

The impact of fundamentalists' disagreement on the evidence of what is forbidden, on the disagreement of jurisprudents in juristic branches

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Research Summary

In this research, the researcher has been studying the impact of fundamentalists' disagreement on the evidence of what is forbidden, on the disagreement of jurisprudents in juristic branches because the purpose behind the study of the principles is to know the provisions of the branches, and the disagreement with this issue of fundamentalism has resulted in many disagreements in many juristic branches, this research has stated some of these disagreements such as Praying on extorted land, and the provision of supererogatory prayers at the three adversity times, and the provision of fasting on the day of slaughtering, and the provision of sales on corrupted conditions, the provision of sales containing usury, and the provision of Shighar marriage, the provision of AL Muhalil marriage and the provision of the judge's rule when he is angry.

The scholars disagree with the provision of Praying on extorted on three ways, and the most preferable opinion is that it is allowed.

And that regarding the provision of supererogatory prayers at the three adversity times, scholars have three different opinions, and the preferable opinion is that praying during such times is forbidden.

And that regarding the provision of fasting on the day of slaughtering, scholars differed in two ways, and the preferable opinion is that fasting during the mentioned time is not true.

And scholars differed in the provision of sales on corrupted conditions on two ways, the preferable one is that it is not correct.

And scholars differed in the provision of sales containing usury, and public scholars agree that it is invalid and forbidden.

And scholars differed in the provision of Shighar marriage, two different opinions on this rule, but the preferable one is that it is invalid.

And scholars differed in the provision of AL Muhalil marriage on five opinions, the preferable opinion is that it is invalid.

And scholars differed in the provision of the judge's rule when he is angry, two different opinions on this rule, first the rule is adversity, and it is true and valid if it agrees with the right.

Introduction

Praise be to God, who makes the understanding of His law easy for people, and make those who understand its origins are the best of all, prayer and peace be upon the Prophet who was sent to lighten the path of right for people with God's permission.

The fundamentals of jurisprudence is a matter of legal provisions and it is the basic of (Ijtihad) and the main purpose of it, is intended to extract sections from its rules¹, because he who does not understand how the deduct these rules and its proves, will find it more difficult to expand such rules, because the partial cases derived from the origins has their specific rules and evidence², and this is why the researcher has been trying to study the problem of "The impact of fundamentalists' disagreement on the evidence of what is forbidden, on the disagreement of jurisprudents in juristic branches".

Importance of the subject: The importance of this topic is that it deals with an important issue, a statement of the impact of fundamentalists' disagreement on the evidence of what is forbidden, on the disagreement of jurisprudents in juristic branches, as well as how to deduct these branches on the fundamental rules.

Research goals:

- 1- In order to gain God's please through working on his has prescribed Shara.
- 2- Illustrating how to deduct juristic branches on fundamental base.
- 3- Show how deducting branches from the origins is an important science and this will contribute to the extraction of the provisions of the emerging issues.

Research Methodology:

In this research The researcher adopted the inductive analytical approach, where he collected the sayings of the fundamentalists in the matter and ordered them, then giving reasons why they were selected and what are the preferable opinions.

Introduction:

Forward: on the evidence of what is forbidden

First theme : its impact on worship.

First requirement: its impact on prayer.

The second requirement: its impact on fasting.

1- AL Tamheed fii takhreeg al Froua ala AL Osoul. P46.

2- Takhreeg al Froua ala AL Osoul. Abi AL MANAGIB.

The second theme: its impact on sales.

The first requirement: selling on invalid condition.

The second requirement: the rule of sale containing the usury.

The third theme: its impact on marriage.

First requirement: shighar marriage.

The second requirement: its impact on adultery.

The fourth theme : its impact on the judiciary.

The provision of the judge's rule when he is angry which disrupting understanding.

Conclusion.

Forward: on the evidence of what is forbidden

First: technical meaning, it means that the forbidden which has not improved and has no evidence¹ , do the legal impacts which take place as a result of this be approved or no? and what type of those impacts? Are they devotes or interactions?²

Second: The doctrines of the fundamentalists in the case:

Fundamentalists differed in this case, Zarkashi said that there are five doctrines³, to nine doctrines:

1. First doctrine: that the prohibition requires the invalidity of the forbidden, whether for itself or for other, and this is the doctrine of Hanbali⁴ ,, Ibn Hazm⁵, Abu Hashim⁶ , and others.
2. Second doctrine: that the prohibition requires absolute invalidity whether it is devotes or transaction, and this is the view of Malikis⁷ and El-Shafeis, Abu Muzaffar Sam`ani⁸, and the companions of Abu Hanifa like Karkhi, said Abu Bakr al-Razi (the doctrine of our companions that forbidding indicates invalidity of contracts, unless there are evidence of permission)⁹, is the view of the group of Mutakalimeen¹⁰.
3. Third doctrine: that the prohibition does not require originally invalidity and this invalidity needs an evidence rather than forbidden, this is the

1- Tashneef AL Masamia Sharh Jami AL Jawami. AL Zarkashi 320 /1.

2- Athar AL Ekhtilaf fii AL Gawaid AL Osouliap 245.

3- AL Bahr AL Muheet fii Osoul AL FIGH.

4- Al Odda FII Osoul AL FIGH.

5- Al Ihkam fii Osoul AL Ahkam p320 /3.

6- AL Bahr AL Muheet- previous .

7- Ihkam AL FUSOUL FII Ahkam AL Osoul 126 /1.

8- Qawati AL Adilla fii Osoul AL Fighp 336 /1.

9- AL Fusoul fii AL Osoul.p336 /1.

10- AL Tagreeb wa AL Ershad AL Sagheer,p 339 /2.

view of most jurists¹, Imam Abu Hanifa and more of his companions such as Muhammad ibn al-Hasan and Abu al-Hasan al-Karkhi², and the judge Albaqlani of Maliki³, and many of Shaafa'is, such as Shaashi⁴. Imam of Haremeen has chosen it in AL talkhees⁵, and al-Ghazali⁶, it is also the view of Abu Abdullah al-Basri, and the Judge Abdul-Jabbar from Mu'tazilite.

4. Fourth doctrine: that the prohibition indicates invalidity in devotes and it does not indicate it in transactions, and this is the doctrine of Abu AL Hussein AL Bisri from Mu'tazilite^{7,8} and the Imam AL-Razi,⁹ and his followers¹⁰, AL Beidawi is one of them¹¹.
5. The Fifth doctrine: that if the prohibition is in respect to devotes it indicates absolute invalidity, and when it relates to something included in transaction is returned to something or excluded and close to it, in this case forbidden is invalid. This doctrine is supported by AL Sabki¹², Ibn Burhan¹³, and Zarkashi¹⁴ who pointed out that if the case is doubtful it is invalid.

First theme

The impact of the case in respect to devotes

First Requirement

Its impact on the pray

First case: the provision of praying on the extorted land.

First : stating the branch on disagreement on the fundamentalist base.

This branch is the most important sections in which the effect of the difference in this matter appears, Imam of the Holy Haremeen said: (The investigators agree that the absolute statement of the forbidding include the invalidity and by this opinion they had disagreed with many of the Mu'tazila

1- AL Mahsoul- Imam AL Razi.401 /2.

2- Osoul al Figh p 65.

3- AL Tagreeb wa AL Ershad.

4- Al Ihkam fii Osoul AL Ahkam.

5- AL Talkhees fii Osoul AL Figh p 154.

6- AL Mustasfi fii Osoul AL Figh- AL Ghazali 25 /2.

7- AL Mutanad fii Osoul AL Figh 171 /1.

8- AL Mahsoul Imam AL Razi.

9- AL Tahseel min AL Mahsoul 336 /1.

10- MINHAI al wusoul Ela Elm AL Osoul 433 /1.

11- Jama AL Jawami fii Osoul AL Figh 327- 331/ 2.

12- AL Gheith AL Hami Sharh Jama AL Jawami.281 /1.

13- Tashneef al Masami bi Jami AL Jawami 319 /1.

