



## Qaeda al-Yaqinu Laa Yuzaalu Bisyak and its Implementation in Fiqh Law

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**Abstract.** The fundamentals of Islamic law, or *usul fiqh*, must be learned as part of the *fiqh* study process. *Al-Yaqinu Laa Yuzaalu Bisyak*, which translates to "certainty is not removed by doubt," is one of the tenets of *usul fiqh*. The descriptive qualitative approach of research is thought to be appropriate for this piece of literature. The law of something remaining is known as *yaqn li yazl bi al-syak* and is based on the conviction that it cannot be eliminated unless there is a convincing reason and that it is not necessarily doomed to disappear simply because a doubt surfaces. The Word of Allah SWT, found in Quranic letter Ynus verse 36, serves as the legal foundation for the reign of *al-Yaqn li Yazl bi al-Syak*. Additionally, there is the Hadith regarding the person who feels something in his prayer as well as the Word of Allah (swt) in Surah Al-Najm Verse 28 of the Quran. The application of the *fiqh's al-Yaqn l'Yazl bi al-Syak* norm can be seen in the following areas: ablutions, payables, marriage contracts, and flowers. *Qaidah Al-Yaqinu Laa Yuzaalu Bisyak and Its Implementation in Fiqh Law* is the title of this study.

**Keywords:** Qaeda, Al-Yaqin, Bisyak, Law, Fiqh

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### INTRODUCTION

One of the foundational ideas of *fiqh* jurisprudence, *Qaeda Al-Yaqinu Laa Yuzaalu Bisyak*, has broad ramifications. The study of Islamic laws found in the Qur'an and Sunnah is known as *fiqh* in Islamic law. According to this *Qaeda*, doubt cannot take the place of belief. In other words, if a person is certain in something, doubt cannot override that conviction. *Qaeda's Al-Yaqinu Laa Yuzaalu Bisyak* is crucial in assessing the legitimacy of a *fiqh* expert's conclusion or legislation in the context of *fiqh* law. This tenet underlines the necessity of firm belief and states categorically that doubt has no place in the formulation of Islamic law. A fuller knowledge of how Islamic rules are created and applied can be gained by looking at the history of how *Qaeda's Al-Yaqinu Laa Yuzaalu Bisyak* in *fiqh* law was understood and applied.

A jurist must be firmly convinced when constructing the law based on the precepts found in the Qur'an and Sunnah. This belief cannot be replaced by doubt or hesitation since establishing legal validity requires a firm belief. Understanding *Qaeda's al-Yaqinu Laa Yuzaalu Bisyak* is also crucial for comprehending the *fiqh* legal procedure known as *istinbath al-hukm*, which is utilized

to create new laws based on the *nash* (postulates) found in the sources of Islamic law. Jurists must be fully confident in the process of creating new laws in order for judgements to be free from uncertainty. Practical examples of where *Qaedaism Al-Yaqinu Laa Yuzaalu Bisyak* is being applied include the establishment of marriage, inheritance, *muamalah* (transaction), and other areas of *fiqh* law.

For Muslim communities, legal certainty is crucial in every area of life, and this idea makes sure that laws are formed with great conviction. The origin of *fiqh*, or the fundamental tenets of Islamic law, must be examined as one of the *fiqh*'s key aspects. *Al-Yaqinu Laa Yuzaalu Bisyak*, which literally translates to "certainty is not eliminated by doubt," is one of the most significant jurisprudential principles. According to this principle, uncertainty or confusion won't be able to take away someone's confidence or certainty in a situation. This rule is particularly significant in the context of *fiqh* since it is essential to establish Islamic law with precision.

A person's confidence or faith in a law or regulation cannot be challenged by uncertainty or doubt. So that there is no ambiguity or misunderstanding when constructing Islamic law, a scholar must hold a firm and unwavering confidence in the law. We will learn more about how *qaidah Al-Yaqinu Laa Yuzaalu Bisyak* is implemented in *fiqh* law in the material on the proposal of *fiqh*. the *Al-Yaqinu Laa Yuzaalu Bisyak* norms and how they might be applied to comprehend and build Islamic law. We will also discover additional fundamental ideas from the history of *fiqh* that can improve our comprehension of and ability to implement Islamic law. We can all perhaps benefit from this information by better comprehending Islamic law.

