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RESEARCH ARTICLE

Jurisprudential (Fiqh) Maxims Governing the Legal Qualification of Prospective Spouses for Marriage: An Analytical Study of Premarital Preparation Programs in Contemporary Islamic Jurisprudence

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Abstract

This study examines the principal jurisprudential maxims (al-qawāʿid al-fiqhiyya) that govern the legal qualification and preparation of prospective spouses for marriage, with particular reference to contemporary premarital preparation programs for engaged couples. In light of the growing social and familial challenges affecting marital stability, such programs have emerged as a modern response aimed at strengthening marital awareness, responsibility, and harmony within the family unit. The research begins by clarifying the concept of jurisprudential maxims, outlining their definitions, classifications, evidentiary authority, and methodological role in deriving legal rulings for new and emerging issues. It then presents an overview of premarital preparation programs, including their objectives, educational content, and practical dimensions, highlighting their relevance to contemporary Muslim societies. Subsequently, the study identifies and analyzes a set of overarching fiqh maxims that may be invoked to regulate and assess the legitimacy of such programs, including maxims related to public interest (maṣlaḥa), prevention of harm, facilitation, and consideration of outcomes (maʾālāt). Through an analytical and deductive methodology, the research demonstrates how these maxims provide a coherent legal framework for evaluating premarital preparation initiatives. The study concludes that the original legal ruling regarding the establishment and participation in premarital preparation programs is permissibility, and in many cases recommendation, due to their role in safeguarding marital stability and reducing social harm. Furthermore, the ruling may rise to the level of obligation if the competent authority mandates such programs in pursuit of a recognized public interest. The research affirms the flexibility and relevance of Islamic jurisprudence in addressing contemporary social needs through established juristic principles.

Citation

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Introduction

Praise be to Allah, Lord of the worlds, and prayers and peace be upon the one after whom there is no prophet, our master Muḥammad, and upon his family and his companions, the best of prayers and the purest of salutations. To proceed:
Among the most prominent characteristics by which Islamic law is distinguished are universality and comprehensiveness. Allah the Exalted says: "And We have not sent you, [O Muḥammad], except as a mercy to the worlds" [al-Anbiyā': 107]. This necessitates that it be inclusive of newly arising events and clarifying of their rulings, through its universal maxims, its general principles, and its evidences, textually and by derivation.
Among these contemporary developments is what is known today as "the qualification of the betrothed for marriage," which is carried out through programs and training courses targeting young men and women who wish to marry. In view of the importance of this topic and its connection to one of the most important chapters of Islamic jurisprudence, namely the chapter of personal status, and the subject of marriage and its preliminaries in particular, and since the topic of my doctoral dissertation, entitled: "al-Fā'iq fī Maʿrifat al-Aḥkām wa al-Wathā'iq (from the beginning of the Book of Divorce to the end of the Book of Custody) – Study and Critical Edition, by Imām Ibn Rāshid al-Qafṣī al-Mālikī (d. 736 AH)," is related to these discussions, I sought to collect some of the jurisprudential legal maxims related to the qualification of the betrothed for marriage, through which the Sharīʿa rulings connected to this particular case become clear. This is especially so given that, after research, I have not come across a study related to jurisprudential legal maxims that addresses this serious issue, which some Arab countries have experienced and preceded others in studying it and implementing it on the ground. I entitled my research:
"**The Jurisprudential (Fiqh) Maxims Governing the Qualification of Prospective Spouses for Marriage**."