14- AL Burhan fii Osoul AL Figh p199 /1.

and some companions of Abu Hanifa, and the intention of this issue does not appear unless the talk includes prayer in the extorted land)¹, Abu Zeid al dabusi said: (forbidding is of four sections ... until he said : the fourth section concerns selling at call time to pray on Friday, and to pray on extorted land)², said Zarkashi: (I know that forbidding is of two parts: one not to be on itself, such as selling during the time of calling to pray on Friday).³ Shawkaani said : (the Prevention of something does not relate to itself, it connects with something external such as to pray on extorted land)⁴.

Second: The doctrines of the jurists in this question: The scholars differed on the ruling on praying on the extorted land into three :

The first doctrine: that prayer on the extorted land is and this is the view of the majority of scholars such as Hanafis⁵, and Malikis⁶ and the Shafi's⁷.

Evidence: The scholars of this doctrine give the following evidence:

The first evidence: Scholars said that if a person doesn't pray, but he fasts, this does not mean that his fasting is incorrect⁸, and that forbidden to pray on the extorted land does not relate to pray itself but to an excluded thing, that is the extorted land on which pray takes place⁹.

Second evidence: it is that the action has two aspects, and it is permissible on one side and forbidden on the other, as the case of praying on an extorted land, regarding pray it is required, in respect to the place (extorted land) it is not permissible¹⁰. that if the action is of different faces it is considered as contradictory¹¹.

Objection of this evidence is that he is considered disobedient from the side of an extorted action¹².

The response to this objection: that he was made disobedient because he is benefit from the extorted land, whereas on the other hand he was made as a devote, from the point of view that he has done his prayer, and this prove that they are different faces of one act¹³.

1- AL Burhan fii Osoul AL Figh 199 /1.

2- Tagweem AL Adilla fii Osoul AL Figh.

3- AL Bahr al Muheet fii OSOUL al figh.163 - 164 /2.

4- Ershad AL Fuhood Litahgeeg AL Hag min ELM al Osoul.111- 112.

5- AL Mabsoot 1592/., Hashiyat Rad AL Muhtar Ala AL Dur al Mukhtar.502 /2.

6- AL Dhakheera fii froua AL Figh AL Maliki 163 /1.

7- Al Majmoua Sharh AL Muhadhab.AL Naawi p 164 /2.

8- AL Fusoul fii al Osoul341 /1.

9- Tagweem AL Adilla 52.

10- Kashf AL Asrar 281 /1.

11- Lubab AL Mahsoul fii Elm AL Osoul 234 /1.

12- Kashf AL Asrar 281 /1.

13- Kashf AL Asrar- previous.

Third evidence: that prayer and extorting are two different activities and one of them is not considered as essential of the other, and they became one unit at the time of existence, and an action at the time of existence is neither permissible nor forbidden ¹.

Fourth evidence: that prohibition wording to pray has been added to the pray and in fact to pray is not an activity that is prohibited, what is prohibited is to pray on an extorted place because. This hurts the owner of the land ².

The second doctrine: that prayer on the extorted land is void and must be done again and this is the view of the Hanbali³, AL Zahiriya⁴, Mu'tazila and chosen by Abu Hussein AL Basri and Abu Hashim⁵.

They gave the following evidence:

The first evidence: that the prohibition is due to a considerable condition in devotion, because to pray on a place is regarded as a part of the activity itself, don't you think that if someone prays on a impure cloth or at a wrong time of pray, the pray is invalid⁶, because forbidding returned to the significant condition, and doesn't return to the same act.

Second directory: that prayer on the property of others is a kind of disobedience, whereas prayer itself is a kind of obedience, so how can one act can be an obedience and disobedience at the same time?, and this confirms that the prohibition requires the execution of the act, and the order requires its existence, how it is to be imagined that one action exists and non-exist at the same time⁷.

This evidence is objected: that if the act has two different faces, the first may be required and the other is adversity⁸.

Third evidence: that prayer on an extorted land is correct either because it is included under devotion, or intended as it was replaced under devotion, and the first is void, because devotion does not take place in void situations, and the second is refuted because of the absence of evidence and it should be prayed again in both cases if the time of praying is still available or it has passed⁹.

1- Sharh AL Ma'alim fii Osoul AL Figh 392 /1.

2- Mizan AL Osoul fii Nataij AL Ogoolp 231.

3- Daleel AL Talib , Nail AL Matalib,30 /1.

4- AL Muhalla Bila'athat , 491 /2.

5- AL Muttamad fii Osoul AL Fighp 181 /1.

6- AL Odda fii Osoul AL Figh 287 /1.

7- Al Tamheed fii Osoul AL Figh.279 /1.

8- Kashf AL asrar 379 /1.

9- AL Muttamad fii Osoul AL Figh185- 186 /1.

Fourth evidence: that the commission of the forbidden action when it is under devotion makes this devotion invalid¹.

The objection to this evidence: that the prayer is true only when someone has intended to do it perfectly².

The third doctrine: The judge Abu Bakr Albaqlani³, and Imam AL Razi⁴ agree that prayer on the extorted land is incorrect.

Evidence: that prayer on the extorted land is not allowed, because promotion and prevention cannot be enjoined in the same action⁵.

What is preferable: After viewing the doctrines and sayings of scholars on the matter is clear to us that the preferable view is that prayer on the extorted land is true, this opinion is supported by the judge Albaqlani⁶, and AL Razi⁷, and others.

The second issue: the rule of supererogatory prayers at the three adversity times:

First: The graduation of the branch at the base:

Forbidden to pray during certain times was mentioned in some of the prophet's Hadith such as : Muslim narrated from Ibn Umar, peace be upon him, said: the prophet, peace be upon him said that (Do not pray when the sunrises or sets)⁸ and Oqba'a Ben Amer also said (the messenger of God, peace be upon him, forbade us to pray or to bury our dead people during three times, while the sun goes up, at mid-noon , and when the sun goes down)⁹.

So scholars disagreed about prayer basing on disagreement between fundamentalists about the evidence of forbidding indicated that the forbidden is itself invalid, for instance praying during the times that it is forbidden¹⁰, AL Tilmisani said that : (as well as prayer in the prohibited times and places in all these cases there is a dispute on the basis that forbidding indicates invalidity of what is forbidden)¹¹, and many fundamentalists, based on the disagreement among them, some of those scholars are : Abu Muzaffar Sam`ani¹², AL

1- AL Mustasfi fii Osoul AL Figh 234 /1.

2- Lubab AL Mahsoul p 234.

3- AL Tagreeb wa AL Irshad 360 /2.

4- AL Maalim fii Osoul AL Figh 387 /1.

5- AL Mahsool fii Osoul AL Figh 394.

6- AL Tagreeb wa AL Irshad 355 /2.

7- AL Mahsool fii Osoul AL Figh.

8- Saheeh Muslim 567- 568 /1.

9- Saheeh Muslim 568- 569 /1.

10- Osoul al Fighp 71.

11- Miftah AL WSOUL Ela Bina`a AL FROUA ala AL Osoul 41.

12- Qawati AL Adilla fii Osoul AL Figh 145- 147 /1.

Dabbosi¹, Abu Zarah AL Iraqi² others³.

Second: The doctrines of the jurists in this case:

The jurists have differed in the provision of supererogatory prayers during the three adversity times on the three doctrines:

The first doctrine prohibits prayer during these three times and is the view of Maliki⁴, Shafi'i⁵, and Nawawi said: if a Muslim intends to pray an adversity prayer this is considered invalid like fasting on the Eid day⁶, and another view in the Hanbali⁷ school, and this is what is said by Dhahirya⁸.

Evidence: The scholars of this doctrine gave evidence from the Sunna including:

The first evidence: AL Quraafi⁹ said, Ibn Umar, peace be upon them said that , the prophet , peace be upon him said that : (it is not true to pray when the sun is rising or setting)¹⁰, and forbade prayer after the afternoon until the sun sets, and after dawn until the sun rises , Mawardi¹¹ said, forbidden to pray in these times concerns supererogatory pray¹².

The inference: The writer of (Matalib Oli AL Nuha said: (do To do and say a supererogatory pray is invalid during the time of forbidden)¹³.

Third evidence: that the prohibition if it concerns the devote itself, it is considered invalid¹⁴.

The second doctrine: that supererogatory prayers are true if they are reasonable it is the view of the Shafi'i¹⁵, the second view is of Hanbali¹⁶.

