vain desires, but beware of them lest they turn you (O Muhammad SAW) far away from some of that which Allah has sent down to you"[5:49]

This day, I have perfected your religion for you, completed My Favour upon you, and have chosen for you Islam as your religion"

In our time, we need to renew the way to explain the Islam in our life

And we sent not a Messenger except with the language of his people, in order that he might make (the Message) clear for them"[14:4]

The fifth topic: the renewed is one or group

Narrated Abu Hurayrah: The Prophet (SAW) said: Allah will raise for this community at the end of every hundred years the one who will renovate its religion for it.

Abu Dawud said: ‘Abd al-Rahman bin Shuriah al-Iskandarani has also transmitted this tradition, but he did not exceed Shrahil. In my opinion, the renewed is a group, because the hadith is general.

Nowadays, there is a great effort of scholars in Islamic Studies renewal.

The six topic: The Points of renewal:

There are many Points of renewal; for example, giving new examples of the Legal Maxims of Islamic Jurisprudence and making a link between Legal Maxims of Islamic Jurisprudence and our life to help us solve our problems, and change the way of teaching the Legal Maxims of Islamic Jurisprudence at schools and universities to facilitate knowledge of fiqh rules. We must know Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence).

Lexically, qawaid is the plural form of the word qaidah, which has many lexical meanings in Arabic, denoting foundation, stability, firmness

In the Quran, the plural form (i.e. qawaid) was mentioned in three places; two of which were used to mean foundations, whereas the third refers to women who are past childbearing age. In contrast, there is no mention of the singular form (i.e. qaidah) in any place in the Quran. As a term, the word Qaida is synonymous with the terms of base, principle, maxim and the like, and is used as such in different contexts, religious, philosophical, political or legal.

Arabic lexicon enlightens us that Qaida means the foundation (of a building). The capital of a state is also called Qaida, because it also occupies a very significant place in the business of a government

And (remember) when Ibrahim (Abraham) and (his son) Isma’il (Ishmael) were raising the foundations of the House “[2:127]

Mission of Al-Qawâ’id Al-Fiqhiyyah

The mission of Al-Qawâ’id Al-Fiqhiyyah can be stated as follows:

i. To Simplify and to assemble the branches (Furû’) of Islamic Fiqh.

ii. To extract and organize different branches of rulings (Ahkam) under one topic in order to avoid contradictions.

iii. To assist scholars to infer replies to Nawâzet.

iv. To allow scholars to compare between various Madhâhib.

v. To prove that Islamic Fiqh encompasses any community, everywhere anytime and everytime

Islamic Jurisprudential Maxims

Normative Legal Maxims

Non-Normative Legal Maxims

The Jurisprudential Controllers

Partial Normative Legal Maxims

1. Acts are judged by the intention behind them or take the will for the deed -Acts are judged by the intention behind them (Al-ulmûr be maqâsidihû)

(7)Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P:2

(8)Sunan Abi Dawud,Battles (Kitab Al-Malahim),Chapter: Description Of Happenings In Every Century, 4291 Grade Sahih

(9)Al-Qawaid Al-Fiqhiyyah (Islamic Legal Maxims): Concept, Functions, History,Classifications and Application to Contemporary Medical Issues,Submitted by Fawzy Shaban Elgariani to the University of Exeter, as a thesis for the degree of, Doctor of Philosophy in Arabic and Islamic Studies, In February 2012 p:40


(11)Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P:31

(12)Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P:20
2. Certainty is not overruled by doubt. (Al-yaqīn lā yazīl de-ash-shakk)
3. Hardship begets ease. (Al-mashaqqaḥ tajleb at-tiṣār)
4. There is to be no harm, and no reciprocating harm. (La darar wa lā dirār)
5. Custom is the basis of judgment. (Al-ādāh mihakkamah)

For example:
1. -Acts are judged by the intention behind them or take the will for the deed -Acts are judged by the intention behind them. (Al-
umūr be maqâsidihā)

Al-Qâ‘īdah literally means that actions and behavior are judged by intentions. In addition, it practically means that a person is accounted by his intention and goal. Even though the maxim is self-evident, the Qur’ān and the Sunnah are the main source for this Qâ‘īdah.

