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**THE CONCEPT OF *DARŪRAH* (NECESSITY) IN
COMPARATIVE FIQH**

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STUDENT DECLARATION

We acknowledge that all the work in the preparation of this academic paper is the result of our own efforts, except as explicitly stated.

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1.0 INTRODUCTION

In Islamic jurisprudence (*fiqh*), the idea of *ḍarūrah* (necessity) holds a prominent position as a principle that permits exceptions to conventional legal rulings in situations involving severe hardship or injury. In situations where strict application of the law would cause harm, injustice, or the failure to protect fundamental values like life, religion, intellect, lineage, and property, *ḍarūrah* acts as a legal mechanism to preserve essential human interests. It is rooted in the higher objectives of Islamic law (*maqāṣid al-sharī'ah*).

The major schools of Islamic thought Hanafī, Maliki, Shafī'ī, and Hanbali all generally agree that "necessities permit the prohibited" (*al-ḍarūrāt tubīḥ al-maḥẓūrāt*). However, there are significant differences in how each school defines, interprets, and practically applies the doctrine of *ḍarūrah*. Each school's methodological approach to legal sources, especially in the application of *qiyās* (analogy), *istihsān* (jurisprudential choice), and *maṣlahah* (public interest), has an impact on these variances.

Through a comparative analysis, this project seeks to understand and apply the notion of *ḍarūrah* in the context of the four Sunni schools of jurisprudence. The study will provide a clearer understanding of the adaptability and flexibility of Islamic law in resolving human misery while upholding its fundamental goals by showing both the similarities and differences.

2.0 RESEARCH OBJECTIVES

1. Explain the concept of *ḍarūrah* within the framework of Islamic jurisprudence.
2. Analyze and compare the views of the four main schools of thought (Ḥanafī, Mālikī, Shāfī'ī, Ḥanbalī) regarding the conditions, applications and limitations of emergency law.
3. Evaluate the application of the concept of *ḍarūrah* in contemporary issues and its role in solving the problems of Muslims today.