Evidence: The supporters of this doctrine gave the following evidence:

The first evidence: Umm Salamah, may Allah be pleased with her, said that: It was one day evening when the Messenger of Allah, peace be upon him, prayed two, entered my room and prayed two Raka'ats, then I said: O the

1- Tagweem AL Adilla fii Osoul AL Fighp 60.

2- AL Gheith AL Hami Sharh Jama AL Jawamia 282 /2.

3- AL Bahr AL Muheet 1213 /3.

4- Sharh AL Kharshi 222- 223 /1.

5- Rawdat al Talbeen wa Omdat AL Mufteen71 /1.

6- AL Majmou Sharh AL Muhadhab181 /4.

7- AL Mughni 759 /1.

8- AL Muhalla Bil A'athar 48 /2.

9- AL Dhakheera fii Froua AL Figh390 /1.

10- Saheeh Muslim 567- 568 /1.

11- Saheeh Muslim 566.

12- AL Hawi AL Kabeer 274 /2.

13- Matalib Oli AL Nuha 249 /3.

14- AL Figh AL Islami wa Adilatuhu 598 /1.

15- AL Majmoua Sharh al muhadhab 170 /4.

16- AL Kafii fii Figh al Imam Ahmad 238 /1.

Messenger of God, you have prayed at a time I haven't seen you done before, he said: (I used to pray two rak'ahs in the afternoon, but today a group of people from Bani Tamim, visited me and I couldn't pray at that time)¹, Mawardi said, (if it is not an obligatory, it can be prayed during that time)².

Second evidence: Qais Bin Fahad said: The Messenger of Allah, peace be upon him, saw a man was praying after Fajr prayer, the Messenger of Allah, peace be upon him, said : (have you prayed AL Fajr twice? the man said to him I used to pray two Rakats before AL Fajr prayer but today I didn't pray them, this is why I have just prayed them now, the Messenger of Allah peace be upon him, didn't comment)³.

Third evidence: Analogy: it is a prayer with cause like Tawaf⁴, Raka'at⁵, and because it is being so it can be performed at the time when it is forbidden⁶.

The third doctrine: that prayer is not permissible at the time of invalidity whether it supererogatory or an obligatory and this is the view of Hanafiya⁷, al Nasafi as well said : (if the prayer is supererogatory so it is true to be performed...)⁸. Evidence: the first evidence: based on the hadeeth of the Prophet, peace be upon him, when he and his companions, when they were traveling, they stayed on a valley and then they overslept till the sun rose, they got up and prayed AL Fajr prayer after the sun rising¹. AL Kamal Ibn Hammam said that (.. and this doesn't mean that if the prayer is not permissible, it is not true to be performed in all cases.

Second evidence: The origin of prayer is regarded in respect to time of the prayer itself.

The second requirement

its impact on fasting: the rule of fasting on the Day of slaughtering:

First: This is the branch where scholars differed based on the disagreement between fundamentalists in its provision.

AL Saffi AL Hindi said that the Hanafia agree that if someone fasts on the day of slaughtering, it is true and valid⁹: Zarkashi as well, said that:

1- AL Masnad Imam Hafidh.

2- AL Hawi AL Kabeer 271 /2.

3- AL Mustadrak Ala AL Saheehin Hadith No 1018- 409 /1.

4- Sharh Mukhtasar AL Khurgy 228 /1.

5- AL Mughni Ibn Gadama 793 /1.

6- AL Hawi AL Kabeer 275 /2.

7- Hashiyat Rad AL Muhtar ala AL Dur AL Mukhtar 403 /1.

8- AL Bahr al Raig Sharh Kanz AL Dagaig 483 /2.

9- Nihayat AL Wusoul fii Drayat AL Osoulp 69.

(Fasting is obligatory, but it is not allowed on the day of slaughtering.)¹.

Second: The doctrines of the jurists in this case : The scholars differed on the validity of the fast of the day of slaughtering on two different ways based on the disagreement of jurists in juristic branches:

The first doctrine: The majority of scholars

Malikis² , Shafi's³ , Hanbalis⁴, and AL Dhahiriya⁵ say that fasting the day of slaughtering is not true.

Evidence: The supporters of this doctrine gave the following evidence:

The first doctrine: Umar ibn al-Khattab, Abu Huraira and Abu Said, God bless them, said that the Messenger of Allah, peace be upon him forbade fasting on Eid al-Fitr and Eid al-Adha⁶.

The inference: All scholars agree with the prohibition of fasting these two days (Eid al-Fitr and Eid al-Adha) in all cases⁷.

Second Evidence: that the entire of a case does not indicate that the parts of it are true, so how does forbidding of this matter indicate doing or leaving it, or whether it is obligatory and prohibition⁸.

AL Imam AL Ghazali objected this evidence⁹, the prophet, peace be upon him, said, in meaning not in word, (A woman is allowed not to pray during her waiting period, when she is not pure,)¹⁰ Allah (swt) said (And marry not women whom your fathers married,- except what is past:)¹¹, and the likes of these forbidden things, which does not meet originally did not prove it was known to use al-Shara, goes back to the origin of the situation, and we say: if the Shara and the positive law oppose, he who fasted the day of slaughtering has committed a forbidden situation, because their doctrine is conducive to change forbidding into what is forbidden and the absolute prohibition on something shows forbidding what is the same of it¹².

Third evidence: there is no difference between the prohibition on fasting, or not, on the day of Eid¹³.

1- AL Bahr AL Muheet Fii Osoul AL Figh 164- 165 /2.

2- AL Dhakheera Fii Froua AL Figh 219 /2.

3- AL Haythami- AL Hawi AL Kabeer 348 /2.

4- AL Kafi fii figh AL Imam Ahmad 450 /1.

5- AL Muhala Bila'athar Sharh AL Muhalla bilikhtisar. 231 /4.

6- Saheeh Muslim 152 /2.

7- AL Minhaj Sharh Saheeh Muslim 92 /12.

8- AL Mustasafa fii Osoul AL Figh 28 /3.

9- AL Mustasafa p 28- 29.

10- Previous.

11- Surat AL Nisa'a verse No 22.

12- AL Faig fii Osoul AL Figh 259 /1.

13- AL Sunan AL Kubra 129 /2.

The second doctrine: AL Hanafiya said that fasting on the day of slaughtering is permissible and those who fast on this day should be awarded¹.

Evidence: AL Hanafiya proved their doctrine as follows:

The first evidence: that fasting on the day of slaughtering is permissible, the Prophet, peace be upon him forbade fasting on the day of slaughtering², and because obligation of forbidding is to give away what is forbidden, and the worshiper is to choose either to fast and be awarded or not to fast so that he is to be punished³.

Third evidence: This fast is permissible, and the proof of its legitimacy is that it is a way to protect soul from evil actions, it was in terms of what it is really good and healthy⁴.

Fourth evidence: that the obligatory of prohibition is the prevention from doing a thing, and what is considered non-existent cannot be described as something, and the appropriate forbidding is the invalidity of the act, which is the performance of the necessity of completion, and performance becomes corrupted and forbidden, because it is left to be completed forbidden⁵.

Fifth evidence: what is forbidden in the day of slaughtering is fasting as an act, not fasting as reality, these two concepts are different, for instance, praying on extorted land is invalid, but this is not necessary that it is forbidden everywhere⁶.

The objection of this evidence: that forbidden concerns the prayer in extorted land and it doesn't related to prayer itself, unlike the prohibition of fasting on the day of slaughtering⁷.

Preference: After showing the scientists' doctrine, it is likely the first doctrine is the preferable one, which is the view of the majority of scholars.

Third Theme

Its impact on selling.

Selling on the bases of invalid condition:

- 1- Meaning of the issue: Sheikh Mayara AL Fassi said that by selling and condition it means that if selling accompanies the condition, in this case this condition may be prepared according to Islamic purity law, or

1- AL Mabsoot Lilsarkhasi, 103 /4.

2- AL Sunan AL Kubra'a.124 /2.

3- AL Mabsoot p 104.

4- AL Enaya Sharh AL Hidayah258- 260 /3.

5- Osoul AL Sarkhasip 68.

6- AL Bahr AL Muheet fii Osoul AL Figh164 -165 /2.

