

The Juristic Entry of the Legal Necessity

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Abstract

Laudable is Allah, prayers and peace be upon his apostle, Mohammad, the synopsis, this brief research implies, the properties of Islamic legislation; its validity everywhere and every period; for every race, because it is eternal and comprehensive. The believer obliged can approach under its umbrella along every stride, and at every moment of his life, and in every affair; he doesn't feel weariness, nor suffers from embarrassment and hardship in both affluence and strait.

Regularly, the obliged believer must respond to the statements of legislation and its general bases; and he is required to apply them without boredom and complaint.

In exceptional cases, when he is unable to fulfill such statements and bases, legislation finds a prop to judge what he acts and what he approaches in essential conditions within necessary restraints in order not to go on allowing himself doing what Allah prohibits; hence, the principle that "necessities allow interdicts" will be lose its legal value and its essence in achieving the particular and general target for which this principle is formed.

Alshatibi refers to this, saying: it is proved that the legislator meant the uprightness of afterlife and secular interests by legislation, in a manner that system is not unbalanced, neither wholly nor partially, whether it concerns necessities, needs or improvements.

Finally, I appeal to Allah for straightforwardness, guidance, straight path obligation, straightness, satisfactory success which Allah, the authoritative, loves.