

## The Features of Weighting Through Derivation in the Explanation of the Rulings Ayaat

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### ABSTRACT

This study aimed to shed light on the subject of measurement and its impact on weighting in the verses of rules, where researchers dealt with the subject through three topics dealt with the first definition of measurement and a statement of evidence of its legitimacy, in the second, the definition of weighting and the statement of evidence of its legitimacy, and in the third on the extent to which weighting is affected by analogy in the verses of rules through the definition of the verses of rules and the statement of the most important applications on that, The problem of research revolves around the research in the fact of proving the impact of measurement on weighting in the verses of rules, the researchers followed the inductive approach by reviewing what the scholars of asset and the scholars of interpretation wrote in their books, And benefit from the extrapolation method to reach the rules and bases, with mentioning some applications of Quranic verses, and analyzing them to know the significance of the rulings in them, the researcher reached many results, the most important of which is that one of the most important effects resulting from preference in analogy is the introduction of jurists into the issue of preference between the concepts of agreement and disagreement, and the reason for that is that the indication may be definitive or may not be so.

**Keywords:** Weighting, Analogy, Interpretation, Verses of Rules, Jurists.

### INTRODUCTION

Analogy is known as the fourth evidence of jurisprudence according to the doctrines of Ahl al-Sunnah after the Qur'an, Sunnah and consensus, it is considered a legal proof when there is no legal proof for the ruling from a text from the Qur'an, Sunnah, or consensus. There is no analogy with the text. In the meaning of analogy in the principles of jurisprudence, it is defined as attaching an incident for which there is no text on its ruling to an incident and rejecting the text with its ruling because the two incidents are equal in the reason for this ruling.

### Importance of the Study

- The jurisprudential and interpretative need for weighting by analogy is the basis for many interpretations of the verses rules.
- Weighting by analogy helps in knowing the provisions of accidents and cases renewed in each era.
- A statement to show the status of Sharia, its immortality and its inclusion of all situations and variables, which is a legitimate requirement.

## The Problem of the Study: The Study is Based on the Main Question:

What are the most prominent features of weighting by analogy in the interpretation of the verses rules? Some questions need to be clarified:

- What is the concept of weighting by analogy and its relationship to the verses rules?
- What is the effect of weighting by analogy in Quranic applications?

## PREVIOUS STUDIES

Many previous studies have arisen which dealt with the subject of weighting by analogy in grammatical science and from studies:

- The study of weighting by analogy when Ibn Hisham in the book "Mughni Al-Labib", Suad Fayek al-Salami, and the research reached several results, including Ibn Hisham's presentation of opinions and weighting between them shows us the breadth of their horizon and his great knowledge of grammar, Ibn Hisham is one of the grammarians who use the second of the grammatical evidence, which is the analogy.
- But the researcher did not find a scientific study concerned with weighting by analogy in the verses rules, which makes it an original study in its section.

## The First Requirement

### *Definition of Derivation and its Legitimacy*

Before we delve into the Jurisprudence definition of derivation, we must define it linguistically as the judgment of a matter bringing our calculations on another matter, and to judge is to compare and measure to teach a rule from a certain origin (Bin Faris, 1979, page 5/40).

However, as regards the terminology derivation is defined as reaching a branch conclusion basing our judgments on an origin of a rule that discusses and concentrates on mutual issues, or it can be defined as the attribution of a branch judgment to an origin considering the existence of common concern. From the aforementioned definition it is clear that certain pillars should be observed for derivation or inference to be accurate, these pillars are the origin, the branch, the mutual meaning or description, and the ruling to which the branch leads us.

The origin is the base on which we establish our judgments, it is the closest statement (Alamry, 2020, page 714). And as stated by Alamdi: The origin is the source of the jurist's judgment, that their statements require it as a necessity that cannot bear any contradictions, that the source has no need for outside statement or ruling. With regard to the second pillar, it is the branch, which is intended to be attributed to the origin on which it is based and explained. As regards the pillar, which is the mutual and common meaning or description. It is considered as the path that enables the jurists to arrive at the branch conclusions. And with respect to the rule of the origin, it represents the intended ruling to which the branch leads, (Alamdi, 1402, 3/192).

When we return to jurisprudence, we discover that there is a difference in the definition of derivation, basing the definition on considering that derivation is the act of the assiduous jurists, the evidences, the evidence is an independent proof and the diligent jurists is a feature of this evidence. Therefore, the jurists went to the notion that: derivation is a work of the diligent jurists, it cannot acquire any adoption or practice except through his existence, and it is stated by jurisprudence that, derivation can be defined as basing of known ruling on a well known ruling to provide evidence and prove a ruling which is mutual or deny it through a common order that unite them, it is defined also as the equalization of a branch rule and its origin in the intended issue (Manahi, 2012, Page 317).