## LITERATURE

Researchers consult a variety of sources, both academic publications and other sources, as references, including; The 2022 journal entry by Nurrosidha and companions, titled *Rules of Belief in Doubt and Its Implementation in Government activities*, came to the conclusion that the rule of belief over doubt has significant ramifications for government activities. Decision-makers can prevent excessive doubt and improve the foundation of their decisions by prioritizing their beliefs. The application of this rule may enhance the legitimacy and efficacy of government decision-making (Nurrosidha et al., 2022).

A journal written by Iskandar and friends in 2021 entitled *Application of the Rules of al-Yaqīn Lā Yazū bi al-Syak in the Jurisprudence of Salat* concluded that the application of the rules of *al-Yaqīn lā Yazūl bi al-Syak* in the jurisprudence of prayer is to establish that a doubt cannot eliminate something that is fixed (*yaqīn*) and can only be raised with something that is certain as

well as *gālib al-zann* or indeed what is clearly believed. While the belief can be achieved from the smallest number or by using the fundamental law, i.e., the dubious practice has not been carried out, it can also be obtained from the advent of new ideas that displace existing ones, such as the existence of a *makmum* reminder. *Mushalli* must execute *sahwi* prostration after holding to a particular belief (Iskandar, et al., 2021).

## **METHOD**

The qualitative research method, or analysis of written sentences, is thought to be the most appropriate for examining issues in this writing (Hadari Nawawi, 2006). In the social sciences, qualitative research is a distinctive tradition that primarily relies on seeing people in all of their contexts and facets (Lexy J. Moleong, 2005). This piece was written using a descriptive style. A descriptive approach to research involves documenting the condition of the thing being studied—a person, organization, community, factory, etc.—as it existed at the time based on actual facts. The primary data source for this article is secondary. Secondary data comes from organizational structures, archives, papers, reports, journals, books, and other sources that are closely relevant to the research being done (Wahyu Purhantara, 2010).

Because the study will result in findings—both substantive and normative findings—data analysis techniques in this publication are crucial. The research findings must first undergo a data analysis process. A finding is obtained depending on the emphasis or question to be answered by the practice of organizing, sorting, grouping, and categorizing data (Haris Herdiansyah, 2012).

## **DISCUSSION**

### **The Al-Yaqinu Laa Yuzaalu Bisyak Idea**

Al-*yaqin*'s Arabic etymology means "to decide," and its epistemological meaning is "to achieve steadiness over whether something occurs or not." Al-*syak*, on the other hand, is etymologically defined as uncertainty regarding something, whether it occurs or not, if there is no factor that supports one of them. The strength of the speculation of one item over the other is referred to as *zhan* (estimate or conjecture) if one of the two things in doubt grows stronger than the other as a result of a contemplation or argument (without ruling out the possibility of the other choice). The *fuqaha* assume this because they believe it is similar to belief or occupies a confident position in establishing laws on it in the majority of matters.

If such another possibility disappears, in the sense that it is not necessary to consider other possibilities because of its very weak status, it is known as *ghalib al-zhan* (strong conjecture). The phrase "not lost" (*la yuzalu*) refers to the idea that a previously held belief does not

automatically disappear or be declared invalid by the law when new evidence challenges it (Nurrosidha et al., 2022). One of the six master rules of law, each of which gives rise to a branch rule, is Al-Yaqinu Laa Yuzaalu Bisyak. The words that make up the Al-Yaqinu Laa Yuzaalu Bisyak rule each have their own distinct meanings, however when looking at the word arrangement, there are just two main terms: al-Yaqn and al-Syak.

Al-Yaqn is defined linguistically as knowledge without of uncertainty (Al-ibn-Muhammad al-Jurjn, 1983 CE). Al-Yaqn also refers to the antithesis of uncertainty (Isaq ibn Ibrhm al-Frb, 2003). In Qs. al-Wqi'ah/56:95, the word al-Yaqn itself can be seen in the Qur'an as the speech of Allah (swt).

إِنَّ هَذَا لَهُوَ حَقُّ الْيَقِينِ

Means; *Indeed, (this is mentioned) is a true belief.*

Whereas al-Yaqīn is in terms according to scholars a belief that corresponds to the actual situation, Ayyūb ibn Mūsā al-Ḥanafī defines *alYaqīn* as (Ayyūb ibn Mūsā al-Ḥanafī, 2003).