"it is just as equally applicable to other spheres of activity. The liability of a person who finds somebody’s goods lying in the way and picks it up will be contingent upon the intention with which he has picked it up"[14]

This rule in Holy Quran:

قوله تعالى: (بِمَا أَرْمَأُوا إِلَّا اللَّهُ وَلَا شَخْصٍ مِّنَ الْإِنسَانِ) (النساء: 5).
And they were commanded not, but that they should worship Allah, and worship none but Him Alone [98:5]

قوله عز وجل: (إِفَاعَ اللَّهُ مَنْ شَاءَ عَلَى الْأَرْضِ مَنْ يَخْرُجُ مِنْ بَيْتِهِ مَهْرَاجًا إِلَى اللَّهِ وَرَسُولِهِ) (النساء: 2).
Say (O Muhammad SAW) "Allah Alone I worship by doing religious deeds sincerely for His sake only and not to show-off, and not to set up rivals with Him in worship [39:14]

And he who does this, seeking the good Pleasure of Allah, We shall give him a great reward. [4:114]

قوله تعالى: (بِمَا يَجْرُحُ مِنْ بَيْتِهِ مَهْرَاجًا إِلَى اللَّهِ وَرَسُولِهِ) (النساء: 100).
And whosoever leaves his home as an emigrant unto Allah and His Messenger, and death overtakes him, his reward is then surely incumbent upon Allah. And Allah is Ever Oft-Forgiving, Most Merciful. [4:100]

Acts are judged by the intention behind them or take the will for the deed -Acts are judged by the intention behind them is include many rules:
- Acts speak louder than words
- All is well that ends well
- The essence in contracts is their goals and meanings not their words or forms
- Does intention particularize a general discourse or generalize a particular discourse?
- Do oaths lean on discourses or on purposes?
- Are the words employed in oaths built on tradition?
- Does an oath rely on the intention of the one who swears or on the intention of the one who adjudges another person to swear?
- When someone rushes into something before its due time, he is punished by depriving
- Whoever hastens what is postponed by Shar’ia (teachings of Islâm), is enforced by threat of punishment to render it back,
- Whoever has a corrupted aim (or act) perpetrating or trying to commit it, will be faced with a reciprocal action under threat of punishment

In hadith the prophet

It has been narrated on the authority of Umar b. al-Khattab that the Messenger of Allah (-quote) said: (The value of) an action depends on the intention behind it. A man will be rewarded only for what he intended. The emigration of one who emigrates for the sake of Allah and His Messenger (quote) is for the sake of Allah and His Messenger (quote); and the emigration of one who emigrates for gaining a worldly advantage or for marrying a woman is for what he has emigrated. [15]

Definition of Hadith

Hadith (plural Aḥādīth) is an Arabic word, its root meaning is 'a statement which may either be an entirely novel one or may have been put in a novel way.' Since the speech of the Holy Prophet (peace be on him and blessings of Allāh) is pregnant with novel and priceless truths, it has been terminologically described as Hadith. Hadith thus stands for the Holy word that our Master the Noble Prophet (peace and blessings of Allāh be on him) actually uttered or which relates some incident of his Holy life, in terms of ocular evidence, and was committed to writing after the lapse of sometime through his companions and the Muslim narrators of a later date.

Arabs were gifted with an excellent memory, as acknowledged even by the Christian historians. Whatever they would hear or see they could remember distinctly and with the utmost sense of responsibility. Since Hadith is a Holy and religious discipline and an important branch of learning, greatest care was especially exercised in dealing with it with a scrupulous regard for truth and

[13] Al-Qwā‘īd Al-Fiqhīyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P.52
[15] Sahih Muslim, The Book on Government, Chapter: The words of the prophets says: "Deeds are but with intentions" which includes fighting and other deeds, Book 33, Hadith 222
veracity. The Ahādīth of the Holy Prophet (peace of Allāh be on him and His blessings) were thus transmitted to the succeeding generations with more than usual caution. There is no doubt that some narrators were not so reliable in respect of memory or intelligence, or even in point of integrity, that their reports may not be relied on fully. But the early scholars of Ahādīth, who collected the whole body of the sayings and Ahādīth of the Holy Prophet, have laid down such inviolable cannons and criteria as to make a discrimination of the stable from the unstable Hadith an easy task, through proper scrutiny.(16)

