

## Hardship facilitation by considering Legal Maxims in Mukhtasar Khalil and their Relevance to the Devotional Acts of Muslims

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### Abstract

*This research is a study on hardship facilitation by considering Legal Maxims in Mukhtasar Khalil and their relevance to the devotional acts. Khalil bn Ishaq, the author of Mukhtasar had contributed a lot to the development of legal cases in his book through application of the legal maxims / principles. And this application is almost in every chapter throughout the book, but understanding this is difficult because of the vehement abridgement of the author, which needs deep understanding its contents. The objective of the study is to discuss the areas where Khalil applied Islamic legal maxims to facilitate hardship in Mukhtasar, and the illustrations of such applications was given by the researchers, while the method adopted in analyzing these data is content analysis. Likewise, the findings of this study indicate the existence of many cases that are similar with one another under different legal maxims and lastly the study found out that, the legal verdicts exacted in Mukhtasar through using these Maxims analogically can be also applied to many of the Muslims' devotional arts. Along the line, the research recommends that Muslims, should be encouraged in conducting similar research in other classical books of Fiqh.*

**Keywords:** Hardship facilitation, Legal Maxims, Mukhtasar Khalil, Relevance, Devotional Acts of Muslims

## Introduction

Islamic Jurisprudence (*Fiqh*) as one of the branches of Islamic Studies that has its rules and principles, these rules and principles are called Islamic Legal Maxims (*al-Qawa'id al-Fiqhiyyah*), and Legal Maxims emerged along with the emergence of Islamic legislation, because the Qur'an and the *Hadith* of the Prophet (S.A.W.) encompassed a lot of these legal maxims. Both the successors and founders of the Islamic schools of Law, applied these legal maxims to establish their evidence in producing legal verdicts. Therefore, the legal maxims are product of the *Fiqh* itself. And scope of these legal maxims is very broad, and they can be applied to almost every juristic case in the Muslim society. However, the application of legal maxims can be prevailed all over the classical books of Islamic jurisprudence like *Mukhtasar* of Khalil among other books. Jurists formulated these legal maxims into short terminologies and applied them when confronting new legal cases.

Khalil, the author of *Mukhtasar* applied Islamic Legal maxims throughout the 64 chapters of his book. Although, understanding this application is difficult because of the silent application method of the author and that requires intensive research. Therefore, the researchers chose the book to analyze the areas where Khalil facilitated the hardship of devotional acts through the application of Islamic legal maxims in the book.

## Objectives of the study

The objectives of this study were designed to:

1. Extract the areas where the hardships in devotional cases were facilitated through the application of the Islamic legal maxims in *Mukhtasar*.
2. Identify the method used by the author of *Mukhtasar* in applying these legal maxims to facilitate hardships in the Muslims' devotional arts.
3. Discuss the relevance of the study to the devotional acts of the Muslims.

## Research Questions

The following questions have been formulated for the research to achieve the objectives:

1. Where are the areas of hardships in devotional cases that were facilitated through the application of Islamic legal maxims in *Mukhtasar*?
2. Which is the method used by the author of *Mukhtasar* in applying these legal maxims to facilitate hardships in the Muslims' devotional arts?

### 3. What is the relevance of the study to the devotional acts of the Muslims?

#### Significance of the Study

Understanding the principles used by the jurists in their classical works is very significant these principles are in form of Islamic legal maxims, Islamic legal theories and so on, which ensure that, all their juristic writings are in accordance with the religious principles. For that, the researchers observed the application of Islamic legal maxims in Mukhtasar Khalil as one of these classical books to extract the areas where hardships in the devotional arts were facilitated through the application of the Islamic legal maxims in the book. And the outcomes of this research will enlighten the Muslims particularly the jurists, Judges, Muftis, lawyers among others on the subject matter and that through writing a book on the topic or by making it to be an article in an academic journal or any means of social media.

#### Methodology

The purpose of this section is to describe the research method adopted and the techniques for data collection. The research is qualitative, and the purposive sampling was used by the researchers to examine and analyse the hardship facilitation in the Muslims' devotional acts through the application of Islamic Legal Maxims in Mukhtasar Khalil, and the content analysis was applied, while the population in this study were available books and materials written on the Legal Maxims and Mukhtasar Khalil.

#### Scope / Delimitation of the Study

The scope of this study covered analyses of the places where the author of Mukhtasar applied the third Universal legal maxim “hardship begets facility” and its subsidiaries in the whole 64 chapters of Mukhtasar to deduce the cases of hardship facilitation in the book.

