

## **The Islamic jurisprudential principle:**

***“Effect is given to what is of common occurrence, not to what happens infrequently”***

### **And its applications**

Supervisor: Dr. Ahmad Abduljawad

Prepared by: Ibtisam Mansour Asyouri

#### **Abstract:**

This thesis has studied the Islamic jurisprudential principle *“Effect is given to what is of common occurrence, not to what happens infrequently”* using the descriptive approach complemented with the induction method of research. This study induced Muslim scholars' comments, concerning related research materials and evidences; then interpreted their connotations, discussed and finally weighed them.

The principle of common and infrequent occurrence is strongly influential and bears a great value in the Islamic jurisprudence. It is considered a fundament in the Islamic law (*Ashari'a*). This study clarified the relationship between this principle and other principles such as those issued to interpret and emphasize it or what the scholars devised according to it or what this principle is considered a restriction to.

This study has included some old jurisprudential implementations of this principle such as the judgment of the judge according to his knowledge, hiring an employee to teach Quraan, to call for prayer, or to be an Imam. In addition, I inscribed some contemporary jurisprudential implementations of this principle such as but not limited to the rule of therapeutics, profit sharing in companies with Halal capital, Asthma inhaler and its effect on fasting dealing with stocks through stock exchanges, transfer of/and organs transplantation and contracts of options or selections besides many other examples since multiplicity of jurisprudential issues are inscribed under this principle.

The main results of this study is that jurisprudential principles are comprehensive in general and not affected by few exceptions since the effect is given to what is of common occurrence, not to what happens infrequently. Moreover, the jurisprudential principle: *“the effect is given to what is of common occurrence, not to what happens infrequently”* is deemed a

fundamental jurisprudential maxim that can be used as a proof for deriving verdicts since it is part of the (*Alqawaid Alkuliya*) or the total principles in the Islamic law.

The main recommendation of this research focuses on urging researches to study jurisprudential principles which are not studied before in order to enrich the library with such vital and important subjects.