

The Essence of Jurisprudential Theorization in Legal Frameworks

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Abstract

Legislation under the dominance of the Islamic ruler is the manifestation of the guardianship over giving fatwa, and jurisprudential theorization is a new look at jurisprudence and law. Jurisprudential systems are a collection of jurisprudential propositions, concepts, and general jurisprudential principles, and coordinated systems of elucidating rulings that form jurisprudential theories. The current research, characterized as descriptive-analytical and reliant on library-based data, seeks to address the following inquiries: What defines jurisprudential theorization in legal framework? What are the methods and boundaries of the jurisprudential theorization in legal framework? Furthermore, it explores the strategic significance of holistic perspectives held by legal guardians in jurisprudential theorizing within legal framework. Jurisprudential theorizing based on the fatwas of the legal guardian and the fatwas coordinated with them has resulted in the coherence and efficiency of the laws and a macro-social and expedient view of cases. Also, the emerging issues will be introduced under the jurisprudential theories to avoid vote division. Deep thinking in the texts and an increase in jurisprudence rules create reliable jurisprudential theories in legal framework. In this research, the scope of Fiqh-ut-tanzir based on the perspective of the legal guardian in Ma-la-nass-u-fiih and the comparison of the ruling with the text and its impact on legal framework have been explained. Jurisprudential theorizing involves the suitable framework for legislating based on religious principles while considering the contemporary needs of time and location.

Keywords: Legal Framework, Jurisprudential Theorization, Social Jurisprudence, Legal Guardian, and Islamic Religions.