

Analogy and its Rules Applications on Judicial Precedents

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ABSTRACT:

Many advanced and late scholars stipulated the importance of juristic reasoning, considering it as the first step of Ijtihad directly after Quran and Sunna. Thus comes this research to point out the importance of rules of fundamentals in general and juristic reasoning in particular, and its functions in the precedent law theory cases as well as new cases, explaining its pillars. It considers juristic reasoning definitions, emerging issues where that the previous rule would be justified upon as a model, upon which a sentence is build. The study is concluded with an example from supreme court when it sentenced a new case with the same judgment in the same case. Finally, the research ends with the most important results and recommendations.

Keywords: Analogy, extrapolation, proof of cause, judicial precedents