7- Nihayat AL Wsoul fii Drayat al Osoul1210- 1211 /3.

the condition may be prepared against Islamic purity law, if it is Halal (prepared according to Islamic purity law) there are some details in this question, and if it is Haram (prepared against Islamic purity law,) in this case the absolute selling is invalid¹.

2- The statement of the issue on the bases:

Selling on an invalid condition is one of the issues that scholars have different opinions on it, in respect to fundamentalists' disagreement on the evidence of what is forbidden, some of the fundamentalists stated it to prove the effect of disagreement on the bases some of them are Sarkhasi², and Abizaid AL Dabbosi³ and Tlemceni where he said :(scholars differed on this origin... till he said : and from which sell and condition)⁴.

3- doctrines of the jurists in this question: scholars disagreements of two ways:

The first doctrine: that selling in respect to invalid condition stands against the main purpose of selling itself, and this is the doctrine of Maliki⁵, the Shafi'i⁶, Hanbali⁷, and Dhahiriya⁸.

Evidence: The supporters of this doctrine stated the following evidence:

The first evidence: talk: Amr ibn Shuaib, his father and his mother narrated that the profit, peace be upon him, said that selling on condition is considered invalid⁹, the Prophet, may Allah bless him and forbade selling on condition and this prevention indicates that what is forbidden is invalid¹⁰, in particular when this condition on contrary to the contract¹¹.

Second evidence : that these conditions may be concerning the seller or the buyer. a seller or a buyer, if it concerns the seller, it prevented him from being free and stable in respect to the price, and if it concerns the seller it prevents him from completing his property, there for the contract becomes invalid on both cases¹².

Third evidence: it does not imagine that forbidding takes place unless there is a process of selling, and this turned out that prohibition on selling

1- Sharh Mayarat AL Gasi 452 /1.

2- Osoul AL Figh p 66.

3- Tagweem AL Adilla fii Osoul AL Fighp 52.

4- Miftah AL Wsoul Ila Bina'a AL Froua Ala AL Osoulp 40.

5- Sharh AL Kharshi Ala Mukhtasar KHaleel,519.

6- AL Hawi al Kabeer 698 /5.

7- AL Mughni, Ibn Gadama329 /6.

8- AL Muhalla , Ibn Hazm AL Dhahiri340 /7.

9- AL Mujam AL Awsat Liltabarani235 /4.

10- Hawi AL Kabeer 6696 /5.

11- Jami AL Ommhat 2371/. AL.

12- AL Hawi AL Kabeer 696.

regarding the same selling and the same condition¹.

The second doctrine: that the selling is correct but the condition is invalid, this is the view of Hanafiya².

The first evidence: Hadeeth Aisha God pleased with her, : (she bought Bareirah and asked her to be faithful to her masters, then she made her free³, and asked the Prophet, peace be upon him about the validity of such selling on condition), the prophet peace be upon him, agreed the process of setting the girl free although of the existence of a condition on selling⁴.

Second evidence: that the prohibition was recognized in the description of selling and not in the origin of selling itself, so the condition is an additional something and part of selling process⁵.

Third evidence: that the prohibition of selling is an evidence that it is existence and it can be described⁶.

The doctrines of the majority of scholars seem to me to be the preferable doctrine and that is because of the following:

- 1- That the prohibition of selling on condition is a prevention of the same selling not the condition.
- 2- With the condition that selling is correct but the condition is invalid, this contradict that the Shara forbids it.
- 3- The strength of evidence of the majority of scholars and their replying to Hanafiya, with the existence of a view of Imam Abu Hanifa saying that selling and condition are both invalid⁷.

The second requirement

The rule of selling containing usury

- 1- Meaning of the question: selling containing usury means that money is considered as a substitute for money on one of the two aspects which is deserved according to the contract between the two sides⁸. Allah (swt) says (*forbidden usury*)⁹ and as well he says (*Prohibited to you [For marriage] are:- Your mothers,*)¹⁰.

1- Gawati AL Adilla fii Osoul AL Figh 151 /1.

2- Hashyat Ibn Aabdeen 207 /5.

3- Saheeh AL Bukhari 2481 /6.

4- AL Fusoul fii AL Osoul 244 /1.

5- Kashif AL Asrsr 271.

6- Tagweem AL Adilla fii OSOUL AL Fighp 57.

7- AL Mujaam AL Waseet 322 /4.

8- Kashf AL Asrar 270 /1.

9- Surat AL Baqara verse 275.

10- Surat AL Nisa'a verse 23.

2- Doctrines of the jurists in question: scholars agreed on the prohibition of usury, and they differed in the validity of the transaction containing the usury on two different doctrines:

The first doctrine: that the selling containing usury is forbidden and it is corrupted and considered invalid and does not lead to ownership and this is the view of Malikis¹, Shafi'is², Hanbalis³, and Ibn Hazm AL Dhahiri⁴. These scholars give the following

Evidence:

The first evidence from the Holy Quran book: Allah the Almighty says : (Those who devour usury will not stand except as stand one whom the Evil one by his touch hath driven to madness. That is because they say: («Trade is like usury,» but Allah hath permitted trade and forbidden usury.)⁵.

The second evidence from the Sunna: they gave evidence from the Sunna including the following:

- [A] What is narrated by Abdullah bin Masood and his father they said: (The Messenger of Allah, peace be upon him, had been cursing usury, its constituent, its witness, and who writes down the contract.
- [B] What is narrated by Abu Sa'eed said: Bilal came and carried some dates and he wanted to give them to the prophet, peace be upon him, then the prophet said: (Where are these from)? Bilal Said: we used to have some decayed dates and I bought two measures for one measure, the Messenger of Allah, peace be upon him said : (Oh this is the same usury) do not do, but if you want to do, sell ours and buy with the money some of these dates)⁶. AL Nawawi said: (This is a proof that any corrupted sell must be returned back to his owner and repaid the price), AL Qurtubi said the contract of usury is considered invalid, and that what was narrated by our scholars they said that when the prophet, peace be upon him said that (It is the same usury) this means that he meant the usury itself and not something similar to⁷:

The third evidence is consensus: The Muslims are agreed on the prohibition of usury, many scholars⁸ transferred this consensus, Abu Muzaffar Sam'ani said: (The Amassar scientists at all times clung to their reasoning on corruption

1- Osoul Fakhr AL Islam 270 /1.

2- Saheeh Muslim Hadith No (1584) 1208 /3.

3- Nasb AL Raya Liahadeeth AL Hidayah 429 /6.

4- Kashf AL Asrar an FUSOUL Fakhr al Islam .

5- Surat AL Baqara verse 275.

6- AL Kafi fii Figh Ahl al Madina 632 /2.

7- AL Hawi AL Kabeer 134 /5.

8- AL Mughni , Ibn Gadama p 133 /4.

of usury once it was forbidden therefore it was considered, as a consensus).

The second doctrine: that selling containing usury is forbidden, and this is the view of the Hanafiya¹. After showing the scientists opinions on this question the preferable doctrine to me is the first one, that is the doctrine of the majority of scholars, because of the following reasons:

- 1- For the strength of their evidence which is clear and true.
- 2- Their doctrine is appropriate to what was well known during the era of the companions and later, AL Mawardi said: (The Muslims have agreed on the prohibition of usury).

The second theme **Its impact on marriage.**

First requirement

AL shighaar marriage

First: the meaning of shighaar in language and idiomatically:

- 1- The meaning of shighaar in language: it indicates the meaning of vacancy, when you say Baldatun Shighar (you are talking about a country that not a lot of people live in it and it is easy to be invaded²).
- 2- The idiomatic meaning of shighaar: that a man marries other man's relative woman, may be his mother, daughter or his sister nation, which indicates that one of the contract is considered as a substitute for the other, and there is no dowry (money paid to a woman when she get married) and it is called so because there is no money paid to the married women³.

Second: the types of Shighar : explicit shighaar: a marriage in which dowry does not mention in the marriage certificate⁴.

The second type : it is the type of Shighar in which a certain amount of money (dowry) is paid to both sides but not necessary of the same number⁵. It is called so because from one side it is a type of Shighar since each man agrees to marry another man's sister, daughter or mother, on the other hand it is not considered as a type of Shighar because there is money (dowry) paid to each woman⁶.

Type three: it is a compound of two-sides : in this type the dowry is nominated to one of the two women but not both of them⁷.