#### Extracting the Maxim “الْمُسْقََّةُ تَجْلِبُ التَّيْسِيرَ” (Hardship begets facility) and its subsidiaries from *Mukhtasar*.

The maxim “hardship begets facility” is among the five leading maxims which agreed by all the schools of Islamic law and the discussion on this maxim will be in the following items:

- (i) Concept of the maxim

The maxim explains the intended meaning man who is under certain predicament or distress, because of the need to practice the obligatory act of *Shari'ah*, the situation is considered a legal motive to make it easier in such a way that he or she can do the worship without getting usual inconveniences.

(ii) Rulings and Applications of the maxim in *Mukhtasar*

The above maxim was applied in many places in *Mukhtasar*, below are some examples of such applications on the ruling of the situations where hardship facilitation can be considered in the devotional acts of Muslims:

**CASE ONE: on the ruling of the prayer of a sick person**

A sick person that is not able to pray standing, the sickness would serve as a clear reason to reduce the pain by not observing praying standing. Rather it is permissible for such a person to pray sitting down. His prayer shall be considered valid and enough to relieve him of liabilities just like his prayer standing when he is well and in good health. This situation was mentioned in the following text of *Mukhtasar* as follows:

يَجِبُ بِفَرْضِ الْقِيَامِ، إِلَّا لِمَشَقَّةٍ

Standing in a prayer is compulsory, unless with a hardship. (*Mukhtasaru Khalil* 2005, p.30)

**CASE TWO: on the ruling of the conditions that permits a Muslim to perform dry ablution (*Tayammum*)**

The reasons for hardship that are considered by the Muslim jurists are many, according to al-Fadani (1996), Jurists have outlined hardship which has allowed facilities and concessions. These reasons are like sickness: it is permissible for a Muslim to perform dry ablution (*Tayammum*) with clean sand in the absent of water for the following reasons:

- a) Lacking enough water
- b) Fear of sickness, its increasing, worsening, or slow recovery
- c) Thirsty of living thing
- d) Loosing of life
- e) Loosing of a wealth (for the searching of water)

f) Exit of the prayer time and so on.

Based on the above situations the following rulings were given in *Mukhtasar* thus:

يَتَيَمَّمُ ذُو مَرَضٍ وَسَفَرٍ أُبَيِّحَ ... وَحَاضِرٍ صَحَّ لِجَنَازَةٍ ... إِنْ عَدِمُوا مَاءً  
 كَافِيًا، أَوْ خَافُوا بِاسْتِعْمَالِهِ مَرَضًا، أَوْ زِيَادَتَهُ أَوْ تَأَخَّرَ بُرْءٍ أَوْ عَطَشَ مُحْتَرَمٍ  
 مَعَهُ أَوْ بَطَلِيهِ تَلَفَ مَالٍ أَوْ خُرَجَ الْوَقْتُ

A sick person and a person on a legitimate journey... and a healthy person at home can perform dry ablution (*Tayammum*) for the funeral prayer, (the above mentioned personalities) can only perform dry ablution when they cannot get enough water, fear of illness by using water, its increase, delay in its recovery, thirsty of a living thing that is together with him, loosing of a wealth when searching for the water, or exit of prayer's time. (*Mukhtasaru Khalil* 2005, p.17)

### CASE THREE: on the ruling of saying obligatory prayer by sitting, lying down, or praying with gesture

The above ruling was discussed in *Mukhtasar* in the following statement:

يَجِبُ بِفَرْضٍ قِيَامٌ إِلَّا لِمُسَقَّةٍ ... ثُمَّ جُلُوسٌ كَذَلِكَ ... ثُمَّ نُدْبٌ عَلَى أَيْمَنِ، ثُمَّ  
 أَيْسَرٍ، ثُمَّ ظَهْرٍ وَأَوْمًا عَاجِزٌ

Standing in a prayer is compulsory unless with a hardship ... then (to pray by) sitting down also ... then it was recommended (to pray by laying down on) the right side then left side then (by laying down on) the back and an unable person will (pray by) gesture. (*Mukhtasar Khalil* 2005, p.30)

### CASE FOUR: on the ruling of shortening the prayer (*Qasr*) that has four units (*Raka'at*).

This case was mentioned in the following text of *Mukhtasar* thus:

سُنُّ لِمُسَافِرٍ غَيْرِ عَاصٍ بِهِ ... قَصْرُ رُبَاعِيَّةٍ

It is legalized for a traveler not on a sinful or illegitimate journey to shorten the prayer that has four units (*Raka'at*) (*Mukhtasaru Khalil* 2005, p.44)

#### **CASE FIVE: on the ruling of breaking the fast in the month of *Ramadan* on a journey.**

A person can break his fast in the month of *Ramadan* on a journey that has reached the position of shortening prayers (*Qasr*). Based on this ruling, the following statement was mentioned in *Mukhtasar* as follows:

وَفِطْرٌ بِسَفَرٍ قَصْرٍ شَرَعَ فِيهِ قَبْلَ الْفَجْرِ

And to break the fast (is permissible) on a journey that has reached the position of shortening prayers (*Qasr*) on a journey which he stated before the dawn (*al-Fijir*). (*Mukhtasaru Khalil* 2005, p.73)

#### **CASE SIX: on the ruling of breaking of fast (*Fitr*) compulsory for the fear of death or a great pain.**

A Muslim is allowed to break his fast (*Fitr*) compulsory for the fear of death or a great pain like a pregnant woman or nursing mother. This case was discussed in *Mukhtasar* thus:

وَوَجِبَ إِنْ خَافَ هَلَاكًا، أَوْ شَدِيدَ أَذًى كَحَامِلٍ، وَمُرْضِعٍ

And (it is compulsory for a person) to break his fast, when he feared death or a great harm like pregnant woman, or a nursing mother. (*Mukhtasaru Khalil* 2005, p.73)

#### **CASE SEVEN: on the ruling of permission of skipping Friday prayer in some situations.**

A Muslim is allowed to skip Friday prayer during the extreme mud, heavy down pour, leprosy, sickness nursing, monitoring of a closed relative, and fear of the loss of wealth, fear of capture or beating and equivalents. Based on the above rulings, the following text of *Mukhtasar* was mentioned thus:

وَعُذْرُ تَرْكِهَا وَالْجَمَاعَةِ شِدَّةُ وَحَلٍ وَمَطَرٍ، أَوْ جُذَامٌ وَمَرَضٌ، وَتَمْرِيضٌ  
وَإِشْرَافٌ قَرِيبٌ وَنَحْوُهُ، وَخَوْفٌ عَلَى مَالٍ، أَوْ حَبْسٍ، أَوْ ضَرْبٍ

And the excuses for leaving it (*Jumu'ah* prayer) and the congregational prayer are extreme mud (during rainy season), heavy down pour, leprosy, sickness, nursing, monitoring of a closed relatives and its likes, and the fear of wealth, capture (arrest) or beating ... (*Mukhtasaru Khalil* 2005, p49)

#### **CASE EIGHT: on the ruling of putting someone under duress.**

Putting someone under duress means to force him to do something that he does not like, and he would not do that thing if he would not be forced to do it. Al-Hamawi (1985), said, most of the Islamic jurists are of the opinion that, the statement of compelled person does not result in any judgment, because he was under compulsion, therefore, his divorce shall not be executed because he is under duress. The case was presented in *Mukhtasar* as follows:

وَإِنَّمَا يَصِحُّ طَلَقُ الْمُسْلِمِ الْمَكْلُوفِ ... لَا إِنْ سَبَقَ لِسَانُهُ ... أَوْ أَكْرَهَ

The divorce of a matured Muslim is correct ... but not with a slip of his tongue... or when he was forced to do so (*Mukhtasaru Khalil* 2005, pp.151-152)

#### **CASE NINE: on the ruling of what is allowed for a hungry person on a journey.**

A hungry person on a journey can eat a prohibited food and the ruling was also discussed in *Mukhtasar* as follows:

وَالْضَّرُورَةَ مَا يَسُدُّ، غَيْرَ آدَمِيٍّ وَخَمْرٍ، إِلَّا لِعُصَّةٍ

And for the necessity (a hungry person on a journey can eat a prohibited food) what can make him to survived apart from human flesh and wine (intoxicants) unless to remove an obstacle in his throat. (*Mukhtasaru Khalil*, p: 98)

#### **CASE TEN: on the ruling of the impurities that comes out from the private part without the intention.**

Islamic law always considers ease in all our acts of worship where it overlooks the impurities that come from the private part which cannot be avoided, like the impurities that come out without the intention, wet of the pile, what touches the clothes of a worshiper while his is in the prayer, clothes of the nursing mother, the small spot of blood and so on. The above rulings were also discussed in *Mukhtasar* as follows:

وَعُفِيَ عَمَّا يَعْسِرُ كَحَدَثٍ مُسْتَنْكَحٍ وَبَلَّلٍ بِأَسُورٍ فِي يَدٍ إِنْ كَثُرَ الرَّدُّ أَوْ تَوْبٍ،  
 وَتَوْبٍ مُرْضِعَةٍ تَجْتَهُدُ، وَتُدْبِ لَهَا تَوْبٌ لِلصَّلَاةِ، وَدُونَ دِرْهِمٍ مِنْ دَمٍ مُطْلَقًا،  
 وَقَفْحٍ وَصَدِيدٍ وَبَوْلٍ فَرَسٍ لِعَاَزٍ بِأَرْضٍ حَرْبٍ وَأَثَرِ ذُبَابٍ مِنْ عَذْرَةٍ  
 وَمَوْضِعِ حِجَامَةٍ مُسِيحٍ

A pardon is granted for what cannot be controlled, like the exit of impurities from a person (who cannot control that because of sickness), a wetness of an anus on a hand by continues repetition of pushing back the pile or on a cloth, the clothes of a nursing mother, who tries (to wash any spot of impurity from her cloth) in this case, it is desirable for her to have a separate cloth for prayers, a spot of blood which is less than a coin, no matter what, a pus, a purulence, a horse's urine for an invader on enemies' territory and tiny spots made by flies obtainable from the animal's dung or shit and a place of cupping which was erased. (*Mukhtasaru Khalil* 2005, p8)

## Extraction of the Subsidiaries of the maxim from *Mukhtasar*

Below are five examples of subsidiaries of the maxim “Hardship begets facility” and how they were applied to extract the legal rulings in *Mukhtasar*:

### First Subsidiary Maxim

الْحَاجَةُ تُنَزِّلُ مَنْزِلَةَ الضَّرُورَةِ

Dire (urgent) need is treated the same as dire exigency (something that is necessary in a particular situation)

#### (i) Concept of the above maxim

In this maxim it is referring to what is unlawful to become lawful; due to life and death situation "Need" is very fundamental to human life, life cannot go without "Need". This, however, means matter that is questionable in nature not considered unlawful (because its unlawfulness has not been established by its certainty from the Qur'an and *Sunnah*) becomes permissible to manage a dire need.

#### (ii) Application of the maxim in *Mukhtasar*

There are many cases extracted by application of the maxim in *Mukhtasar* as follows:

### CASE ONE: On the ruling of perjury (oath-breaking)

In the case of perjury (oath-breaking) if a person made a vow that he will walk for 155 km for example, and he will never use any vehicle, during the journey after reaching a station or watering place, he is allowed to use vehicle to cross a river which is unavoidable or for his need (*al-Hajah*) (i.e. when he reached 35 km from where he took up, he can take a deviation from his main objective for a necessity, after which he returned to his normal course). The above case was also discussed in the following text of *Mukhtasar*:

وَرَكِبَ فِي الْمَنْهَلِ، وَلِحَاجَةٍ، كَطَرِيقِ قُرْبَى اعْتَبَدْتُ، وَبَحْرِ اضْطَرَّ  
لَهُ

(A person who took an oath that he would not ride any mobility (on a particular journey) he can ride a mobility to a fountain (to get water to drink)

(he can also do so) for a need, like a nearby road being used to. Or a river that is necessary to cross. (*Mukhtasar Khalil* 2005, p 109)

**CASE TWO: on the ruling of stealing from the war booty before its distribution (*al-Ghulul*) by a Muslim soldier.**

Likewise, in the battlefield during fight against enemies of Islam, it is not allowed for a Muslim soldier to steal from the war booty before its distribution (*al-Ghulul*). But in the case of dire need (*al-Hajah*) a Muslim soldier can take a small portion from the booty before its distribution when the need arises to help him to end the battle or going back to the Muslim territory, because a dire need is treated the same as dire exigency. This scenario was discussed in *Mukhtasar* thus:

وَجَازَ أَخَذُ مُحْتَاجٍ نَعْلًا وَجِزَامًا وَإِبْرَةً وَطَعَامًا وَإِنْ نَعَمًا وَعَلَفًا كَثُوبٍ وَسِلَاحٍ  
وَدَابَّةٍ لِيُرِدَّ وَرَدَّ الْفَضْلَ إِنْ كَثُرَ فَإِنْ تَعَذَّرَ تَصَدَّقَ بِهِ

And it is permissible for a needy (Muslim soldier in a war) to take a shoe, a belt, a needle, a food even if it is domestic live stocks, and a forage (to feed his ride), (it is also permissible to take items) like cloth, weapon, or an animal. With the intention to return it back, but he should take back the left over, and if it is impossible (to return the left over back) then, he should give it out as charity (*Sadaqah*). (*Mukhtasaru Khalil*, 2005, p.112)

**CASE THREE: on the ruling of selling the property of a colleague or a friend without the permission of his relatives for necessity.**

Also, dire need will make a colleague to sell the property or belongings (like lands) of his close friend or his colleague, replace them or substitute them by taking its value for the benefit (*maṣlahah*) of his heirs, the situation is, when the colleague died on a journey or in a country which is not their own town and that without giving him any guardianship or will by that colleague, his relatives or by the authority concerned to do so. The above ruling was also mentioned in *Mukhtasar* thus:

إِنَّمَا يُبَاعُ عَقَارُهُ لِحَاجَةٍ، أَوْ غِبْطَةٍ، أَوْ لِكَوْنِهِ مُوَظَّفًا، أَوْ حِصَّةً أَوْ قَلَّتْ غَلَّتْهُ  
 فَيَسْتَبْدَلُ خِلَافَهُ، أَوْ بَيِّنَ دَمِيَيْنَ، أَوْ جِيرَانِ سُوءٍ، أَوْ لِإِرَادَةِ شَرِيكِهِ بَيْعًا وَلَا  
 مَالَ لَهُ، أَوْ خَشْيَةَ انْتِقَالِ الْعِمَارَةِ، أَوْ الْخَرَابِ وَلَا مَالَ لَهُ، أَوْ لَهُ وَالْبَيْعُ  
 أَوْلَى

(A person whose colleague dead and left behind property without guardianship) can sell that land when the need arise, perhaps for exultation sake, or to replace the hire of the building from tenancy to permanency, or he possessed half of the place, (it can be sold in order to buy a complete plot or land) or a non-fertile land (a barren land that gives little yield). Such a land should be replaced with a fertile one, or when the land is located in the midst of non-Muslims, or evil neighbors, or his partner who wanted to sell the place but has no money to buy the share, or the fear of evacuation of the people of the place, or fear of the destruction of the building and he has no money (to renovate it) or he has money (to renovate it) but to sell the building is the best option. (Mukhtasaru Khalil 2005, p.231)

### Second Subsidiary Maxim

الْضَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ

Necessities render prohibited things permissible.

#### (i) Concept of the above maxim

The general meaning of the maxim is that, in the emergency, people are allowed to undertake things which are prohibited for them in typical situation as far as Islamic law is concerned.

#### (ii) Application of above the Maxim in *Mukhtasar*

Khalil applied the above maxim in many places in his *Mukhtasar*, below are some examples of such applications:

**CASE ONE: On the ruling of a necessity that render person to do what is religiously prohibited for him.**

Necessity render person to do what is prohibited religiously, like in the situation where a person does not have any cloth to cover his body in prayer, or he has, but the cloth is not enough for him to cover the whole body, therefore, necessity renders him to pray nakedly although covering the body in prayer is compulsory. This situation was discussed in the following text of *Mukhtasar*:

وَمَنْ عَجَزَ صَلَّى عُزِيَانًا

And who is unable (to get a cloth to cover his body in prayer) he should pray naked (*Mukhtasaru Khalil* 2005, p.25)

**CASE TWO: on the ruling of the stoning of *Jamratal-Aqabah* for a herdsman pilgrim**

It is allowed for a herdsman pilgrim after stoning the *Jamratal-Aqabah* on the Day of *Eid* to leave *Minna* in order to take care of his animals (livestock) and he will not come back to *Minna* until the third day where he will stone the second and third *Jamrats* respectively, coming from his grazing land not from *Minna*, because necessity renders prohibited thing permissible. The above ruling was mentioned in *Mukhtasar* in the following statement:

وَرُخِّصَ لِرَاعٍ بَعْدَ الْعَقَبَةِ أَنْ يَنْصَرِفَ وَيَأْتِيَ الثَّالِثَ فَيَرْمِي لِلْيَوْمَيْنِ

