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ABSTRACT

This study focuses on one of the legal maxims, i.e. "The maxim of committing the lesser of two harms" (*irtikāb akhaff al-ḍararayn*). It investigates the meaning of this maxim, its regulations, and other related Islamic legal maxims, and its foundation from the Qur'ān and *Sunnah* as well as the companions' practices. This study also examines some of the Islamic jurisprudential practices for this maxim in the modern interpretative judgment (*ijtihād*) in the fields of Islamic Political Thought (*al-siyāsah al-shar'īyyah*) and Financial Transactions (*al-mu'āmalāt al-māliyyah*). This study has used two methods i.e., short inductive method to gather both new and old Islamic jurisprudential opinions. and analytical method in order to analyse the legal texts (*al-nuṣūṣ al-shar'īyyah*) from juristic opinions. The study concluded that the complicated developments in various fields in which it requires financial transactions, Islamic political thought require scholars' efforts to find out solutions for problems of this life, These scholars are also required to answer various issues pertaining to the texts (*nuṣūṣ*) objectives of the *sharī'ah*, in addition to consider interests and harms, as well as the comparison among them.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh)

Naamane Djeghim
Supervisor

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

Muhammad Amanullah
Examiner

This thesis was submitted to the Department of Fiqh and Usul al-Fiqh and is accepted as partial fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

Mohamad Akram Laldin
Head, Department of Fiqh and Usul al- Fiqh

This thesis was submitted to the Kulliyah of Islamic Revealed Knowledge and Human Sciences and is accepted as partial fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

Mohamad @ Md. Som Sujimon
Dean, Kulliyah of Islamic Revealed
Knowledge and Human Sciences

DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended

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