1- AL Muhlla Bil A thar Sharh AL MUJABil ikhtisar 190 /7.

2- Tsj AL Aroos min Jawahir AL Qamoos 2016 /1.

3- AL Bahr AL Raig SHarh Kanz al dagaig 405 /6.

4- Sharh Mayarat al fasi 277 /1.

5- Sharh Mayarat AL Fasi p 277.

6- AL Sharh AL Kabeer ala Mukhtar Khaleel, 307 /2.

7- AL Sharh AL Kabeer ala Mukhtar Khaleel, 307 /2.

The statement of the case on the bases : AL Ghazali said that AL Shighar as a type of marriage is forbidden¹. On the other hand, AL Tilmisani said that scholars have two different points of view: the first opinion is that it is forbidden and the contract or the marriage certificate must be cancelled².

4- doctrines of the jurists in this question: scholars disagree with this case on two ways as follows:

The first doctrine: Maaliki³, Shafi'is⁴, Hanbalis⁵, and AL Dhahiriya⁶, said that the Shighaar marriage is void and it must be cancelled .

Evidence: The supporters of this doctrine prove their opinion as follows:

The first evidence from the Sunna⁷: Jabir bin Abdullah narrated that: (The Messenger of Allah, peace be upon him prevents Muslims from getting married through AL Shighar)⁸, Emran Ibn AL Husein, said that the Messenger of Allah, peace be upon him forbid Muslims from AL Shighar marriage⁹.

Omar Ibn AL Khattab, peace be upon him, said that the Messenger of Allah, peace be upon him forbade Muslims from AL shighaar marriage¹⁰.

The second requirement

The provision of AL Muhalil Marriage

First, the meaning of AL Muhalil idiomatically and in the language:

[A] The meaning in language: the Arabic terms (Ahalla and Hallala) are of the same meaning, they indicate that to make something valid and allowed (Halal) as in the verse, (*but Allah hath permitted trade and forbidden usury*)¹¹. AL Muhalil is a person who marries a third times divorced woman aiming that her ex-husband can¹² remarry her again when this Muhalil divorces her. The prophet , peace be upon him said that (Allah (swt) L a`ana AL Muhallil wa AL Muhallal Lahu)¹³, therefore he is considered as (Hal) and her ex-husband is (Muhallal Lahu)¹⁴.

1- AL Mustasfa, Imam Ghazali 50 /1.

2- Miftah AL Wusoul Ela Bina' AL Furoua p 40.

3- Sharh AL kharshi ala Mukhtasar KHaleel168 /4.

4- AL Ahawi al Kabeer 323 /9.

5- AL Iradat , AL Mughni, 576 /7.

6- AL Muhala Bila'athar Sharh AL Majala Billkhtisar853 /8.

7- AL Dhakheera Fii AL Figh AL Maliki168 /4.

8- Saheeh Muslim, Hadith No (3536), 140 /4.

9- AL Sunan A Kubra, 36 /3.

10- Tuhfat AL Ahwudhi,2868/.

11- Surat AL Baqaraverse 275.

12- AL Misbah AL Muneer 147 /1.

13- Sunnan Abi Dawood 623 /1.

14- Taj AL Aroos – AL Zubeidi.

In fact all what Allah (swt) makes it valid and permissible it must stay Halal, and on the other hand all what Allah (swt) makes it invalid and not permissible it must stay Haram¹.

[B] The idiomatical meaning of AL Muhallil: He who² marries a three time divorced woman, in order to give a chance to her ex-husband to marry her again.

Stating this issue on the bases: Ibn Rushd said: (Malik and his companions, depending on the Hadeeth which was narrated by Ali bin Abi Talib, Ibn Masud, Abu Hurayrah, Ben Amer, they said that the Prophet, peace be upon him, said that : (God damn Al muhalil and AL Muhalla lahu)³, this way of damn is the same as Allah (swt) damn who he drinks wine or treats with usury, this means that all the three cases are forbidden⁴, and the forbidden indicates that what is forbidden is corrupted.

Sections of AL Muhalil marriage: there are five sections as follows: the first section: he marries her on condition that he divorces her according to the contract marriage which should be cancelled after that⁵.

The second section: to marry her on condition that if she becomes Halal to her ex-husband, the second husband divorce her⁶.

The third section: He marries her absolutely without any condition, but he intends to divorce her before the contract⁷.

Doctrines of the jurists in this question: there are five doctrines as follows:

The first doctrine: That AL Muhalil marriage with its all divisions is considered corrupted and invalid both before and after marriage, and this is the view of AL Hassan, AL Nakhai, AL Sha'abi, Gatada, Abu bakr AL Muzni, Alleith, AL Thawri, Isa'ac and Imam Malik and his companions⁸.

Ibn Rushd said that (Malik and his companions and most of scientists agree that this type of marriage is corrupted and invalid before and after marriage)⁹. This is the view of AL Hanabilla¹⁰ and Abu Yusuf from AL Hanafiya¹¹.

1- Lisan AL Arab Ibn Mandhoor 163 /11.

2- Mujam Lughat AL Fugaha`a1 /2.

3- Sunan Abi Dawood fii AL Tahleel. 623 /1.

4- Bidayat AL Mujtahid wa Nihayat AL Mugtasid 70 /2.

5- AL Majmoua SHarh AL Muhadhab 250 /16.

6- AL Hawi AL Kabeer 334 /9.

7- AL Hawi AL Kabeer 334.

8- Bidayat AL Mujtahid wa Nihayat AL Mugtasid p 70.

9- AL Bayan wa AL Tahseel 385 /4.

10- AL Mughni 574, Manar AL Sabeel 118 /2.

11- Fath AL Gadeer , Ibn Humam 448 /8.

Evidence: The supporters of this doctrine give the following evidence:

The first evidence from the verse: (So if a husband divorces his wife [irrevocably], He cannot, after that, remarry her until after she has married another husband and He has divorced her.)¹, the inference: Ibn Taymiyyah said: (ALLah (swt) in the previous verse explained clearly what type of marriage, which is later and again explained by the prophet, peace be upon him, and it means a real marriage in which sexual intercourse is really practiced, because this is the only way that the woman becomes Halal and she can get married again by her ex- husband².

Second evidence : what is narrated by Ali bin Abi Talib, Ibn Masud, Abu Hurayrah, and Oqba Bin A'amir Ben Amer, God bless them, that the Prophet, peace be upon him said: (God damn AL Muhalil wa AL Muhalal Lahu).

The second doctrine: If he marries her on condition that when he practice sexual intercourse with her he must divorce her and marriage contract becomes invalid, therefore, the main reason behind marriage is to make the woman Halal for her ex-husband. this type of marriage is void.

The third doctrine: If he has married the divorced woman on condition of (Tahlaal) without mentioning any condition in the marriage contract, in this case the contract is true, even if he states this condition before the contract or he intends it. Ibn Hazm AL Dhahiri³ said that (If her first husband- who now divorced her- has desired and agreed with the second husband to marry her and then divorce her after he practices sex with her so as to make her Halal for her ex-husband to the marry her, it is permissible if he married her without any condition in the same marriage contract, if he marries her is with an option to keep or divorce her, this is also true, but if there is a clear condition in the marriage contract that he divorce her after marriage, in this case it is a corrupted and invalid contract⁴.

The fourth doctrine: that the second marriage is true, and it is not permissible that the first husband can marry her, and this is the view of Mohammad Ibn AL Hassan from Hanafiya.

Fifth doctrine: If he has married a divorced woman aiming to make her Halal for her ex-husband, in this case the marriage is halal (valid) but it is adversity. This is the view of Hanafiya, Imam Abu Hanifa and Zufr⁵.

1- Surat al Baqara verse No 230.

2- AL Fatawa AL Qubra 365 /9.

3- AL Muhalla Bil Aathar, 446 /9.

4- AL Muhalla Bil Aathar, 446.

5- AL Mabsout AL Sarkhasi 171 /6.

The Fourth Theme

Its impact on the judiciary

The rule of the judge when he is angry. Stating the issue on the base: Many jurists and fundamentalists mentioned this issue based on the dispute of what is forbidden, One of them was Ibn Rushd who stated that the rule of the angry judge is true and executed, and it is probably said that it is not true because the prohibition indicates that the prohibited is invalid¹. Ibn Gadama also said that the rule of the judge is not true because it is prohibited². On this difference it is clear that many scholars and fundamentalists had not agreed on this issue.