And it is allowed for a herdsman after he stoned *Jamratal-Aqabah* (on 10<sup>th</sup> *zul-hajjah*, the first day of stoning), to (take care of his herds) so that he could come back on the third day to stone for the two days, (these two days are the 11<sup>th</sup> and 12<sup>th</sup> *Dhul-hijjah*). (*Mukhtasaru Khalil* 2005, p.85)

The above illustrations and examples indicate firmly that Khalil, the author of *Mukhtasar* had considered the third Universal Legal Maxims “hardship begets facility” and its subsidiaries during the authorship and codification of the legal cases in the book.

The below table indicates the number of the cases extracted through the application of the third universal legal maxim “Hardship begets facility” and its Subsidiaries in *Mukhtasaru Khalil*

Number of the Cases extracted from the third Universal Maxim “الْمُشَقَّةُ تَجْلِبُ التَّيْسِيرَ” “Hardship begets facility”	Number of the Cases extracted from the Subsidiaries of the third universal maxim	Total Number of Cases
1. The prayer of a sick person 2. The conditions that permits a Muslim to perform dry ablution ( <i>Tayammum</i> ) 3. Saying obligatory prayer by sitting, laying down and praying with gesture 4. Shortening the prayer ( <i>Qasr</i> ) that has four units ( <i>raka'at</i> ) 5. Breaking the fast in the month of Ramadan on a journey 6. Breaking of fast ( <i>Fitr</i> ) compulsory for the fear of death or a great pain 7. Permission of skipping Friday prayer in some Situations 8. Putting someone under duress 9. What is allowed for a hungry person on a journey 10. The impurities that comes out from the private part without intention. <b>Total number of the cases: 10</b>	1. Perjury (oath-breaking) 2. Stealing from the war booty before its distribution ( <i>al-Gulul</i> ) by a Muslim soldier 3. Selling the property of a colleague or a friend without the permission of his relatives for necessity 4. Necessity that renders a person to do what is religiously prohibited for him 5. The stoning of <i>Jamrat al-Aqabah</i> for a herdsman pilgrim <b>Total number of the cases: 5</b>	<b>15 cases</b>

The above table shows the total number of the cases extracted by the researchers through applying the third maxim and its subsidiaries in *Mukhtasaru Khalil*. On the universal maxim: “**الْمُشَقَّةُ تَجْلِبُ**”, the table showed 10 cases while on its subsidiaries the table showed 5 cases which made the total number of 15 cases. And all the 15 cases are relevant to the Muslims’ devotional acts.

### Summary of the major findings

The researchers observed hardship facilitation through the application of the third universal Legal Maxims and its subsidiaries in *Mukhtasar Khalil* and their relevance to the devotional acts of Muslims, so, after conducting research throughout the 64 chapters of the book and they were able to extract fifteen (15) devotional cases of such applications and presented them in this study. However, through induction, the applicability of these legal maxims to extract cases of the Muslims’ devotional acts are almost in every chapter in the book but extracting them needs a thorough research. Therefore, at the end of this study, recommendations for further resarches were given.

### Recommendations

The researchers have the following recommendations:

1. Muslims should study various types of legal maxims and apply them in many of the classical books of *Fiqh*.
2. Institutions where Islamic Studies is being offered should work together to review their curriculum to give prominence to the study of legal maxims in the correct mode.
3. *Mukhtasaru Khalil* as compendium of Maliki School Law, should be given more time by the Muslims to investigate its secrets and apply to many of their daily activities.
4. Academics, researchers, and students should give more time to investigating in legal maxims and their applications to the Muslims’ contemporary issues.
5. Muslims should encourage similar academic research in the field of hardship facilitation in the devotional acts of Muslims.

### Conclusion

Islamic legal maxims help and guides Muslims to understand the objective and implications of the legal judgements which the law has not specifically touched. The Legal Maxims enhance a broader understanding of the Islamic law in various spheres of human life, particularly the legal judgements

which constitute the fundamental aspects of the individual's daily activities. There is no doubt, therefore, that legal maxims play an immeasurable role in Legal Studies as a new branch of knowledge in *Shari'ah*. Therefore, if the Muslims will embrace the legal maxims with commitment from classical books of *Fiqh* like *Mukhtasar Khalil*, it will facilitate the understanding of the Islamic devotional acts generally.