Therefore, it is possible for the researcher to refer to derivation as an equalization that takes place without having a precedent in practices, reality, or well-known previous judgments, and the inference arrived at here is attributed to common and mutual issues between them. For instance, a judgment on a new drink that can render humans drunk in accordance with a similarity with Alcohol considering the rule of prohibition reasoning that on the existence of mutual characteristic which is Drunkenness.

Certainly the statement by the majority of the scholars that derivation and inference is a legitimate proof and evidence behind a steady stance in the face of practical rulings, and that, it is in the fourth stage of the legal arguments, that if there is no judgment in connection with certain incidence whether clearly stated or collectively arrived at, and it is proved that it is parallel to another incident on which a ruling is stated considering the mutual point in both, the judgment can be based on it, and the same derivation can be accepted as valid and legitimate.

### ***Firstly: The Evidence of Derivation Legitimacy Basing Judgments on Holy Quran:***

ALLAH Almighty Says in Surah An-Nisa: “O you who believe! Obey ALLAH, and obey the messenger, and those charged with authority among you. If you differ in anything among yourselves, refer it to ALLAH and his messenger, if you do believe in ALLAH and the last day: that is best, and most suitable for final determination”.

(59 An Nisa – Women). And the feature of inference in this AYAAT is that ALLAH Almighty orders the believers if they dispute about a matter that has judgment issued by ALLAH Almighty, or the messenger, or those in authority, they shall refer it to ALLAH Almighty and his messenger, and this reference involves all the issues that are approved as ascribed to them. Certainly, the attribution of an issue that has no direct statement to an issue which is clearly stated for the reason that they are equals, is considered as a follow up and continuity of the clear and direct rulings stated by Almighty ALLAH and his messenger” (Aleisa, 2010, page 28).

Regarding the legitimacy of derivation, it is stated by ALLAH Almighty that: “So consider, O people, of sight” (Al-Nashr: 2), and this is a reference to the consideration and that it means logical and wise derivation. It is stated by Ibn Abbas, May God be pleased with him, that: “A man came to the messenger, peace be upon him, and he said that, my mother died and she has suspended days of Ramadan fasting, can I fast Ramadan for her, the messenger, peace be upon him addressed him:” If there is a debt on her, would you pay the debt for her? “The man replied positively”, He said: “ALLAH Almighty debt is the worthiest to be paid” (Albukhary, 2001, No. 1953).

### **The Second Requirement**

#### ***Definition of Weighting and its Legitimacy***

In order to tackles the issue stated in our study, it is important to speak about weighting or giving preference or confirm one of the statements as regards AYAAT explanation evidence, and to understand the reasons behind weighting it is necessary to define and cast light on it, thus we will learn in this study the definition of weighting, and the evidence on which its legitimacy is based on separate requirements.

To start, weighting is linguistically defined “As representation, such as saying: The scales tipped, which indicates out weight and reinforcement, such as saying that I preferred and strengthened the issue.” (Alshokani, 2007, page 55).

There are multiple jurisprudence definitions for weighting. However, as there is a difference in the Fabric, but the judgment is the same as regards the core issue, dome of them defines “weighting as the favor and preference of some indications over others. It is also defined as the appearance of an evidence with more strength compared to the other evidence, thus taking the more accurate and tangible”. (Alrazi, D.T, page 398), (Obeidat, 2020, page 232).

“Another side of jurisprudence consider that weighting may take the meaning of showing of extra strength by one of the judgments against the other. That the real meaning of weighting indicates that it is the showing of additional strength and potency, that it is not coupling”. (Alshaib, 2015, page 1066).

Thus, the researcher can define weighting as the accreditation of one of the sayings as regards the explanation of certain AYAAT of evidence, or to weaken other stated judgments.

Certainly, there are Several Conditions for Weighting, the Most Important are the Following:

“If the two evidences are equal in accordance with what is stated by the fundamental scholars, this equality is in confirmation and strength, that there is no conflict between the holy Quran AYAAT, and this may take place when considering the indications, and there is no contradiction between the statements ensured by many times of transmission and the single statements, the recurrent statements are held in high regard with unanimous agreement, also one of the weighting conditions is that it is not possible to unite the conflicting evidences, that you cannot weigh the two conflicting evidences except when uniting them is impossible a stance which is adopted by the majority of the scholars” (Alshiab, 2015, page 237).

Therefore, the researcher discovers that weighting is not allowed as regards confirmed and certain evidences and statements, that resorting to weighting is considered when there is a conflict, and that there is no conflict between the clear and confirmed rulings, that they are potent, clear and stable for the majority of the scholars.

