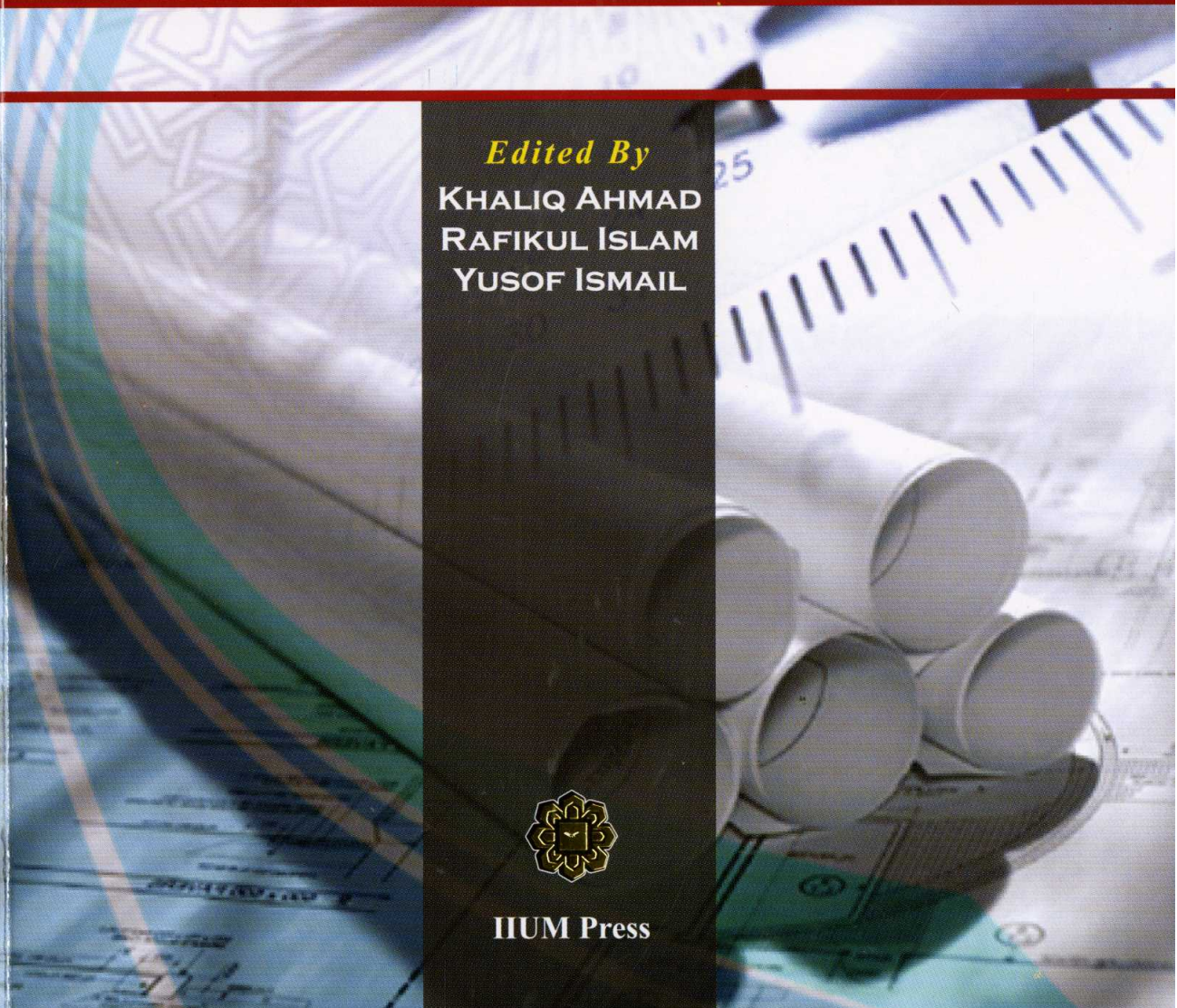




# ISSUES IN ISLAMIC MANAGEMENT

## *Theories and Practices*



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## CHAPTER 6

# MANAGEMENT CONCEPTS AND ISLAMIC LEGAL MAXIMS: A SELECTED ANALYSIS

Abdulazeem Abozaid  
Yusuf Ismail

### 1. Introduction

In conducting the research related to the application of Islam in any field of studies, one is required one to have an acceptable level of knowledge of the *Shari'ah*. Specifically, the researcher should have a good grasp of the meaning and implications of Islamic legal maxims. With such understanding, the researcher is able to verify the accuracy of his interpretation in the light of contexts.

In general, a legal maxim means "a general truth, fundamental principle, or rule of conduct" (Merriam-Webster, 2007). Legal maxims provide "broad, authoritative principles to support ... decisions" (Encyclopedia Britannica, 2007). Unlike the English law which created its maxims from non-revealed sources, the legal maxims in Islam are founded on the authoritative sources of the *Qur'an* and *Ahādīth*. One may refer to the maxims to obtain guidance for decision making instead of referring directly to the *Qur'an* and *Ahādīth*. A *Fiqh* maxim may be defined as "a general rule that groups the particulars of different chapters of Fiqh" (Al-Kurdi, 1986: 11) or "a general rule that is applicable to all it is applicable to which constitutes the source for deducing their rulings" (Ibn Nujaim, 1999: 22). In short, *qawā'id fiqhiyyah* are principles derive by the *fuqahā'* (jurists) (Nyazee, 1997: 346).

Due to various reasons, including the academic curricular of various specialists among the Muslims, not all of them are conversant with the Arabic language, an indispensable tool to research into important classical texts on Islamic legal maxims. Despite language deficiency, the non-Arabic literates can still benefit from the translations of important texts provided that the latter give comprehensive guidance to the readers. It is with this idea that the study is conducted.

### 2. Research Objectives

This exploratory study is carried out to ascertain (a) whether selected references of works in Islamic legal maxims contain some explanation on chosen legal maxims that are deemed