Importance of the research: Due to the absence of a prior study on this topic—according to what I have reviewed—it is necessary to clarify the ruling on qualifying the betrothed for marriage and to explain the jurisprudential legal maxims that regulate it.
Research problem: Is it possible to derive the ruling on qualifying the betrothed for marriage by relying on jurisprudential legal maxims? And what are the jurisprudential legal maxims that regulate this qualification?
Research methodology: The inductive method.
Research plan: The research consists of:
The first section: The concept of jurisprudential legal maxims, and it includes three requirements:
The first requirement: Definition of jurisprudential legal maxims
The second requirement: Types of jurisprudential legal maxims and their levels
The third requirement: Reasoning by jurisprudential legal maxims for deriving rulings
The second section: The concept of qualifying the betrothed for marriage, and it includes three requirements:
The first requirement: An overview of programs for qualifying the betrothed for marriage
The second requirement: Elements of programs for qualifying the betrothed for marriage
The third requirement: Objectives of qualifying the betrothed for marriage
The third section: Jurisprudential legal maxims governing the qualification of the betrothed for marriage, and it includes six requirements:
The first requirement: The maxim "The basic rule in customs and transactions is permissibility"
The second requirement: The maxim "Rulings are not denied to change with the change of time" or "New judicial rulings arise for people in proportion to the immorality they introduce"
The third requirement: The maxim "There is no harm and no reciprocating harm" or "Harm is to be removed"
The fourth requirement: The maxim "Harm is to be repelled as much as possible" or "Prevention is easier than removal"
The fifth requirement: The maxim "Means take the rulings of ends"
The sixth requirement: The maxim "The conduct of authority over the subjects is contingent upon interest"
Conclusion: It includes the most important results reached by the researcher.

Section One: The Concept of Jurisprudential Legal Maxims

I have organized this section to define jurisprudential legal maxims, clarify their types, and discuss their validity for reasoning in Sharīʿa rulings. It consists of three requirements:

The First Requirement: Definition of Jurisprudential Legal Maxims

Jurisprudential legal maxims constitute a descriptive composite, and it should be defined from two perspectives:
First: Definition as a descriptive composite:
Maxims (al-qawāʿid) is the plural of qāʿida.
In language, qāʿida means "foundation"; it is said: "qawāʿid al-bayt" meaning its foundation (Al-Farāhīdī, n.d., 1/143; Ibn Durayd, 1987, 2/662; Ibn Manẓūr, 1414 AH, 3/361). Allah says: "And [remember] when Ibrāhīm and Ismāʿīl were raising the

foundations of the House" [al-Baqarah: 127], meaning the foundation of the House (Ibn ʿAṭiyyah, 1422 AH, 1/210; Al-Qurṭubī, 1964, 2/120; Abū Ḥayyān al-Andalusī, 1983, 256).
In terminology, a qāʿida is a universal proposition from which the rulings of its particulars are known (Al-Jurjānī, 1983, 171; Al-Manāwī, 1990, 266; Al-Barkatī, 2003, 169).
"Jurisprudential" relates to fiqh.
In language, fiqh means "knowledge of a matter and understanding it, and predominately knowledge of religion due to its supremacy, honor, and virtue over other types of knowledge" (Ibn Sīdah, 2000, 4/128). It is said: "faqiha al-rajul yufqahu fiqhā" if he understood; and "faqaha ʿannī" meaning he understood from me (Ibn Durayd, 1987, 2/968).
In terminology, fiqh is "knowledge of practical Sharīʿa rulings acquired from their detailed evidences" (Al-Jurjānī, 1983, 168; Al-Anṣārī, 1411 AH, 67).

Second: Definition as a science of specific maxims:
A jurisprudential maxim can be defined as "a universal practical Sharīʿa proposition, whose particulars are themselves universal practical Sharīʿa propositions," or "a universal fiqhī proposition, whose particulars are universal fiqhī propositions" (Al-Bāḥusayn, 1998, 54; Al-Bāḥusayn, 2011, 36).
The Second Requirement: Types and Levels of Jurisprudential Legal Maxims
The types of jurisprudential legal maxims differ according to the viewpoint from which they are considered (Al-Nadwī, 2004, 351; Al-Burnū, 1996, 26; Al-Bāḥusayn, 1998, 118).
First: According to their breadth and comprehensiveness, they are divided into:
1- Maxims encompassing many issues across multiple chapters. These are of two kinds: one that includes almost all chapters, the so-called five or six major maxims, and a lesser type, which Al-Suyūṭī extended to forty maxims, including "The conduct of the imam over the subjects is contingent upon interest," and "Prevention is stronger than removal."
2- Maxims encompassing issues related to specific or limited chapters of fiqh, which Al-Subkī termed "specific maxims," and many contemporary scholars have called them "jurisprudential guidelines."
Second: According to agreement and disagreement, they are divided into two categories:
1- Agreed-upon maxims and guidelines, of which there are two types: agreed upon among all schools of thought, such as the five major maxims, and agreed upon by most schools, such as "The conduct of the imam over the subjects is contingent upon interest."
2- Disputed maxims or guidelines, also of two types: disputed among the scholars of different schools, and disputed among the scholars of a particular school, commonly expressed in the form of a question.
Third: According to independence and subordination, they are of two types:
1- Independent or original maxims, which are neither a restriction nor a condition in another maxim, nor derived from another, such as the five major maxims.
2- Subordinate maxims, which, though independent in meaning, serve other maxims either because they derive from a larger maxim or because they function as a condition or exception in another.
Fourth: According to their sources, they are of two types:
1- Explicit maxims, which have a specific textual basis in Sharīʿa.
2- Derived maxims, which scholars have extrapolated from the induction of particular rulings and their examination across various cases.