Doctrines of the jurists in this question: scholars disagreed with this issue on two different doctrines as follows:

The first doctrine: The judge Abu Ya'ali³ from Hanabila and ALDawudi⁴ from Malikiya said that it is prohibitif a judge rules someone while he is angry, his rule must not be executed in the case of anger.

Evidence: Abi Bakra narrated that the prophet, peace be upon him, said that it is not allowed that a judge rules between two people when he is angry⁵.

The second doctrine: the supporters of this doctrine state that if the judge issues a rule and he is angry, this is regarded as adversity, and his rule is considered true and it should be executed if it expresses the truth, the scholars who supports this doctrine are: Hanafis⁶, Malikis⁷, Shafi'is⁸, and Hanbalis⁹.

Which is preferable: After displaying of the jurists opinions regarding the two mentioned doctrines, it is likely that the second doctrine is preferable because prohibition relates to an external matter, Al Alia said, (as well it is forbidden that the judge rules between two people when he is angry, a huffy it reserves the judgment, if the judgment takes place with all its principles and conditions, it is true)¹⁰.

1- Bidayat AL Mujtahid wa Nihayat AL Mugtasid, 779 /1.

2- AL Mughni, Ibn Gadama 574 /7.

3- AL Mughni, Ibn Gadama 574 /7.

4- AL TAJ wa AL Ikleel, Mukhtasar khaleel 30 /11.

5- Saheeh AL Bukhari, 2616 /6.

6- Sharh Fath AL Gadeer Lilkamal Ibn Humam 352 /16.

7- AL Taj wa AL Ikleel , Mukhtasar khaleel 30 /11.

8- AL Hawi Lilmawrdi, 63 /16.

9- AL Mughni Ibn Gadama 574 /7.

10- Tahgeeg AL Murad fii Anna AL Nahei Yagtadi AL Fasaad, 73 /1.

Conclusion

Praise be to God, who has helped me to complete this search and I ask him to make me a servant of his law, and bless me with science and work, I found the following results:

- 1- That the issue of a statement of forbidding because of the invalidity of what is forbidden, although it is a branch but it is still one of the most important base on which the jurists state their opinions.
- 2- That there are many doctrinal sections that show the impact of this rule in jurists' different opinions, some of these sections are the following: as Praying on extorted land, and the provision of supererogatory prayers at the three adversity times, and the provision of fasting on the day of slaughtering, and the provision of sales on corrupted conditions, the provision of sales containing usury, and the provision of Shighar marriage, the provision of AL Muhalil marriage and the provision of the judge's rule when he is angry.
- 3- The scholars disagreed on the rule concerning Praying on extorted land, on three different doctrines and that the chosen one is that prayer on extorted land is correct, and it is the view of majority of scholars, because they presented strong evidence, some of them are the judge Al Baglani, and AL Razi.
- 4- The jurists have differed in the provision of supererogatory prayers during the three adversity times on three doctrines and the preferable doctrine is the one which represents that supererogatory prayer is forbidden during these three times.
- 5- The scholars, in respect to fasting on the day of slaughtering, disagreed on two different ways and the preferable opinion is the first one which is the doctrine of the majority of scholars.
- 6- Jurists disagreed on the rule of selling on an invalid condition on two doctrines, the preferable opinion is the first one which is the doctrine of the majority of scholars.
- 7- Jurists disagreed on the rule of selling that contain usury on two doctrines The doctrine of the majority of scholars is the preferable one which indicates that this type of selling is void and forbidden.
- 8- Jurists disagreed on the rule of AL Shighar marriage on two doctrines, and the preferable doctrine is that it is void and should be canceled before or after marriage, and this is the doctrine of the majority.
- 9- Jurists disagreed on the rule of AL Muhalil marriage on five doctrines,

and the preferable doctrine is the first one, which stated that this type of marriage is void in all cases with all sections it must be cancelled.

- 10- Jurists disagreed on the rule of the judge when he is angry on two doctrines, and the preferable doctrine is the second one which states that it is an adversity rule, and it is executed only if it meets the truth and the right

The first doctrine: that selling in respect to invalid condition stands against the main purpose of selling itself, and this is the doctrine of Maliki, the Shafi'i, Hanbali, and Dhahiriya.

References

- 1- AL Ibhaj Sharh AL Minhaj United Arab Emirates Dubai First Edition 1424 2004 - m.
- 2- AL Ehkam fii Asool AL Ahkam Beirut 1403 E. 1983.
- 3- Ehkam al Fusool fii Ahkam AL Osoul - Beirut first edition in 1409 -1989m.
- 4- Ahkam AL Quran, Ibn al-Arabi Abu Bakr Mohammed bin Abdullah.
- 5- Ekmal AL Mua'alim Sharh Saheeh Muslim the judge AboAlfadl Ayad.
- 6- AL Om, Imam Shafei Abu Abdullah Muhammad ibn Idris: Dar AL Maarifa, Beirut -Second Edition H1393 – 1973m.
- 7- AL Estidhkar AL Jamia Limadhahib Fugha'a AL AmsarIbn Abd al-Barr Yousef bin Abdullah bin Mohammed Damascus 1414.
- 8- Osoul AL Sarkhasi , Abu Bakr Mohammed bin Ahmed bin Abi Sahl. Dar Al-Fikr Beirut, Lebanon,first edition 14251426-h 2005 - m.
- 9- Osoul Fakhr AL Islam, Albzdoa BEIRUT Dar First Edition 1394 - 1974.
- 10- Osoul Madhab AL Imam Ahmad d. Abdullah bin Abdul Mohsin Al Turki 1408.
- 11- Ershad AL Fuhood Ela Tahgeeg AL Hag min Elm AL Osoul, AL Shawkani, Dar Al-Fikr - Beirut.
- 12- Athar AL Ikhtilaf fii AL Qawaid AL Osouliya Dr. Mustafa Said AL Khun 1418- 998m.
- 13- Anwar AL Buroog fii Anwa'a al Furoog.
- 14- AL Ankihaa AL Fasida Abdul Rahman AL Ahdal.
- 15- Badhl AL Nadhar fii AL Osoul Imam Muhammad bin Abdul Hamid Alosmonda. Achieving Mohammed Zaki Abd al-Barr T.mketbh Cairo, First 1412- 1992.
- 16- Badaa'i AL Sanai Fii Tarteeb AL Sharia, Cassani Aladdin ibn Abi Bakr bin Masood-Cairo.

- 17- Bidayat AL Mujtahid wa Nihayat AL Mugtasid, Ibn Rushd, Tahgeeg, Sheikh Ali Mohamed Moawad and Sheikh Adil Ahmed Abdel.
- 18- AL Bayan wa AL Tahseel wa AL Sharh wa al Tawjeeh wa AL Taleel Abu Walid Muhammad ibn Ahmad ibn Rushd, Beirut - Lebanon 1408/1988-.
- 19- Bulghat AL Salik Liagrab AL Masalik Ela Madhab AL Imam Malik of Sheikh Ahmed Alsawi 1418 - 1998.
- 20- AL Bahr AL Muheet, Zarkashi Badr al-Din Mohammed bin Bahadir: BEIRUT first edition 1420.
- 21- Al Bahr AL Raig Sharh Kanz AL Dagaig Sheikh Imam Abu AL Barakat Abdullah bin Ahmed bin Mahmoud Beirut - Lebanon First Edition 1418/1997-
- 22- AL Burhan fii Osoul AL Figh, Imam AL Hameein Abu AL Maali Abdul Malik bin Abdullah Jouini - Beirut first edition 1418 - 1997.
- 23- AL Jamia li Ahkam AL Quran to Crdoba Mohammed bin Ahmed bin Abu Bakar, Ahmed bin Abdul Alim Bardouni, Cairo edition, second edition 1372 e.
- 24- Jamia AL Ommahat Jamaludin Osman bin Omar Ibn Abi Bakr, Ibn Maliki AL Hajibi.
- 25- AL Jamia AL Sahih Bukhari Muhammad bin Ismail Abu Abdullah Aljafee: achieve: Mustafa Deeb Albga.t: Dar Ibn Kathir al-Yamamah. Beirut - edition. The third 1407 - 1987.
- 26- AL Durr al-Mukhtar Sharh Tanweer AL Absar Mohammed bin Ali bin Mohammed Alhsna.
- 26- Daleel AL Tineil AL Matalib Marei Bin Yousef Al-Karmi Hanbali, Riyad Edition: First, 1425 - 2004.
- 27- AL Hidayah Sharh Bidayat Alambtada Burhanuddin Ali bin Abi Bakr Mergnana .
- 28- AL Hawi AL Kabeer, Imam Abul Hasan Ali bin Mohammed bin Habib al-Mawardi. 1424 2003.
- 29- Hashiyat AL Rahooni, Shrh AL Zargani, Mukhtasar Khalil Sheikh Mohammed bin Ahmed bin Mohammed bin Yousef Alarhuni 1306.
- 30- Hashiyat Rad AL Muhtar Ala Durar al-Mukhtar Ibn Abidin .
- 31- AL Kafi fii Figh AL Imam Ahmad Ibn Qudaamah
- 32- Kashaf AL Gina`a Ala Matn AL Igna`a Maliki to Abu Omar Yousef bin Abdullah bin Muhammad bin Abd al-Barr Nimri 1400 1980m
- 33- Kashaf AL Ginaa Ala Matn AL Ignaa Mansour bin Yunus Bahooti i. Dar Al-Fikr Beirut 1402.

