

## The ruling on Removing an Agent without his Knowledge and Eliminating an Absentee in Islamic Jurisprudence

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### KEYWORDS

Agent, Dismissal, Judiciary, Testimony, Legal Ruling

### ABSTRACT

Removal is an annulment of the contract, and its ruling is not required except after knowledge of it, and if it is withdrawn before knowledge of it, there will be harm in it, because he may act in ways that become invalid, and that the agent acts on the orders of his principal, and the ruling of revocation against the person appointed before his knowledge is not proven, such as rescission. Requiring the testimony to be performed with a specific word, "and I bear witness," which is what the Hanafis and Malikis said in the words of the Shafi'i masters and a narration from the Hanbali masters. As for the Maliki scholars, according to the more correct of the two opinions, and the Hanbalis, according to the other narration, they do not stipulate this.

### 1. Introduction

Praise be to God who guided us to the religion of Islam, and preferred our religion over all other religions, and honored us and honored us with the Chosen One, the Guide Al-Adnan, may God bless him, and all the prophets and messengers, and the pure and honorable family of the Prophet, and the honorable companions of the Messenger of God, and the righteous servants of God, from the people of the heavens and the earth. And he loved them and walked Follow their guidance and follow in their footsteps until the Day of Judgment. As for what follows: it has come. The Seal of the Prophets and the Beloved of the Lord of the Worlds - may the prayers and peace of my Lord be upon him - said: ((Whoever God intends good for, He will make him understand the religion)) )God Almighty has honored His learned servants with high status and great prestige, because of the efforts they made in deducing the legal rulings and codifying them. They placed them in their books and explained them in a comprehensive and comprehensive way to those who succeeded them. They even wrote extensively in the field of these tasks - of the abbreviations and the simple ones, and they deposited solutions in them. precise benefit; For all kinds of valuable issues, they explained everything that a person needs in his life, and even what is expected to happen, even on the rarest of possibilities, and with their efforts they left the nation with insight into the affairs of its religion and its world.

### The first topic

#### *Removing the agent without his knowledge*

The first requirement: Definition of agency linguistically and terminologically. Agency in language: Agency with the fatha and kasra in the language: preservation, and from it is the agent, in the names of God Almighty meaning the preserver, and from it is the trust. It is said: In God we trust, meaning we delegate our affairs. Power of attorney: delegating action to others, and the agent is called an agent; Because his client has authorized him to carry out his command, he is entrusted with the matter. Agency terminology. Jurists have different definitions and multiple forms of agency, which are. First: Definition of the Hanafi masters - may God have mercy on them. Placing another person in his place - whether in luxury or incapacity - in a known, permissible act. Second: Definition of the Maliki gentlemen - may God have mercy on them: The representation of a person with a right who has no authority and no worship of anyone else in him, is not conditional upon his death. Third: Definition of the Shafi'i masters - may God have mercy on them: Delegating someone to do what he accepts delegation to someone else to do in his life Fourth: Definition of the Hanbali masters - may God have mercy on them. A delegation is permissible to act in a similar manner in what he has the right to do during his life. The definition chosen and the reason for choosing it: Delegating someone to do something that can be delegated to someone else to do in his life. I chose this definition because it is comprehensive and comprehensive, all types of agency fall under it, and it includes all the conditions

required for the validity of an agency. The jurists disagreed about a man appointing a man to dispute, then removing him from it without knowledge. The first statement: The Hanafi gentlemen went - May God have mercy on them, and it is the most correct view according to the Maliki scholars And a saying according to the Shafi'i masters And a narration according to the Hanbali masters It is required that the agent be aware of the dismissal. Their guide: Removal is an annulment of the contract, and its ruling is not required except after knowledge of it, and if it is withdrawn before knowledge of it, there will be harm in it, because he may act in ways that become invalid, and that the agent acts on the orders of his principal, and the ruling of revocation against the person appointed before his knowledge is not proven, such as rescission. The second statement: The Maliki gentlemen went According to the saying of the Shafi'i scholars, it is more correct And the Hanbali masters In the doctrine, there is no requirement that the agent be aware of the dismissal. If the agent acts after the dismissal, his action is invalid. Their guide: Isolation is the lifting of a contract that does not require the consent of its owner, so it does not require his knowledge like divorce. And the most likely What the jurists say is what the authors of the first opinion agreed to due to the strength of their evidence.

## **The second topic**

### ***Retracting some testimony***

First: Definition of certificate: In the language: Shahada is taken from the word "shahd", "to bear witness", and it has several meanings, including: a-News: Because he said: - May God bless him and grant him peace: "There will come a people who will bear witness but will not be cited." . B-the audience It is said: He testified if he was present, and a group of witnesses means presence, including the Almighty's saying: This means that the angels attend the dawn prayer . C-Science Because God Almighty says: And God witnessed, that is, God's knowledge, or God's books It is said: So-and-so testified before the judge: If he knows to whom the truth is, and to whom it is, then the witness is the one who knows. He shows what he taught. Oath or oath: I bear witness to such-and-such, i.e. I swear, including the Almighty's saying: The testimony here: the oath. Definition of testimony in terminology: Jurists defined testimony with multiple definitions, including: Firstly: The Hanafi gentlemen - may God have mercy on them: Shahada is: "Truthful information in the ruling council with the wording of testimony." The Hanafi school of thought also defined it as: "reporting that what is in someone else's hand belongs to someone else." secondly The Maliki gentlemen, may God have mercy on them, defined it as: "Information of what occurred in the pleading and intended for the judiciary and the ruling."