The Third Requirement: Reasoning by Jurisprudential Legal Maxims for Deriving Rulings
Before proceeding to clarify the jurisprudential legal maxims governing the qualification of the betrothed for marriage, it is necessary to examine the validity of these maxims as a means of reasoning and evidentiary proof for Sharīʿa rulings. Scholars have differed on this issue into two positions:
The First Position: Jurisprudential legal maxims are not a valid proof for deriving rulings. This is understood from the statements of Abū al-Maʿālī al-Juwaynī, the Shāfiʿī scholar (Al-Juwaynī, 2011, 544), Ibn Daqīq al-ʿĪd, the Mālikī–Shāfiʿī jurist (Ibn Farḥūn, n.d., 1/266), and it was attributed to Ibn Nujaym al-Ḥanafī (Al-Ḥamawī, 1985, 1/37). This understanding is also reflected in the expressions of the framers of the *Majallat al-Aḥkām al-ʿAdliyyah* (Majallat al-Aḥkām al-ʿAdliyyah, 1302 AH, 11).
Proponents of this view argued as follows:

1- These maxims are the product of various subsidiary rulings, serving as a collector and connector of them. It is not reasonable that what is merely the outcome and a unifier should be used as evidence to derive the rulings of the branches. (Al-Burnū, 1996, 39)
2- Most of these maxims are not free from exceptions; the matter under examination may be among the exceptional issues or branches. (Al-Burnū, 2003, 1/1/45)
The answer to this is that such exceptions do not fall under the maxim from which they are excluded, because there exists something that prevents its generality or a prohibiting factor, and they rather fall under other maxims. Therefore, this does not undermine the probative authority of the jurisprudential maxim. (Al-Bāḥusayn, 1998, 273)
3- Many of these maxims result from tracing jurisprudential branches, and some may arise from a limited number of branches, constituting an incomplete induction that does not yield sufficient probability by which rulings are established.
The answer to this is that induction, even if it does not produce certainty, still yields probability, and acting upon it is necessary. (Al-Bāḥusayn, 1998, 273)
The Second Position: It is permissible to reason by jurisprudential legal maxims in establishing rulings. This is the practice of Ibn Bashīr (Ibn Farḥūn, n.d., 1/266) and al-Qarāfī (Al-Qarāfī, 2001, 4/1167), both Mālikī scholars, and it was also held by al-Suyūṭī, the Shāfiʿī scholar (Al-Suyūṭī, 1983, 6). This position has been supported by al-Bāḥusayn among contemporary scholars. (Al-Bāḥusayn, 1998, 280)
Proponents of this view argued as follows: (Shubayr, 2007, 85)
1- The jurisprudential maxim is a universal rule that applies to all its particulars; what is excluded from it is, in reality, included under another maxim, so it does not detract from the universality of the rule.
2- The probative authority of the maxim is derived from the collection of partial evidences indicating its meaning. If a single partial evidence is valid for reasoning, then certainly the collection of all partial evidences is more so.
3- Reasoning by jurisprudential maxims is present in the minds of the mujtahids, who rely on them in uncovering Sharīʿa rulings in matters for which no explicit text has been transmitted.
I conclude this requirement with an eloquent statement by Dr. Yaʿqūb al-Bāḥusayn, affirming the probative authority of jurisprudential maxims, where he says:
"These maxims, for which scholars have exerted great effort in collecting, arranging, recording, explaining, and clarifying a group of their rulings, were not intended merely for the benefits mentioned among these maxims, such as facilitating memorization, gathering them into one system, and similar matters. Yes, this is indeed realized—without doubt—but it is not the only purpose. These maxims are not merely a 'decoration' adorning the jurisprudential exhibition. Rather, alongside those benefits, they constitute a legitimate source through which one may become acquainted with rulings not explicitly stated. The mujtahid, the mufti, the judge, and others benefit from them, each within the field in which he works. And we do not know what meaning there is to their saying that such-and-such a maxim enters into seventy chapters of jurisprudence, or that such-and-such a maxim is one third of knowledge, or a quarter of it, or more than that, if it is not fit for probative authority?! Indeed, the books of fiqh stand as an undeniable witness to the scholars' reliance upon them in the fields of derivation, legal extrapolation, or preference." (Al-Bāḥusayn, 1998, 280)