الِإِعْتِقَادُ الْجَازِمُ الثَّابِتُ الْمُطَابِقُ لِلْوَاقِعِ

Means; *Beliefs that should, remain, and correspond to reality*

إِعْتِقَادُ الشَّيْءِ بِأَنَّهُ كَذَا مَعَ اعْتِقَادِ أَنَّهُ لَا يُمَكِّنُ إِلَّا كَذَا مُطَابِقًا لِلْوَاقِعِ غَيْرَ مُمَكِّنٍ الرَّوَالِ

Meaning: *To believe something that it is like that is to believe that it is impossible unless it is like that, it corresponds to a reality that cannot be lost with doubt* (Alī ibn Muḥammad al-Jurjānī1983 CE).

حُصُولُ الْجَزْمِ بِوُقُوعِ الشَّيْءِ أَوْ عَدَمِ وُقُوعِهِ

Meaning: *The arrival of determination is due to the occurrence of something or not to happen.*

In the rule of al-Yaqn l' Yazl bi al-Shak, the desired al-Yaqn is the term's meaning, not the language's meaning, because occasionally the person who cools in the phrase al-Yaqn is al-ann, which is of a lesser degree. According to Al ibn Muhammed al-Jurji in 1983 CE, the linguistic definition of al-Shak is "the hesitation or doubt between two opposites without the strongest opinion between them." Al-Shak in this rule refers to something of a lesser degree, specifically al-Wahm. Whether the possibility is based on postulates or not, Shaykh Muslim ibn Muammad ibn Mjid al-Dausar described al-Wahm as the unconsidered possibility of two or more options that causes uncertain thoughts between the two (Muslim ibn Muammad ibn Mjid al-Dausar, 2007).

The meaning of the al-Yaqn l- Yazl bi al-Shak rule is that the law of anything fixed based on a belief will not be erased, except with clear postulates, and should not be penalized for loss just because uncertainties exist. An example of application is a person who has performed ablution, then he is sure that he has ablution, then doubts whether after ablution he has passed wind or has urinated, then the application of the rule al-Yaqn lā Yazūl bi al-Syak in this case he is still sentenced to have wudu (clean from hadas) because the existence of wudu is a belief while the occurrence of ablution is still in the level of doubt (Iskandar, et al; 2021). Since doubt is of a smaller degree than belief, it is impossible for doubt and belief to coincide at the same time before doubt is determined to exist or not (Muhammad idq ibn Amad al-Gazz, 2002).

In contrast, anything that was first believed not to exist should not be considered to exist simply because doubt develops. The application of this rule is that the individual is still punished in a condition of hadas since his ablution is a belief, while his ablution is still in doubt, as in the instance of a person who believes that he has hadas, then doubts whether he has completed ablution after berhadas. Indeed, while being skeptical, something clear yet isn't lifted (Muhammad Musaf, 2006).

The rule of al-Yaqn lā Yazūl bi al-Syak has several other pronunciations in the books of scholars including: (Muhammad Mustafā, 2006).

الْيَقِينُ لَا يُزَالُ بِالشَّكِّ

Meaning: *Confidence will not disappear with the cause of doubt*

مَنْ شَكَ هَلْ فَعَلَ شَيْئاً أَوْ لَا، فَالأَصْلُ أَنَّهُ لَمْ يَفْعَلْهُ

Whoever doubts, whether he does something or not, then the law of origin he has not done it.

مَنْ تَيَقَّنَ الفِعْلَ وَشَكَ فِي القَلِيلِ أَوِ الكَثِيرِ عَمِلَ عَلَى القَلِيلِ، لِأَنَّهُ المُتَيَقِّنُ

Meaning: *He who feels confident in an action, and he doubts a few and many then he performs a little because it is something convincing.*

الثَّابِتُ بِالْيَقِينِ لَا يَنْتَقِضُ إِلاَّ بِبَيِّنٍ مِثْلِهِ

Meaning: *Something that has been believed must not be void except with something that is also.*

الْيَقِينُ لَا يُرْفَعُ بِالشَّكِّ

Meaning: *Something that is believed will not be raised with doubt.*

مَا تَبَيَّنَ بِبَيِّنٍ لَا يُرْفَعُ إِلَّا بِبَيِّنٍ

Meaning: *What is already believed should not be lifted unless something is sure of it.*

مَا تَبَيَّنَ بِبَيِّنٍ فَلَا يَزُولُ إِلَّا بِبَيِّنٍ مِثْلِهِ

It means: *What is believed cannot be lost except with something confident.*

لَا يُرْفَعُ يَفِينُ بِشَاكٍ

Meaning: *Not raised something that is believed to be because of doubt.*

### **The basis of the law of *Al-Yaqinu Laa Yuzaalu Bisyak Quran***

Word of Allah swt. in Qs. Yūnus/10:36.