Narrated Sa'd bin Abi Waqqas:
Allah's Messenger (ﷺ) said, “You will be rewarded for whatever you spend for Allah's sake even if it were a morsel which you put in your wife's mouth.” (17)

An applicable example for this Qâ'idah
The difference between an intended murder and a killing by accident

Why must Niyyah be present?

a) To distinguish between a deed that is for the pleasure of Allah, or an act of worship and the deed that is not. b) To distinguish between 'Ibadât themselves. Sawm or Hajj pilgrimage to Makkah.

To distinguish between the Hukum of the deed, whether it a Wâjib or a Nafl,( optional worship) or a vow to Allâh, the Most High.(18)

If a person says to another, “I give you my yacht as Hebah in return for a sum of money,” this is not considered as Hebah but a sale, as the price is stipulated.

If a person says to another, “You render me a sum of money immediately, and I will lend you a small amount of land” this is considered to be a renting contract, Ijârah and not a lending one, I‘ârah loan).(19)

We need to renew the Intention when we study: chemistry, physics, biology, maths, IT (information technology), geography, history and literature. Etc.

Renew the Intention in all jobs whether you are a doctor, a psychologist, an economist, a lawyer, a politician, an engineer, an architect, a manager, a journalist or a businessman.

Renew the Intention when we go to bed and wake up.

Renew the Intention when we use fan or air conditioning in our flat.

Renew the Intention when we spend a lot of time in our work.

Renew the Intention when we play football or any sports.

Renew the Intention when we When we go shopping.

Renew the Intention when we tidy our room and when we sleep.

Renew the Intention when we speak our Opinions.

Conclusion:

Results:

1. the meaning of “Renew of Islamic Studies is giving somebody new strength or energy after a break he set to work with renewed enthusiasm, make something valid for a further period of time to renew and renewal will be in the nation's relationship with religion but not in the religion.

2. There are many verses in Holy Quran and hadiths prophet to renew Islamic studies and to start writing Islamic Studies for example fiqh and usual fiqh again to fit our lives.

3. The Legal impediments of renewal are ignorance, intolerance, external influences, controversy and despair so we should avoid this legal impediment and find solutions to them. We should change the limitations by overcoming the pressures of others and continuing renewal.

4. In my opinion, the renewed is a group, because the hadith is general and just one cannot renew alone.

5. Recipes from renewed: Indeed priority jurisprudence has a strong relationship with jurisprudence of objectives, textual jurisprudence and jurisprudence of balance. We need to write new applications.

6. There are many Points of renewal; for example, giving new examples of the Legal Maxims of Islamic Jurisprudence and making a link between Legal Maxims of Islamic Jurisprudence and our life to help us solve our problems.

7. The limitation of the research is Points of renewal of Islamic studies; for example, Legal Maxims of Islamic Jurisprudence and the author spoke about the first Legal Maxims of Islamic Jurisprudence. Acts are judged by the intention behind them or take the will for the deed -Acts are judged by the intention behind them.

8. Other countries are can learn from this study to change the way of teaching the Legal Maxims of Islamic Jurisprudence at schools and universities to facilitate knowledge of fiqh rules

Recommendations:


(17) Sahih al-Bukhari 56, Belief, Chapter: The statement of the Prophet (saws): Religion is An-Nasihah (to be sincere and true) to Allah, to His Messenger (Muhammad (saws)), to the Muslim rulers, and to all the Muslims, Book 2, Hadith 49

(18)Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P:54

(19) Al-Qawâ’id Al-Fiqhiyyah (Legal Maxims of Islamic Jurisprudence) A Translated Compilation, Islamic university of north America (Mishkah), Islamic studies English program 1434 H-2013, P:57
My Recommendations are teaching the Legal Maxims of Islamic Jurisprudence in a new way, writing books in the Legal
Maxims of Islamic Jurisprudence, establishing conferences on the renewal of Islamic Studies and the Legal Maxims of Islamic
Jurisprudence.
We should renew in a group because one cannot renew alone.

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