Section Two: The Concept of Qualifying the Betrothed for Marriage

This section is organized to provide an overview of programs for qualifying the betrothed for marriage, including their content and objectives. It relies mainly on the Saudi experience in this field, represented by the *Premarital Preparation Program* supervised by the Ministry of Human Resources and Social Development through the Family Development Association in Ḍubayyah Governorate. This section consists of three requirements:

The First Requirement: Overview of Programs for Qualifying the Betrothed for Marriage

Programs for qualifying the betrothed for marriage are training programs aimed at providing cognitive and practical support to individuals intending to enter a marital relationship, by equipping them with the necessary tools to build a successful and sustainable marital relationship.
These programs target prospective spouses of various ages and are based on the latest studies and scientific concepts regarding marital relationships. This contributes to enhancing social and psychological awareness among individuals and raising the level of marital culture in society. (Premarital Preparation Program, n.d., 3)

The Second Requirement: Content of Programs for Qualifying the Betrothed for Marriage

These programs consist of a set of workshops and training courses covering diverse topics such as: (Premarital Preparation Program, n.d., 3)

- Communication skills between spouses
- Conflict management

- Understanding rights and duties within the marital relationship
- The importance of emotional and material understanding between partners
- Preparing participants to deal with pressures of married life
- Providing practical advice to achieve balance between personal life and shared life

The Third Requirement: Objectives of Qualifying the Betrothed for Marriage

In general, these qualification programs aim to prepare young men and women psychologically, socially, and scientifically to face challenges that may arise in marital life. They also aim to acquaint them with the scientific foundations that contribute to building a relationship based on understanding, mutual respect, and effective communication. The partial objectives include: (Premarital Preparation Program, n.d., 4)

- Understanding the stages of family formation
- Identifying marital rights and duties
- Assessing the readiness for marriage among the betrothed
- Deducing communication skills in marital relationships
- Assessing problem-solving skills in marital matters among the betrothed
- Explaining skills for family planning and financial saving
- Measuring the ability to manage the family budget among the betrothed
- Applying skills to manage psychological harmony within the family
- Measuring the efficiency of psychological and emotional readiness among the betrothed
- Explaining skills for managing marital health

Section Three: Jurisprudential Legal Maxims Governing the Qualification of the Betrothed for Marriage

This section is organized to clarify the jurisprudential legal maxims on which a jurist may rely to determine the rulings concerning the qualification of the betrothed for marriage, and to show how this issue is subsumed under these maxims and regulated by them. This section consists of six requirements:

The First Requirement: The Maxim "The Basic Rule in Customs and Transactions Is Permissibility" (Al-Zuḥaylī, 2006, 2/769)

Perhaps the first legal question that arises in one's mind regarding the issue of qualifying the betrothed for marriage is: What is the ruling of this qualification according to Sharīʿa?

The first maxim invoked in this regard is: "The basic rule in customs and transactions is permissibility." It is known that the actions of the accountable person (*mukallaf*) are divided into customs—including transactions—and acts of worship. Acts of worship are actions prescribed by the noble Sharīʿa to be performed with the intention of drawing near to Allah, whether obligatorily or recommended.