وَمَا يَتَّبِعْ أَكْثَرُهُمْ إِلَّا ظَنًّا إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا إِنَّ اللَّهَ عَلِيمٌ بِمَا يَفْعَلُونَ

*And most of them just follow the conjecture. Indeed, that conjecture is of little use against the truth. Indeed, Allah is well aware of what they do.*

The above verse shows that *zann* is a state that is not based on knowledge of something. It is a state of doubt. This verse makes it clear that this state will not reach the degree of confidence at all and it is impossible for doubt to replace belief, so if doubt meets belief it will not strengthen that degree of confidence and that belief will remain in its state (Muslim ibn Muḥammad ibn Mājid al-Dausarī, 2007). And also the Word of Allah swt. in Qs. al-Najm/53:28

وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

*And they don't have any knowledge of that. They do nothing but follow the conjectures, and indeed they are of little benefit to the truth.*

Al-Dausarī menerangkan bahwa kata *zann* pada ayat ini bermakna sesuatu yang tidak jelas, while the word *zann* is mostly meant with bad presumption. This verse explains even so weak the *zann* that it is of no benefit to the truth at all. This verse also explains that when doubt meets belief it will not strengthen the degree of belief and that belief will remain in its state (Muslim ibn Muḥammad ibn Mājid al-Dausarī, 2007).

**Hadith**

أَنَّهُ سَكَأَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّجُلُ الَّذِي يُخَيَّلُ إِلَيْهِ أَنَّهُ يَجِدُ الشَّيْءَ فِي الصَّلَاةِ؟ فَقَالَ: لَا يَنْفَتِلُ - أَوْ لَا يَنْصَرِفُ - حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا

*That someone complained to the Prophet Muhammad (peace be upon him) about someone feeling something in his prayer, he said: Let him not cancel his prayers or leave his prayers until he hears a sound or smells.*

Imam al-Nawawī, said: This hadith is the principle of the principles of Islam and the great rule of the rules of jurisprudence i.e. something is punished according to its origin until something is assured that the situation has changed and the doubts that arise suddenly will not harm it at all (Yahyā ibn Syaraf al-Nawawī, 1392 AH). Another word of the Holy Prophet Muhammad (peace be upon him)

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - - إِذَا وَجَدَ أَحَدُكُمْ فِي بَطْنِهِ شَيْئًا، فَأَشْكَلَ عَلَيْهِ: أَخْرَجَ مِنْهُ شَيْءًا، أَمْ لَا؟ فَلَا يَخْرُجَنَّ مِنَ الْمَسْجِدِ حَتَّى يَسْمَعَ صَوْتًا، أَوْ يَجِدَ رِيحًا - أَخْرَجَهُ مُسْلِمٌ

*If one of you feels something in his stomach, then makes him doubt whether something is coming out of his stomach or not then do not let him come out of the mosque (salat) until he hears a sound or smells.*

In the above hadith the Holy Prophet(sa) explained that when there is doubt in prayer about the cancellation of ablution after having previously been purified (ablution), that a Muslim remains in his prayer and that doubt will in no way harm him. Although this hadith deals with the discussion of ablution, scholars include it in all jurisprudence issues that occur in it of confidence and doubt (Muslim ibn Muḥammad ibn Mājid al-Dausarī, 2007).

**Assortment of Kaidah Cabang Al-Yaqinu la Yuzalu bi al-Syak**

الأصلُ ما كانَ على ما كانَ

*The origin remains as it was no matter what it was*

This rule emphasizes that if there is no proof to the contrary, a situation that has been under a given condition in the past will remain under that condition. The first law should be applied primarily because everything's fundamental nature is constant and stays the same at all times. Since the prospect of departing from the initial state is novel and speculative, it cannot be used as

a basis for a legal claim. The previous condition, for instance, is utilized as a metric for someone who questions whether he has hadats or not. If he failed to do the ablution in the earlier circumstance, he is subject to hadith punishment. However, if he was previously holy, he will be punished.

