

A New Perspective on the Principles and Doctrines of Systemic Jurisprudence (*Fiqh al-Nizāmāt*) from the Standpoint of Public Imāmī Jurisprudence

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Abstract

Public jurisprudence (*fiqh ‘āmm*) is a branch of Islamic legal science concerned with discovering and articulating Shari‘a rulings related to public affairs. Because of its direct engagement with all dimensions of Muslim social life, it is regarded as the most practical and applied domain of Islamic studies. Its subject matter encompasses citizen–citizen relations, citizen–state interactions, and the conduct of the Islamic state in relation to other states. In the contemporary era—especially with the rise of Islamist movements and renewed debates on the relationship between religion and modernity—the significance of public jurisprudence has dramatically increased.

The essential task of this discipline is to establish a methodologically sound coordination between the changing realities of social life and the immutable textual foundations of religion. The present article, addressing the scarcity of research on the principles and doctrines of public jurisprudence and their role in social and governmental arenas, seeks to clarify these doctrines and demonstrate their applicability in political and administrative contexts. By doing so, it aims to prevent discretionary governance and misuse of ambiguity in public Islamic matters.

Following the introduction, the first chapter defines the problem and provides conceptual clarification of public jurisprudence, alongside a brief historical overview. The second and third chapters describe and analyze the collected data and present a detailed examination of the core doctrines of public jurisprudence. Finally, the study concludes by synthesizing the findings and presenting the principal results of the research.

Keywords: doctrines of public jurisprudence, public *fiqh*, Islamic legislation, Islamic policymaking, Islamic legal system

Extended Abstract:

The study of public jurisprudence (*fiqh ‘āmm*) holds a significant place in Islamic legal thought as it concerns the formulation of Shari‘a-based rulings on public matters. This branch of jurisprudence plays a vital role in guiding the social, political, economic, and legal interactions within Muslim communities, especially in light of modern-day challenges. In particular, it addresses the relationships between citizens, state authorities, and the broader international community. The concept has grown even more crucial in contemporary times, given the rise of Islamist movements and the ongoing debates regarding the relationship between religion and modernity. The paper explores the importance and scope of public jurisprudence, clarifying its role in ensuring that Islamic governance and societal relations align with divine principles while addressing emerging socio-political issues.

The paper begins by defining the concept of public jurisprudence and provides a historical overview of its evolution. The study highlights the essential function of this field—bridging the gap between immutable religious texts and the changing realities of modern society. The role of public jurisprudence is particularly significant when considering the dynamic nature of governance, policy-making, and law-making within the context of an Islamic state. In doing so, the paper emphasizes the need for establishing robust, methodologically sound principles to navigate the complexities of modern life without deviating from core Islamic teachings.

The second chapter delves into the core principles of public jurisprudence, illustrating how they can be applied to contemporary legal and political contexts. The third chapter offers an in-depth analysis of the specific doctrines within public jurisprudence, focusing on their applicability in areas such as Islamic legislation, policymaking, and the regulation of international relations. The study underscores the necessity of these doctrines to counter discretionary governance and prevent the misuse of ambiguous Islamic legal concepts, ensuring that public affairs are governed by clear, objective, and just rules.

The principles of justice, equity, and the rule of law form the foundation of public jurisprudence. By drawing on Islamic ethical frameworks and legal precedents, the study offers a comprehensive examination of the principles that should guide public life in an Islamic state. Key areas covered include the regulation of economic policies, the protection of citizens' rights, the promotion of social welfare, and the creation of a political system based on consultation, equity, and accountability. The paper also emphasizes the interconnectedness of Islamic political theory with these principles, highlighting their importance in crafting a just and harmonious society.

Furthermore, the study discusses the evolving role of public jurisprudence within the broader framework of Islamic law (*fiqh*). As society continues to change and develop, it is essential for Islamic jurisprudence to adapt to contemporary realities while remaining grounded in the foundational principles of Shari‘a. The paper concludes with a synthesis of the findings, proposing that public jurisprudence, when properly understood and applied, offers a viable framework for managing modern Islamic governance.

Ultimately, the research demonstrates that public jurisprudence provides a vital tool for the Islamic state to regulate public affairs in a manner that is consistent with Islamic values, ensuring that the state acts in the best interests of its citizens while maintaining moral and social order. By applying these principles to policy and governance, the state can achieve a balance between religious obligations and the demands of modern society, thereby fostering a just and thriving community.

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