As for customs, they are the repeated continuation of something acceptable to human nature, practiced repeatedly, becoming familiar and settled in the minds and hearts, and generally received with approval. The basic principle regarding customs is permissibility unless they contradict a text or are explicitly prohibited, in which case the permissibility is nullified.

Permissibility (*ibāḥa*) is the general allowance or consent, and in Sharīʿa terms, it means giving the accountable person the choice between performing an act or leaving it.

Evidence of the Maxim: This maxim is based on numerous textual evidences from the Qur'an and Sunnah, such as Allah's words: "It is He who created for you all that is on the earth" [al-Baqarah: 29], and: "It is He who made the earth manageable for you, so traverse its paths and eat of His provision" [al-Mulk: 15]. There are also many well-known hadiths in this regard.

Relying on this great jurisprudential maxim, a jurist can only classify the issue of qualifying prospective spouses under permissible customs and transactions, since no textual evidence places it among pure acts of worship, nor is there any prohibition against it. Therefore, establishing these preparatory programs is permissible.

The Second Requirement: The Maxim "Rulings Are Not Denied to Change with the Change of Time" (Al-Zuḥaylī, 2006, 2/10) **or "New Judicial Rulings Arise for People in Proportion to the Immorality They Introduce"**

This maxim answers those who question the legitimacy of implementing programs for qualifying prospective spouses in the absence of textual guidance from classical jurists, as it concerns contemporary circumstances and issues emerging in our time, shaped by circumstances that did not exist for previous generations.

The earliest attribution of the second formulation of this maxim is to the rightly guided Caliph ʿUmar ibn ʿAbd al-ʿAzīz (Ibn Abī Zayd al-Qayrawānī, 2022, 242), and it was also reported from Imam Mālik in several instances (Ibn Abī Zayd al-Qayrawānī, 1999, 8/203).

The meaning of this maxim is that changes in situations, customs, and temporal conditions have a significant impact on many Sharīʿa rulings derived by ijtihād. This is because rulings based on human custom, public norms, specific interests, or particular

circumstances may allow for modifications in their application according to changes in custom, interest, or circumstance. However, rulings established by explicit textual evidence remain immutable.

Factors leading to changes in rulings can be categorized into two types:

- **The first type:** the corruption of time and deviation of its people from the right path, leading to alteration and stringency in many rulings.
- **The second type:** changes in customs, transformations in social norms, shifts in public interest, and the development of time. (Al-Burnū, 1996, 311)

Evidence of the Maxim: Since this maxim is derived from the broader maxim "Custom is Authoritative," it is grounded in the evidences supporting that principle, such as Allah's address to His Prophet ﷺ: "Take what is given freely and command what is customary" [al-Aʿrāf: 199], and regarding rights between spouses: "And for them is what is owed to them in equity" [al-Baqarah: 228], among others. The consideration of custom is also supported by hadith, such as the Prophet ﷺ telling Hind, wife of Abu Sufyān, regarding maintenance: "Take what suffices you and your child in a fair manner" (Al-Bukhārī, n.d., 5364).

Applying this maxim, the permissibility of programs qualifying prospective spouses is reinforced. The rationale is the proliferation of difficulties facing couples, especially in the early years of marriage, often resulting in divorce or annulment, which was less common for previous generations. The corruption of time affects the modification of ijtihād rulings, and the disappearance of certain customs—such as raising men and women within the extended family, which indirectly prepared them for marital responsibilities—necessitates alternatives. These alternatives are now provided through contemporary training programs to compensate for the loss of traditional preparatory environments.

The Third Requirement: The Maxim "No Harm and No Recrimination" or "Harm Must Be Removed" (Al-Suyūṭī, n.d., 121)

This maxim, in its first formulation, is a literal Prophetic saying (*ḥadīth nabawī sharīf*) and is considered one of the five major universal legal maxims. It is "among the pillars of Sharīʿa, supported by numerous textual evidences from the Qur'an and Sunnah, serving as a foundation for preventing harmful actions and organizing their consequences in financial compensation and penalties. It also underpins the principle of reform in attaining benefits and averting harms. For jurists, it is their tool, support, and measure in determining Sharīʿa rulings for new occurrences" (Al-Burnū, 1996, 254).