Another illustration is a person who questions whether the Friday prayer is on time or not. This kind of uncertainty has no bearing on the prayer's authenticity. Due to the fact that the time is a new option, the Friday prayer time still remains despite the original condition, and consequently, the previous condition continues until the prayer is completed. The following illustration shows someone who wanted to do ablution before washing his face, which is the first of the four pillars of ablution. When doing ablution, whether by gargling or by putting water in his nostrils, he practiced this habit.

When he started washing his face, questions about whether the intention he had since gargling was still intact or lost surfaced in his mind. Because doubts are theoretical and emerge in this situation, ablution is still punished as genuine. Previously, he had thought that his purpose had been such that it was thought to have existed and persisted till he cleaned his face (Abdul haq et al., 2006).

### الأصلُ بَرَاءَةُ الدِّمَةِ

*The law of origin is the abdication of a person from responsibility*

"The original law, which was made a rule by the Imams, was bara'ah adz-dhimnah (freedom from dependents), O one who has himmah." Explanation The second rule is bara'ah adz-dzimmali (freedom from holding the rights of others when those rights are not borne by someone), which includes the sub-rule that academics originally formulated the law. According to this law, if the prosecution offers no other proof or an oath, one witness cannot be used to establish that a person must uphold the rights of others. According to this rule, the defendant's remark is the subject of discussion at trial since it upholds the fundamental principle. People who have been found to have dependents are not subject to the mi rule since it only applies to those who have not been found to have dependents.

Here are some applications of the sub-rules above:

Budi claims Rafi that he owes him, while Rafi denies Budi's accusation. In this case it was Rafi who had to be justified by the judge with his oath. Because, the law of origin is. Rafi has no debts. It is different if Rafi admits that he has a debt to Budi, and states that he has paid it off. Because, in this case, there is already a determination that Rafi has dependents on Budi. Susi

admitted that she owed one million to Siti, while Siti stated that Susi's debt was two million. In this case, Susi won because in principle, Susi was free from dependents more than she admitted to one million. One doubts, whether one has dependents of qadha' prayer or not? So he is not obliged to qadha' sbalat, because his original law is free from the burden of qadha'.

Is it different if the problem is whether today has prayed or not? So he must perform prayer, because there is already a belief that the obligation to pray on this day must be carried out, and when in doubt whether he has carried out the obligation or not, then he is punished for not carrying out, as the next rule (M Hamim, Ahmad Muntaha, 2013).

الأصلُ عَدَمُ الفِعْلِ

*The law of origin is the absence of work*

This rule highlights that, generally speaking, prior to the task really existing in reality and being thought to exist, every believer is deemed to have not done a job. This rule applies to a wide range of fiqhiyah issues. For example, if a person is unsure during the morning prayer whether he has performed the qunut or not, he is advised to make the sahwi prostration because the original law states that he has not. This rule also applies to other aidah that have the same "breath" as the rules above; if a person is certain they will perform an action but still wonders whether it will cost more or less money, they should choose a low amount because performing the smallest amount will undoubtedly be performed. If a husband divorces his wife, for instance, are there any questions as to whether he has sentenced two or three talaqs? The number of fewer talaq, which is regarded to be lower, is thus what is employed as a legal basis (Abdul haq et al., 2006).

No, pray in every accident that you can do as soon as time

*The origin of each event is seen from a closer time*

The Shafi'i madhhab's books have the aforementioned rule, while the Hanafi madhhab's books also contain a similar rule: "The original law is the reliance of an event on a time closer to it." As promised, the original law of the new matter is anticipated soon. The underlying principle of every new thing that arises is to believe that it occurred as soon as it was possible. Consider the following instances for more information: According to the shahih, if someone finds sperm on their clothing despite not remembering having dreamt of being wet, they are required to take a long bath. Additionally, he is required to say the prayers that were said after the previous tidumya. The most likely time it could emerge from sperm is as a result of that last slumber.