### ***The Second Topic: The Extent to which Weighting through Derivation Influences the Ayaat of Rulings***

To study the link between two principles it is important to speak about their definitions. In the previous topics we talk about the definition of derivation, and we cast light. On the evidence of its legitimacy, also we talked about weighting and the bases of its legitimacy. However, with regard to this topic we will talk to reveal to what extent is weighting through derivation is affected in the Rulings AYAAT, we will state the definition of the Rulings AYAAT, and reveal some applications that reflect the influence on weighting by derivation, inference, and judgment as regards these AYAAT each one in separate requirement.

Holy Quran acquired the attention of the scholars so they engaged in memorizing and studying it, also they worked hard to infer the rulings from it, it is the focus of attention of Muslims and the most important science

that is linked to Quran is the science of explanation of the Holy Quran. This branch of the sciences aims to state the rulings mentioned by the Holy Quran. It is well known that the religious rulings are derived from the Holy Quran through what is known as the Rulings AYAAT in addition to the noble Prophet's Sunnah.

"The Rulings AYAAT are defined as the Quran AYAAT that discuss the practical religious rulings, that they are the AYAAT through which we can arrive at a practical religious ruling when we wisely and correctly look into them". (Alfra, 2010, page 2).

Talking about the Ruling AYAAT leads us to talk about the Religious Ruling. The religious ruling is defined as the discourse of ALLAH Almighty which is linked to the actions of those tasked with observing the orders and practice their freedom of choice, and put into effect what is considered as their duty, the discourse of ALLAH Almighty means his words which are directed at his servants, whether directly via holy Quran, or what is based on his words of the Noble Sunnah or unanimous judgments of the scholars and all the confirmed religious evidences. The actions of those tasked with observance of the rulings involve the attitudes and behaviors stated and covered by the religious rulings. The description of the action is revealed as desirable or otherwise as prohibited, and the tasked entity is the human who is an adult and has the wisdom and knowledge of his tasks, and has the capability to put them into practice". (Zeidan, 2003, page 26).

"There was a dispute regarding the number of Rulings AYAAT, IBN Arabi stated that they exceed 800 AYAAT, however, Aghazali and the Shafea said they are about 500 AYAAT, Sanani stated that they are 200 AYAAT, and Ibn Al Gaim said that they are 150 AYAAT" (Alfraa, 2010, page 3).

## **The Second Requirement**

### ***Some Applications of Weighting through Derivation in the Ruling Ayaat***

Weighting through derivation is considered a fundamental method adopted by the jurists in large numbers of jurisprudence issues, it was also resorted to by the scholars of Holy Quran explanation in order to give more detailed explanation of AYAAT. "And this is achieved through revealing the indicating statement linked to the issue and weighting it basing the decision on a clear argument, the indicator is defined as the reason behind confirmation and weighting when it is stated in the origin against which we measure our decisions. If there is no indicator and the scholar is unable to reveal it then the determination of the issue in the origin can be sorted out of other similar statements. The indicators are two types, the First One is every sign that has its origin in Sharia and can be resorted to such as derivation and the methods of inference in the chapters of jurisprudence. The Second is the One that has no origin in Sharia, it is an issue of general features and with respect to its rulings we were ordered to return to customs and traditions, this is done as an exemplar decision as regards offenses and misdemeanors that has no stated punitive measures". (Latif, 2020, page 52).

We find that the scholars when talking about isolation of the deviants, also a problem is the rise of the deviant to the level of wisdom and continuity of his isolation, no direct evidence here, ALLAH Almighty says: "If you find wisdom among them, give them their money".

"The AYAAT is clear as it states that if the two conditions do not happen together, adulthood and wisdom, the wealth is not paid to the isolated deviant, this is agreed on by all Muslim scholars, he who is not wise after adulthood should continue to be isolated. No one differs in this regard except Abu Haneifa, he said that: we wait for seven years after adulthood, if we do not sense wisdom, we end the isolation. This decision is not in line with the condition, as stated by ALLAH Almighty: "If you find wisdom among them", that Abu Haneifa did not consider the principle of the condition, and he did not agree with the derivation, that isolation is targeting deviant behavior, and adulthood shall reflect wisdom. Otherwise, what is the effect of seven as regards completion of wisdom, "the researcher considers that weighting through derivation in accordance with the majority of the scholars is the step that goes in line with the meaning of Holy AYAAT, and this applies to the mentally unstable human and all those who suffer from a mental deficiency that affected his consciousness, even if he reaches adulthood his isolation shall be continued. And considering derivation the Aya indicates that if someone displays deviant behavior after reaching adulthood or suffers from mental deficiency or old age, he should be isolated that the issue behind isolation still exists," (Ibn Ashor, 1984).