Evidence of the Maxim: Its most famous proof is the Prophet's saying: "No harm and no recrimination" (Mālik, n.d., 2758; Ibn Mājah, n.d., 2340), alongside all Sharīʿa texts prohibiting harm to oneself or others, such as Allah's words regarding *ʿidda* in divorce: "And when you divorce women and they reach their term, retain them honorably or release them honorably. Do not retain them to cause harm so that you transgress, and whoever does that has wronged himself" [al-Baqarah: 231]; and regarding testamentary excess: "After a bequest has been made or a debt, there should be no harm" [al-Nisā': 12]; and regarding preventing a mother from breastfeeding her child: "No mother shall be harmed by her child" [al-Baqarah: 233].

This maxim emphasizes the removal of harm after it occurs, as Sharīʿa does not permit its persistence. It can therefore be applied by the jurist in deriving rulings on qualifying prospective spouses, since one objective of these programs is to equip trainees with skills to resolve marital problems after they arise and to mitigate harm that has affected the family or either spouse (National Training Package for Premarital Couples, n.d., 24).

The Fourth Requirement: The Maxim "Harm Must Be Prevented as Much as Possible" or "Prevention Is Easier than Removal" (Al-Subkī, 1991, 1/127)

This maxim is a derivative of the previous one. It emphasizes precaution and preparation before the occurrence of harm, following the principle that prevention is better than cure. Prevention occurs before harm manifests, while removal occurs after it has materialized.

Implication of the Maxim: Taking preventive measures before the onset of adversity is easier and preferable to waiting for it to occur and then removing it. In the context of qualifying prospective spouses, the goal is to shield them from potential harms and dysfunctions in marital life that could undermine the benefits of marriage, such as family tranquility and stability, which positively affect the spouses and their children.

This maxim also guides the jurist in issuing rulings for premarital preparation when there is strong probability that the marriage could lead to harms or difficulties, such as very young age, significant age gaps, or intellectual and psychological incompatibility between spouses.

The Fifth Requirement: The Maxim "Means Are Governed by Their Ends" (Al-Burnū, 2003, 8/775)

The *means* (*wasīla*) refers to the method or instrument leading to the intended goal, while the *end* (*maqṣad*) is the desired objective.

Ibn al-Qayyim explains this maxim: "Since ends cannot be achieved except through means and methods leading to them, these means are considered in relation to their ends. Means of prohibited acts and sins are prohibited in accordance with their connection to harmful ends, while means of acts of obedience are recommended in proportion to their contribution to noble

ends. The means are linked to the end; both are intended, but the end is the ultimate goal, while the means are intended for the sake of the end" (Ibn Qayyim al-Jawziyyah, 2019, 4/3).

Al-Qarāfī states: "The means leading to the best ends are the best means; to the worst ends, the worst means; and to intermediate ends, the intermediate means" (Al-Qarāfī, 1973, 449).

Evidence of the Maxim: Allah's words regarding the *mujāhidīn*: "This is because neither thirst nor fatigue nor hunger in the cause of Allah, nor treading a place angering the disbelievers, nor attaining anything from an enemy, goes without a righteous deed being recorded for them. Allah does not waste the reward of the doers of good. They neither spend a small nor large expenditure, nor cross a valley, except that it is recorded for them, so that Allah may recompense them the best of what they did" [al-Tawbah: 120–121]. Here, Allah rewards them for thirst and fatigue even though these were not intentional acts, but arose due to their undertaking jihad, which is a means toward glorifying religion and protecting Muslims—the preparedness was a means to the actual means (Al-Qarāfī, 1973, 449).

Since marriage in Sharīʿa is among the highest objectives, being both an act of devotion and obedience with worldly and spiritual benefits—such as protecting spouses from immorality, ensuring progeny, and strengthening the Muslim community—the means leading to its preservation, stability, and proper family conduct are among the best and most important means. Therefore, Sharīʿa encourages marriage, and by extension all means ensuring marital stability, including premarital preparation programs. At minimum, these programs are recommended and, in certain cases, may even be considered obligatory.