Within a few days a person abluts at a well, and performs prayers. Then he found a carcass that defiled his water. In this case, he is not obliged to perform his qadha'salat except for prayers that he believes to be unclean. People hit a pregnant woman's stomach, then the baby in her womb is born in good health. But within a short period of time, the baby died. In this case, female beaters (M Hamim, Ahmad Muntaha, 2013).

الأصلُ في الأشياءِ الإباحةُ حتى يدلَّ الدليلُ على التَّحريمِ

*The original law of all things is permissible until there is evidence that shows its haram*

Islam has prepared for the discovery of new discoveries that do not yet have a comprehensive set of regulations. Islam foresaw this in advance and offered legal protections under the auspices of a straightforward law known as al ashlu al iabah. Practically speaking, this rule can be used whenever we come across animals, plants, or anything else that is unknown to have a legal standing according to the Shari'a. According to the substance of this law, all forms of items are prohibited from being sold as halal. However, it should be emphasized that there are still disagreements about hukum asal segala sesuatu among ulam groups. The majority of Syafiiya ulama maintain that every practice is permissible according to hukum as long as there is no reason to forbid it. In contrast, some Hanfiyah scholars hold that a court's original ruling is haram if there is no supporting evidence (Abdul Haq dkk, 2006).

الأصلُ في الكَلِمِ الحَقِيقَةُ

*The law of origin of a sentence is its true meaning*

The original meaning of a speech is that, similarly to how it cannot be directed to its genuine meaning, it cannot be directed to its majaz meaning absent an element stipulating that it must be aimed at majaz. The essence is the first appearance of the pronunciation or word employed in accordance with the pronunciation's goal. While Majaz derives its second meaning from the place where it was first pronounced. Here are some instances of how this rule has been used: A person's grandson is not included in the pronunciation if he bequeaths property to his child (5ST,i) because the child is essentially a biological child. People promise not to buy goods, then convince others to buy items, which results in punishment for breaking their word. because he doesn't actually make purchases.

Waqf to those who memorize the Qur'an excludes those who have memorized it but then forgotten. Despite having once learned the Qur'an, he no longer knows it by heart. swear off

purchasing anything. According to Syara, the only way to punish someone for breaking an oath is to make a legal purchase. According to Syara, the purchase was made for a legitimate reason. When one swears not to eat a goat, eating its meat in violation of the oath is criminal since goat meat is the essence of goats. If he consumed the skin or his own milk, he was not subject to punishment for breaking the oath (M Hamim, Ahmad Muntaha, 2013).

### الأصل في الأْبْضَاعِ التَّحْرِيمِ

*The original law of abdla' (fajri) is haram*

The word "abdla" is the plural version of "budl," which also refers to the fajr or vagina. As with al nikah, which has two meanings (intercourse and marriage contract, respectively), budl can also imply to marry (tazwij). This rule is stated as follows in other editorials: al ashlu fil al nikah al hadzru; The basic law on topics pertaining to marriage is forbidden. The use of two separate words, namely al budl and al nikah, which actually have comparable meanings, is what causes the editorial discrepancy in this regulation. Thus, these two rules are merely different expressions of the same principle. On the premise that the law of genesis of business, which is always connected to the subject of marital intimacy, is haram, the basic two principles above are established.

A basic and pressing requirement, namely the desire to retain progeny and maintain the human population, motivates the legalization of sexual contact between the two, but only after going through the marriage procedure. From this perspective, it is clear that the haram law is superior if the halal and haram rules both apply to the same woman's "self." In other words, because the original law of budl is haram, what is utilized as a legal foundation for women is also unlawful. There are two legal perspectives in this issue, for instance, if a guy rejects three of his four wives but subsequently forgets which one he divorced.

First, a draw (qar'ah) must be used to decide who is legal or remains legal to be his wife and who is haram. Halal laws apply to husbands of non-voting women. The first assertion made by Imam Ahmad bin Hambal is supported by the reasoning that if the situation is urgent (dlarurat), the player is in the same position as a witness or informant (mukhbir) who can offer reliable "legal information." Second, it is not necessary to vote to settle the aforementioned conflict; rather, one must be silent (tawaquf) and wait until it is clear which wife is being rejected. Ibn Qadamah agreed with the last assertion, and the majority of Ulama Mazdhab Hambali agreed with the first statement (Abdul Haq et al., 2006).

