

## ABSTRAK

Tesis ini bertajuk **Hukum Islam: Antara Prinsip Syariah dan Perbendaharaan Fiqh**. Ia bertolak daripada satu andaian bahawa syariah mempunyai beberapa prinsip penentuan hukum yang tertentu, di mana pembinaan sesuatu kaedah ijihad oleh *fuqahā'* dalam memperincikan sesuatu hukum *furū'* telah dibuat berpandukan prinsip-prinsip umum yang terdapat di dalam syariah (*al-Qur'ān* dan *al-Sunnah*) sendiri. Untuk mencapai kesimpulan akademik yang munasabah, tesis ini cuba mengenalpasti dan memberikan huraian kepada prinsip-prinsip umum syariah dalam penentuan hukum, metodologi syariah dalam penerapan hukum pada zaman penurunan wahyu, *maqāṣid al-sharī'ah* dan hubungannya dengan beberapa kaedah ijihad yang dibicarakan di dalam ilmu *uṣūl al-fiqh*. Kajian ini kemudiannya diteruskan dengan membuat penyelidikan terhadap beberapa kes yang telah diijihadkan oleh Rasulullah s.a.w, *fuqahā'* sahabat, *tābi'īn* dan para imam mazhab serta beberapa persoalan yang diikhtilafkan oleh *fuqahā' mujtahidīn*. Natijahnya, tesis ini dapat membuktikan bahawa kaedah-kaedah ijihad yang digunakan oleh semua *fuqahā'* dalam mengistinbāṭkan sesuatu hukum *furū'* adalah bersumber daripada *muṣūṣ tafsīliyyah*, prinsip-prinsip umum dan objektif syariah yang sudah terkandung di dalam *al-Qur'ān* dan *al-Sunnah* sendiri. Manakala kelahiran hukum-hukum yang diikhtilafkan pula adalah berpunca daripada kewujudan dalil-dalil yang bertentangan dalam pelbagai persoalan yang tidak diperincikan oleh syariah secara *qat'ī*. Bertitik tolak daripada perubahan realiti dan kemaslahatan hidup semasa pula, tesis ini cuba mengemukakan batasan, prinsip dan kaedah-kaedah yang boleh dijadikan landasan dalam penentuan hukum Islam semasa.

**ABSTRACT**

Title: Islamic Ruling: Between Principles of Shariah and Clasical Works of Fiqh. This disertation begins with an assumption that Shariah has certain principles in deriving such a ruling (hukm) and formation of methods of ijtiḥad by fuqaha in explaining in details of positive laws had been done based on general principles mentioned in the Quran and Sunnah. The disertation attempts to identify and elaborate in further details several matters. They are i) the general principles of Shariah ii) metodology of Shariah in applying ruling during the Propet's period iii) the purpose of Shariah (*maqasid al-sharī'ah*) and iv) their relation to methods of ijtiḥad which are commonly discussed in the dicipline of *usul al-fiqh*. In addition, it also attempts to examine cases determined by ijtiḥad by the Propet, the Companions, the Successors and Imam of madhabib. As well as to discuss the disagreement matters among *mujtahidīn*. Therefore, this disertation proves that methods of ijtiḥad applied by fuqaha in deriving positive laws are in fact come from detailed nas (*nuṣūṣ tafṣīliyyah*), general principles as well as of maqasid al-Shariah existed in the Quran and Sunnah itself. And as far as the emergence of disagreed rulings are concerned, they are resulted from the existing contradictory evidence of proofs in which the Shariah did not explain in details. And as far as the changes of contemporary life's realities and its importance, this disertation tries to advance factors leading to contemporary ijtiḥad. Furthermore it underlines limitation, principles and methods can be utilised to promote or determine Islamic contemporary rulings.