The Sixth Requirement: The Maxim "The Authority of the Ruler Over the Subjects Is Conditioned by Public Interest" (Al-Suyūṭī, n.d., 121)

The origin of this maxim traces back to one of the rightly guided Caliphs, whom the governors of the Muslims were commanded to follow, namely ʿUmar ibn al-Khaṭṭāb – may Allah be pleased with him – who said: "I have placed myself from Allah's wealth in the position of a guardian of the orphan. If I am in need, I take from it; if I am able, I refrain. And indeed, I assumed a great responsibility over the affairs of the Muslims..." (Saʿīd ibn Manṣūr, n.d., 4/1538; Ibn Abī Shaybah, n.d., 35123). Later, al-Shāfiʿī formalized it by stating: "The position of the ruler over his subjects is like the guardian of an orphan over the orphan's wealth" (Al-Shāfiʿī, 1983, 4/164), and al-Suyūṭī attributed it in his wording: "The standing of the Imam over the subjects is like that of the guardian over the orphan" (Al-Suyūṭī, 1983, 121).

The meaning of this maxim is that the actions of the Imam or anyone entrusted with the affairs of Muslims must be based upon and directed toward the public interest, meaning what benefits the generality of those under their authority. Actions not aligned with public welfare are neither correct nor legally effective in Sharīʿa. This principle sets the boundaries within which rulers, governors, judges, or officials operate. It emphasizes that their decisions and actions must serve the welfare of the community, uphold justice, prevent injustice, protect morals, purify society from corruption, disseminate knowledge, combat ignorance, safeguard public funds, and spend only in ways that bring benefit to the community.

Evidence of the Maxim: The Prophet ﷺ said: "No servant whom Allah entrusts with the care of people dies on the day of his death while being deceitful to those under his authority except that Allah has forbidden Paradise for him" (Muslim, n.d., 142/21). In another narration: "No ruler who is in charge of the Muslims fails to strive and advise them enters Paradise with them" (Muslim, n.d., 142/22).

Based on this, matters that lack explicit textual rulings, and are instead subject to juristic reasoning based on public interests, prevention of harm, or closing legal loopholes—matters that are variable with time and place—may be enforced by the ruler according to the maxim of "change of rulings with change of time and place"* (Binding Authority of the Ruler and Its Impact on Disputed Issues, n.d., 84). This includes obliging prospective spouses to attend premarital qualification courses, especially if they are deemed unprepared for marriage due to young age or repeated previous divorces. Compliance with such programs becomes mandatory by the authority of the ruler; those who do not attend are not permitted to marry legally or religiously, and may face legal accountability or sanctions for violating this order. All of this falls within the framework of *siyāsah sharʿiyyah*, which empowers the ruler to implement such measures.

Conclusion

The main findings of the research are as follows:

1. A jurisprudential maxim is a universal Sharīʿa ruling, whose particulars are themselves universal Sharīʿa rulings.
2. Jurisprudential maxims are a legitimate source for determining the ruling of occurrences not addressed by explicit textual evidence.

* This rule has already been discussed under the second principle.

3. Premarital qualification programs are training programs designed to provide cognitive and practical support to individuals intending to enter marriage.
4. The rulings governing the qualification of prospective spouses are derived from the following maxims:

- "The basic rule in customs and transactions is permissibility"
- "Rulings are not denied to change with the change of time" or "New judicial rulings arise for people in proportion to the immorality they introduce"
- "No harm and no recrimination" or "Harm must be removed"
- "Harm must be prevented as much as possible" or "Prevention is easier than removal"
- "Means are governed by their ends"
- "The authority of the ruler over the subjects is conditioned by public interest"

5. The default ruling regarding the qualification of prospective spouses is permissibility. Its recommendation (*istihbāb*) is plausible, and it may even become obligatory if enforced by the authority of the ruler to achieve the public interest in society.

Ethical Considerations

This research is based on doctrinal analysis and examination of classical and contemporary juristic sources. It does not involve human participants, personal data, or experimental procedures. All sources have been cited in accordance with academic integrity and ethical research standards.

Author Contributions

Dr. Ali Aberkane solely contributed to the conceptualization of the study, literature review, jurisprudential analysis, interpretation of findings, and writing of the manuscript. The author approved the final version and assumes full responsibility for its content.

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Conflict of Interest

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