- 34- Kashf AL Asrar AN Osoul Fakhr AL Islam Islam Albzdoa, Dar AL Kutab AL Arabi, Beirut, the first edition in 1394 - 1974.
- 35- Lisan AL Arab Ibn Manzur Makram Mohammed bin Ali Beirut 1375
- 36- Lubab AL Mahsool fii Ilm AL Osoul , AL Hussein Bin Rasheeg Almaliki. First Edition 1422 -2001 .
- 37- AL Lubab fii Sharh AL Kitab fii Fiqh al-Shafie Abu Hassan Ahmed bin Mohammed bin Ahmed al-Dubby achieve: Abdul Karim bin Snatan Omari Print: Dar Al-Bukhari, Medina, Saudi Arabia, the first edition, 1416
- 38- AL Mubdi Sharh AL Mugni, Ibrahim bin Mohammed bin Abdullah bin Muhammad ibn Mufleh Dar Riyadh. 14232003/.
- 39- AL Mabsoot, Abu Bakr Mohammed bin Ahmed bin Abi Sahl AL Sarkhasi, - Beirut Edition: First 1421 2001m.
- 40- AL Majma Sharh AL Muhadhab, Imam Yahya bin Sharaf AL Nawawi, MtabatImam Egypt.
- 41- Majma'a AL Zawaid wa Manba' AL Fawaid, Hafez Nur al-Din Ali ibn Abi Bakr Haythami Beirut - Lebanon, 1408 - 1988.
- 42- AL Mahsool fii Osool AL Figh Razi, Beirut Edition: First H2000m 1421.
- 43- AL Muhala bil Aathar, Sharh AL Mujalla bil Ekhtisar, Abu Muhammad Ali bin Ahmed Andalusian virtual son Abu Muhammad Ali bin Ahmed Andalusian packages achieve Dr. Abdul Ghaffar Abanndari, Beirut 1421 - 2001.
- 44- Mizan AL Osoul fii Nataij al Ogool, Aladdin Abu Bakr Mohammed bin Ahmed Samarqandi, Cairo, 1418 -1997.
- 45- Mawahib AL Jalil Sharh Mukhtasar Khalil, Dar Al-Fikr Beirut 1398 - 1978.
- 46- Almstasfy min Elm AL Osoul, al-Ghazali , Hojjatoleslam Mohammad Bin Mohammed Abu Hamed. Dar Al-Fikr
- 47- AL Musnad, Imam Hafiz Abu Bakr Abdullah bin Zubair Hamidi, Beirut - Lebanon, the first edition 1409, 1988
- 48- Mustadrak Ala AL Saheehein, Mohammed bin Abdullah Abu Abdullah al-Hakim Nishapuri, Beirut, first edition 1411 - 1990.
- 49- AL Maalim Fii Osoul AL Figh, Imam al-Razi Beirut, 1419 1999 .
- 50- AL Mujam AL Awsat Abu Kassim Sulaiman bin Ahmad Tabarani - Cairo, 1415h
- 51- Mujam Lughat AL Fugaha'a, Mohammed Qalaji.

- 52- AL Mutamad Fii Osoul AL Fig, Abu AL Hassan AL Basri, Beirut 1403.
- 53- Sharh Mushkal AL Aathar, Abu Jafar Ahmed bin Mohammed bin Salama bin Abdul Malik ibn Salamah Azadi Baltahaoa, the first edition: 1415 - 1994.
- 54- Mughni AL Muhtaj Ela Marifat Maani AL Fadh AL Minhaj, Khatib El-Sherbini i. Dar Al-Fikr Beirut.
- 55- AL Mughni fii Figh AL Imam Ahmad ibn Hanbal Shaibani Ibn Qudaamah, Beirut: First. 1405.
- 56- Miftah AL Wusoul Ela Bina`a AL Furoua Ala AL Osoul, Sharif Abu Abdullah Muhammad ibn Ahmad al-Maliki, Beirut, Lebanon.
- 57- Manar AL Sabeel fii SHarh AL Daleel, Ibrahim bin Mohammed bin Salim Zuhair 1409/1989-.
- 58- Curriculum explain Sahih Muslim pilgrims bin Abi Zakaria Yahya bin Sharaf bin Meri nuclear. Print: Dar revival of Arab heritage - Beirut, second edition 1392.
- 59- AL Minhaj Sharh Saheeh Muslim, Beirut Dar Ibn Hazm - First Edition 1420 - 1999.
- 60- AL Manhaj AL Gaweem Sharh AL Muqadima Hadrami Ahmed bin Mohammed bin Ali bin Hajar AL Heithami.
- 61- Mukhtasar Khalil , Khalil ibn Isa`aq, Beirut - Lebanon, the first edition 1416 - 1995
- 62- Batalib Oli AL Nuha fii Sharh Ghayat AL Muntaha, Mustafa bin Saad bin Abdu al-Suyuti.
- 63- Neil al-Awtaar Sharh Muntaga AL Akhbar, AL Shawkani.
- 64- Nihayat AL Wasoul fii Dirayat AL Osoul Safi al-Din Muhammad ibn Abd Alormoa. Riyadh, second edition 1433 AH 2012.
- 65- Nasb AL Rayah li Ahadeeth AL Hidayah Abdullah bin Yousef Abu Mohammed Hanafi Zayla`i. Beirut-Lebanon First edition 1418/1997/.
- 66- Sunan Abu Daud Abu Dawood Sulaiman bin Shaggy Sijistani. Dar Alhadit- Homs Syria, first edition 1969.
- 67- Sunan Tirmidhi Mohammed bin Issa Abu Issa AL Salami: Sunan Tirmidhi , Ahmad Muhammad Shakir and others. Beirut - Lebanon.
- 68- AL Sunan AL Kubra`a of Abu Shuaib Ahmed bin Abdul Rahman AL Nisai, Beirut - i: 1411.
- 69- AL Sunan AL Kubra`a, Bayhaqi of Ahmed bin Hussein bin Ali bin Musa Abu Bakr , Atta Mohammed Abdul Qader. I: Dar El-Baz: Mecca, 1414 - 1994.