### **Content of Qaidah in General**

This method's general content states that something that is solely based on emotions or uncertainties cannot be used as a standard for determining the legitimacy of worship. There is a lot of discussion about topics relating to belief and doubt in the books of fiqh. For instance, what if someone who already believes the hadith to be holy begins to question whether or not their ablution was cancelled? He continued to be pure as a result. Just that renewing the ablution (tajdid al-wudhu') is crucial for ihtiyath (prudence). The intention to pray is no different. If someone is intending to offer the Fajr prayer, which is performed at dawn, he will undoubtedly follow the same procedure as everyone else and stand facing the Qibla before offering the takbirah al-ihram with the aim of offering the Fajr prayer.

Because his heart has been satisfied that he will truly complete the Fajr prayer and not any other prayer, he does not need to repeat his prayers simply because he had a question or second thought during the takbir or when reciting the intention. The presumption of innocence in western law is analogous to this rule. A Muslim must also possess husn al-zhann (good judgment) about people before there is strong proof that they are wicked. The premise of this rule is found in a hadith related by Imam Muslim and included in Saheeh Muslim. In this hadith, a man complained to the Prophet (peace be upon him) about what was pictured in his mind as something he felt during prayer.

"He should not leave (cancel) his prayer until he hears a smell or encounters a smell," the Prophet remarked, referring to the dissemination of hadith. He is aware of the veracity of one of the Prophet's statements, "Until he hears a sound or gets a smell," that is. Al-Nawawi continued, "This hadith is the main hadith of the teachings of Islam, and the great rule of the rules of jurisprudence, namely that until something believes in the opposite, it is punished in accordance with its original decree, and any doubts that may arise do not harm him (Nurrosidha, et al; 2022)."

### **Implementation of *Al-Yaqinu Laa Yuzaalu Bisyak* in The Ruling of Fiqh**

The implementation of the rules *of al-Yaqin la Yazul bi al-Syak* on jurisprudence can be seen in the following:

- A person who has performed ablution, if there is doubt that his ablution has been canceled because he has hadas then he remains pure.
- People who owe it to others, then doubts arise that he has paid it then the debt is still not paid.

- The person who has entered into a marriage contract then arises doubts that he has mentalized his wife so that the marriage remains valid and talaq is considered not to have taken place (Muḥammad Ṣidqī ibn Aḥmad al-Gazzī, 2002).
- A person who is missing while there is no news about him, whether he is alive or dead. So he is still considered a living person and should not be inherited his property and his wife has not been rejected because of her condition when she was lost still convinced that she was alive while the estimate of death is still in doubt (Muḥammad Mustafā, 2006).

As with some rules, the rule of *al-Yaqīn lā Yazūl bi al-Shak* also has exceptions. There are several issues of jurisprudence that are excluded from the rules of *al-Yaqīn lā Yazūl bi al-Shak*, including:

- If a person finds in his clothes a liquid, and does not know whether the fluid is semen or mazi then he should take a compulsory bath even if he does so in a state of doubt.
- A woman who *istiḥāḍah* is obliged to take a bath when going to pray.
- A person who finds a dead rat and he does not know when it died, while he has performed ablution in that place is obliged to repeat ablution, even though he is still in a state of doubt.
- A person whose clothes are exposed to unclean, but he does not know which part is unclean from his clothes is obliged to wash everything, even though this matter is disputed by the scholars.
- A man throws game and he injures it. However, the animal suddenly disappeared from his sight and he then looked for it, and found the animal dead, he did not know whether the animal died of his own cause or other causes. According to some scholars he should not take it and eat it, although he did so in a state of doubt (Zain al-Dīn ibn Ibrāhīm al-Miṣrī, 1999).

## CONCLUSION

The rule of *al-Yaqīn l'Yazl bi al-Syak* means that something that is still based on a belief will not be erased, except with clear propositions, and should not be punished for loss simply because doubts exist. This interpretation can be drawn from the explanation given above. *Al-Yaqīn li Yazl bi al-Syak* is based on the teachings of Allah (swt) in Qs. Ynus/10:36. *Al-Najm/53:28* of the Qur'an and the hadith concerning a person who feels anything during prayer both say that he should not stop praying or interrupt it until he hears a sound or smells something.

Ablution, accounts receivable, marriage contracts, and inheritance are a few examples of how the al-Yaql l- Yazl bi al-Syak laws on jurisprudence are put into practice.

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