Also among the issues connected with inference and weighting is the dispute between the scholars as regards the two principles of agreement and conflict with respect to the ruling that govern the delayed payment selling, ALLAH Almighty in the Aya tackling delayed payment selling says: "For a Stated term", the scholars differ in deriving from this Aya, and as an evidence they resorted to the Noble Hadith saying of the messenger peace be upon him: "If you loan something as a debt, it shall be in a known measure and weight, and to a determined term". (Albukhary, 2001, no. 2240), this indicates approval of delayed payment depending on the principle of agreement, and the prohibition with regard to the principle of disagreement, the principle of agreement as a base does not impose approval that it is not final and it bears probability, that the aim behind approving delayed payment targets two points that is to keep away risky attitudes or to be kind with the people, that there is a conflict between the

principles of agreement and disagreement, and due to this reason the scholars differ in weighting one of them over the other" (Alamry, 2020, page 176).

Therefore, the researcher considers that one of the important effects of weighting through derivation is the resort by scholars to weighting as regards the principles of agreement and disagreement, and the reason is the indicator as it can be direct and final, however, it can be otherwise.

### **The Third Requirement**

#### ***The Influence of Invalid Derivation on Some of the Rulings Ayaat***

As we previously stated, derivation is one of the precise issues of the fundamentals of jurisprudence, considering that it is an important way of the methods of inference, and one of the confirmed origins of jurisprudence through statement and unanimity. It has a great position among the sources of legislation, that it is a source of most of the jurisprudence rulings and an important pillar through which Islamic Sharia can achieve global acceptance as it is valid for all times and locations.

We previously define derivation and revealed the evidences of its legitimacy, and we will talk in this requirement about the invalid derivation and its effect on the Islamic rulings. The invalid derivation is defined as the existence of a faulty condition among the conditions of deprivation or the absence of one of the pillars or the existence of a conflict between the derivation and a statement in the Holy Quran or noble Sunnah (Ibn Bagi, 2017, page 26).

As some of Islamic rulings are based on derivation, so it is important to observe accuracy and rely on the knowledge and wisdom to avoid derailment into the circle of invalid derivation, and this represents the source of corruption and deterioration in the world, and every heresy or delusion which appeared in the religious can originally be attributed to invalid derivation (Almujahid, 2021, page 143).

One of the invalid deprivations that was indicated by Aljasas with regard to the Holy Quran rulings is the derivation related to the animal infant as a base for validity of it to be used as food. He indicated the Aya: "Lawful for you are the animals of grazing livestock" (Surat Al-Maidah: 1), the first is to cover all animals and not restricted to the infant, this is an indication without evidence. If the aim is to include the infant so acceptance of it as food is indicated on condition that it enjoys freedom from anything that pollutes. Some may say the same ruling over the livestock mother and infant when the mother dies and deliver a dead infant, the infant here is not a target of a different ruling, but if the infant emerges alive it will not be eaten until it endures purity, this is considered as invalid derivation as it is made in line with a different ruling which was made in connection with a different issue, this is not a derivation, and the issue cited here involves the ruling that concentrates on ensuring that the infant separated alive after the mother's death, and our issue is to confirm purity as regards the mother and its link to the infant, so the two issues are not in line with each other. Considering that if a sheep suffers a strike and delivered a dead infant nothing shall result from this event and no measure is taken against the offender, however, if the mother suffers a harm the damage shall be compensated. In animals the infant after separation has no effect on the ruling linked to the mother's life, but this is confirmed as regards the human's infant. So, it is not acceptable to place in the same line the deprivation for the two issues, that their rulings are different in connection with the mentioned issues.

Also, among the invalid derivations the notion that debt can be used as mortgage, and this is an erratic decision as it contradicts the Aya: (And if you are on a journey an cannot find a scribe, then a security deposit) (Al- Baghara: 283).

This is an invalid saying that has not been accepted by any reputable scholar as ALLAH Almighty says "Then a security deposit", and the receipt of dept is not allowable that the debt is a right and it shall not be subject to receipt, and receipt shall be restricted to free money. The dept continue to exist acquiring its validity from the first guarantee, or it can be transferred to the guarantee of the mortgage, it shall be freed from any increasing if it is less than the mortgage, if it continues with the first guarantee then it is not a mortgage, the debt which is an obligation on others is more remote from being approved that it is not owned".

## **CONCLUSION**

### **Results**

1. One of the most important effects of weighting when analogy is the introduction of jurists to the issue of weighting between the concepts of approval and disagreement, and the reason for this is that the significance may or may not be conclusive.
2. The researcher can define weighting as the adoption of one of the sayings in the interpretation of the Aya for evidence, or to weaken and respond to what else.
3. Corrupt measurement has a clear impact on the rejection of many rulings that are measured by some AYAAT of rulings.

## **RECOMMENDATIONS:**

The study recommends further research into the impact of fundamental rules on the jurisprudence of weighting the AYAAT rulings.

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