### Contributions to Knowledge

This study has made concerted effort to:

1. Establish useful information on the hardship facilitation through the application of Legal Maxims in *Mukhtasaru Khalil* and their relevance to the Muslims' devotional arts which will continue to serve as source of information.
2. Enable the Muslims to benefit from the teachings of *Mukhtasar* related to the devotional acts.
3. Maintain the importance of the Islamic legal maxims to Muslims.
4. Show the significance of studying the book of *Mukhtasar* which almost encompasses the legal rulings of the Maliki School of Law.
5. Sensitize the Muslims to use the findings and result of this study in solving their devotional problems.

### Reference

- Al-Fadani, M. Y. (1996). *Al-Fawa'id al-Janiyyah ala Hashiyat al-Mawahib al-Saniyyah*. Lebanon. *Dar al-Basha'ir al-Islamiyyah*.
- Al-Hamawi, S. A. (1985). *Ghamzu Uyun al-Basa'ir Sharh Kitab al-Ashbahi wa al-Naza'ir*. Beirut, *Dar al-Kutub al-Ilmiyyah*. First Edition.
- Al-Jundi K.I. (n.d.). *Mukhtasaru al-Allamatu Khalil*. Beirut. *Dar al-Fikr*.
- Kamali, M. H. (2006). *Qawa'id al-Fiqh: The Legal Maxims of Islamic Law*. United Kingdom, Published by the Association of Muslim Lawyers.
- Kamil, O. (2009). *Al-Qawa'id al-Kulliyah al-Kubra wa-Atharuha Fil-Mu'amalat*. a Ph.D. thesis submitted to al-Azhar University, Cairo. *Dar al-Kutub*.
- Khalil, I.M. (2005/1426). *Mukhtasaru al-Allamatu Khalil*. Edited by Ahmad Jaad, Cairo. *Dar al-Hadith*. First Edition.

- Laldin, M.A. (2009). *A Mini Guide to Shariah and Legal Maxims*. Kuala Lumpur. Mashi Publication Sdn. Bhd. (65299. A). Second Edition.
- Muslih, M. (2014). *Kashf al-Mustalahat al-Fiqhiyyah Min Khilali Mukhtasaru Khalil bn Ishaq al-Maliki*. Rabat. Markaz al-Buhuth wa al-Dirasat Fil al-Fiqh al-Maliki, *Rabidat al-Mahmudiyyah Lil 'Ulama'*.
- Nyazee, K. I. A. (2013). *Islamic Legal Maxims*. Islamabad. Advanced Legal Studies Institute, First Published.
- Oloyede, I. O. (1989). *Mukhtasaru Khalil and the Understanding of Islamic Law in Nigeria*. Vol. XII/No: 1, U.S.A. Hamdard Islamic us.
- Ruxton, F.H. (1916). *Maliki Law*, London. Luzac & Company.
- Sadlan, S. (1417 A.H.). *Al-Qawa'id Al-Fiqhiyyah Al-Kubra*. (Riyadh: Dar Balansiyah,) First Edition.
- Sayyed, M. et al, (n.d). "Framework for Harm Elimination in Light of the Islamic Legal Maxims. The Islamic Quarterly: Vol 63, No. 2.
- Shahzadi, P. (2014). *Role of al- Qawa'id al-Fiqhiyyah (Islamic Legal Maxims) in Ijtihad*. Peshawar Islamic us Vol: 5, Issue 2, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi.
- Tahir, A. (2006). *Al-Tashil li Ma'ani Mukhtasaru Khalil*. Morocco. *Dar al-Hadith lil Kitab*.
- Al-Umayri, M.M.S, (2009). *Al-Qawa'id al-Fiqhiyyah al-Kulliyyah al-Kubra wa ba'du Tatbikatuha ala mujtamiatina al-Mu'asir*. Holland, *Daru Ibn Hazm*. First Edition.
- Zarqa, A. M. (1998). *Sharh al-Qawa'id al-Fiqhiyyah*. Beirut. *Dar al-Qalam*. Second Edition.
- Zaydan, A. (2015). *Synopsis on the Elucidation of Legal Maxims in Islamic Law Al-Wajiz fi Sharh al-Qawa'id al-Fiqhiyyah fi al-Shari'ah al-Islamiyyah*. Translated with Introduction and Notes by MD Habibur Rahman Azman Isma'il. Kuala Lumpur. IBFIM (763075-W). First publication