- 70- Sunan Daaraqutni for Darqtunai Ali Bin Abu Hassan Omar al-Baghdadi achieve: Mr. Abdulla Hashim Yamani civil. I: Dar knowledge: Beirut - Year. 1386 E - 1966.
- 71- Sunan Tirmidhi Mohammed bin Issa Abu Issa peaceful: Sunan Tirmidhi achieve: Ahmad Muhammad Shakir and others. I Dar revival of Arab heritage: Beirut.
- 72- AL Seil AL Jarar AL Mutadafig Ala Hadig AL Azhar, Mohammed bin Ali bin Mohammed Shawkaani - Beirut. First Edition 1405.
- 73- AL Odda fii Osoul AL Figh the judge Abu Mohammed bin Hussein , Beirut - first edition 1423 - 2003.
- 74- AL Enaya Sharh AL Hidayah, AL Maktaba AL Islamiya.
- 75- AL Faig fii Osoul AL Figh Safi al-Din Muhammad ibn Abd al-Rahim AL Hindi, Beirut - the first edition 1426 - 2005.
- 76- Fouath AL Rahmut Sharh Muslim AL Thuboot Bil Almustasfi. Dar Al-Fikr edition.
- 77- Fath AL Gadeer Lil Aagiz AL Fageer, AL Kamil ibn AL Humam 1316.
- 78- AL Fiqh al-Maliki wa Adilatuhu, Habib Ben Taher, Beirut, Lebanon, Third Edition, 1426/2005- ..
- 79- AL Fiqh al-Islami wa Adilatuhu, Dr. Wahbah i. Dar AL Fikr - Syria - Damascus.
- 80- AL Fatawa AL Kubra, Ibn Taymiyya.
- 81- AL Fusoul fii AL Osoul, Jsas Abu Bakr Ahmad Bin Ali Al-Razi -Beirut - the first edition in 1420 - 2000.
- 82- AL Qawaid wa AL Fawaid AL Osouliya, Ibn AL Lahham Aladdin Abul Hasan Ali bin Mohammed bin Abbas, Damascene Hanbali, AL Maktaba AL asriya 1420 – 1999.
- 83- Qawati AL Adila fii Osoul AL Figh, Abu Muzaffar Mansour bin Mohammed bin Abdul-Jabbar Sam`ani. Beirut - first edition in 1420 - 1999
- 84- Radd AL Mukhtar Sharh Tanweer AL Absar, Muhammad Amin bin Abidin Dar AL Fikr, Beirut.
- 85- Rawdat AL Talibeen wa Omdat AL Mufteen, Abu Zakaria Mohiuddin Yahya bin Sharaf AL Nawawi.
- 86- Sahih Muslim: Muslim ibn al-Hajjaj Abu Hussein Qushayri Alnisabure, Dar Ihya`a AL Turath AL Arabi Beirut.
- 87- Sharh AL Wiqaya, Ali Eddin al-Hanafi, a comprehensive public library.

- 88- Sharh Fath AL Qadeer Lil Aa'giz AL Faqeer Lil Kamal, Ibn al Hammam.
- 89- AL Sharh AL Sagheer, Imam AL Dardeer ma'a Bulghat AL Salik. AL Dar AL Sudania Lilkutub, 1418 1998.
- 90- AL Sharh AL Kabeer Ala Mukhtasar Khalil, Imam AL Dardeer i. Dar Ihya'a AL Kitab AL Arabi, Faisal Issa AL Babi al-Halabi.
- 91- AL Sharh AL Kabeer, Ibn Gadama AL Maqdissi, comprehensive library.
- 92- Sharh Tanqeeh al Fusoul Shahabuddin Ahmed bin Idris Quraafi, Dar AL Kutub AL Ilmiya-Beirut - the first edition in 1428 - 2007.
- 93- Sharh Mayarat AL Fassi, Ala Tuhfat AL Hukkam, Abu Abdullah Muhammad ibn Ahmad al-Maliki, Beirut Lebanon First Edition 1420-2000.
- 94- Sharh Muntaha AL Iradat, Mansour bin bin Yunus Idris Bahooti A'alam AL Kutub, Beirut Lebanon 1996.
- 95- Sharh AL Ma'alim fii Osoul AL Figh, Tlemceni Ibn Abdullah Bin Mohammed Bin Ali Al-Fihri , A'alam AL Kutub, Beirut. First 1419 1999 achievement of Sheikh Adel Ahmed Abdul existing and Sheikh Ali Mouawad.
- 96- Sharh Mukhtasar Al-Kharqi, Shamsuddin Abu Abdullah Muhammad bin Abdullah Zarkashi Egyptian Hanbali, Beirut/Lebanon, 1423 2002-.
- 97- Sharh AL Kherha AL Mukhtasar Seidia, Khalil Beirut Banan.
- 98- AltAbsira fii Osoul AL Figh, F Sheikh Abu Ishaq Ibrahim bin Ali Shirazi, 1980 1403-.
- 99- Taj AL Aroos min Jawahir AL Qamoos, Muhammad ibn Muhammad ibn Abd al-Razzaq al-Husseini, Abu Faid.
- 100- Tabyeen AL Hagaig Sharh Kanz AL Dagaig, Fakhruddin Othman bin Ali Hanafi Zayla'I, Cairo 1313h.
- 101- Tuhfat AL Masoul Sharh Muntaha AL Rahooni Abu Zakaria Yahya bin Moosa: Achieving Hadi Bin Al Hussein Shabibi. I. Research House for Islamic Studies & 1422 2002-m.
- 102- Tuhfat AL Ahwadhi Bisharh Jami AL Tirmidhi, Imam Tirmidhi Hafiz Abu Ela Mohammed Abdul Rahman bin Abdul Raheem Al-Mubarak Beirut- Lebanon.
- 103- Tuhfat al Muhtaj Bisharh AL Minhaj, Shihab al-Din Abul Abbas Ahmed bin Mohammed bin Ali bin Hajar, AL Haythami, Dar al kutub al Ilmiya Beirut, Lebanon.

- 104- Tahgeeg AL Murad Fii Anna AL Nuha Yagtadi AL Fasad, Hafiz Salahuddin Khalil bin Amir Saifuddin Abdullah bin Kicalda Alaia, 14021982-.
- 105- AL Talgeen fii AL Fiqh al-Maliki Judge Abdul Wahab bin Ali bin Nasr al-Baghdadi al-Maliki Thalabi achieve: Abu Mohammed Uys Bo bread-Hassani, printed Dar AL Kutub AL Ilmiya first edition 14252004-m
- 106- AL Tahreer Lil Kamal Ibn AL Humam, ma`a Sharhihi AL Tayseer, Publishers: Dar AL Kutub AL Ilmiya.
- 107- AL Tahseel min AL Mahsoul, Sirajuddin Alormoa Dr. Abdel Hamid Abu ZnadMua`asasat al Risala. First 1408 - 1988.
- 108- AL Talweeh Ela Kashf Hagaig AL Tangeeh, Saad Eddin Taftazani Darul Arqam edition - Beirut, Lebanon 1419 - 1998.
- 109- AL Talkhees fii Osoul AL Figh, Imam AL Hamein, Dar AL Kutub AL Elmiya. Beirut, Lebanon 1424 2003.
- 110- AL Tagreeb WA al Ershad (AL Sageer) Judge Abu Bakar bin Tayeb Albaqlani, Tahgeeg: Dr. Abdel Hamid Abu Znad.t. Muasasat al Risala 14181998-.
- 111- Tashneef AlmAsamiBijama AL Jawami, Zrkachi Dar AL Kutub AL Ilmiya Beirut. 1429- 2000.
- 112- Tagweem AL Adilla fii Osoul AL Figh, Abu Zeid Obeid-Allah ibn Umar AL Dabbosi, Beirut -Lebanon. 1421- 2001 m.
- 113- AL Tamheed Fii Osoul AL Figh, Abu Khattab bin Ahmed Mahfouz Alkolodhani, Muasasat AL Rayyan Beirut - Lebanon 1421 - 2000.
- 114- Al Tamheed fii Takhreej AL Furoua ala AL Osoul, Lil Osnawi, Mohammed Hassan Hito, Muasa`asat AL Risala 1400 - 1980.
- 115- Takhreej AL Furoua ala AL Osoul, Abi AL Managib Abu Mahmud bin Ahmad Zanjani p. 34 achievement: d. Mohammed Adib Saleh, Muasasat al Risala, Beirut, 1398h.
- 116- AL Dhakheera al Kubra`a fii Furoua AL Maalikia Dar AL Kutub al elmiya Beirut i. First 1422 -2001.
- 117- Ghayat al Wusoul fii sharh Lub AL Wsoul Shaykh al-Islam Abu Yahya Zakaria Al-Ansari i. Dar Al-Fikr, Beirut, first edition 1419 -1998.
- 118- AL Ghaith Alhama Sharh Jama AL JawamiaWali AL Din Ahmed Iraqi, Modern Cairo Farouk. First Edition 1420 - 2000.