The Maliki scholars also defined it as: "decisive information based on knowledge to be decided accordingly." Third: The Shafi'i masters - may God have mercy on them: They defined it as: "declaring a right to others against others with the word 'I bear witness'." . Some of the Shafi'i scholars - may God have mercy on them as well - defined it as: "Informing about something with a specific wording." Fourth: The Hanbali masters - may God have mercy on them, defined it as: "reporting what he knew with the word 'ashhadhu' or 'shahada'." . The chosen definition: The jurists' definitions were close in meaning, although the disagreement was in two matters: The first: Requiring the testimony to be performed with a specific word, "and I bear witness," which is what the Hanafis and Malikis said in the words of the Shafi'i masters and a narration from the Hanbali masters. As for the Maliki scholars, according to the more correct of the two opinions, and the Hanbalis, according to the other narration, they do not stipulate this. The second: The requirement to perform it in the Judicial Council, which appeared in the Hanafi definition and was derived from the Maliki definition, where they restricted reporting to the ruler. Others did not require this. Perhaps the first of these definitions is the Maliki definition of the following: This definition is a difference between narration and testimony. The narration came out with the words "to judge according to it," meaning by the judge, so the testimony is before the judge. The phrase "knowingly" includes the testimony of inspection and hearing. The other definitions did not restrict the testimony to be before the judge. The one who decides whether to accept the testimony or not is the judge, so the testimony has no meaning if it is not in his court. "Legitimacy of the certificate" The testimony is a legal proof and the evidence for its validity is: The

Holy Quran There are many verses in the Holy Qur'an that talk about martyrdom, and among these verses is the Almighty's saying: And God Almighty says: „ And the Almighty said: The Sunnah of the Prophet: The Sunnah also indicates the legitimacy of testimony, on the authority of Ibn Abbas - May God be pleased with him - that the Prophet - peace and blessings of God be upon him - said: “If people were to give according to their claim, some people would claim the blood and wealth of men, but the oath is on the one who claims it.” In the narration: “The right is upon the plaintiff, and the oath is upon the one who denies.” Evidence is everything that makes the truth clear and clear.

This includes testimony And for his saying - peace be upon him: “Your two witnesses or his right hand” And a hadith: “A man came from Hadhramaut And a man from Kinda went to the Prophet - may God bless him and grant him peace - and Al-Hadrami said, O Messenger of God: This man has defeated me over land in my father's land. Al-Kindi said, “It is my land in my hand. I cultivate it, but he has no right to it.” The Prophet said to Al-Hadrami: Do you have an environment? he said no. He said: You have his oath...” Evidence: is unanimous testimony Such a hadith was reported with wording that indicates testimony, in the authentic hadith on the authority of Abdullah bin Abbas - may God be pleased with them both - who said: The Messenger of God - may God bless him and grant him peace - said: Whoever swears an oath by which he is entitled to money while in it he is an immoral person, he will meet God while He is angry with him, and then God revealed Believe it: So he read to, Then Al-Ash'ath bin Qays came out to us and said: What is Abu Abd al-Rahman telling you? He said: So we told him, he said: He said: It was true in what I revealed. There was a dispute between me and a man in a well, so we disputed to the Messenger of God, may God bless him and grant him peace - and the Messenger of God, may God bless him and grant him peace, said: Your two witnesses or his oath. I said: Then he will leave behind and do not care... Hadith Consensus: The scholars have unanimously agreed on the legitimacy of testimony in general, and the basis for this consensus is the Qur'an, the Sunnah, and consideration. Consideration: Through martyrdom, people's rights are preserved, blood, money, and contracts are protected from ungratefulness, and money is preserved from its owners and owners.

Therefore, bearing testimony was generally obligatory, because it is a matter of cooperating in righteousness and piety. Indeed, it is one of the best righteousness, because it relates to preserving people's money and rights, and the rights of God Almighty, and establishing His limits. Therefore, God Almighty says: „ And He - Glory be to Him - said: ~ Sufyan said Ibn Uyaynah - may God Almighty have mercy on him: It is what God repels the witnesses from disbelief and injustice Sharih Al-Qadi said - May God have mercy on him. The judiciary is an ember that he opened for you with two sticks, meaning the two witnesses. The adversary is a disease, and testimony is a cure, so pour the cure on the disease. The witness retracts some of his testimony. An example of this: If he testifies to one hundred and then says: It is one hundred and fifty, or says: Rather, it is ninety. If the witness adds or decreases, then the people of knowledge differed on this matter with three opinions: First saying He rules according to what he recently testified to - which is the saying of the Hanafi masters, the Maliki masters, and the Hanbali masters - may God have mercy on them. They used as evidence their statement that the last testimony is a testimony from a just person who is not accused, and he did not retract it, so it must be judged as if nothing contradicting it had preceded it. The second statement: That his first testimony is taken into account - which is a statement of the Maliki masters - may God have mercy on them . They used as evidence their statement that the witness gave testimony while he was not accused, so his retraction was not accepted as if the referee had contacted her. The third saying: His first testimony is not accepted, nor the afterlife - which is the saying of Imam Al-Zuhri - may God have mercy on him. He supported his statement with the following: Each of the two testimonies rejects and contradicts the other, so neither of these two testimonies is taken into account for this contradiction. The first testimony is retracted, and the second testimony is unreliable, because it is someone who acknowledges his error in his testimony, so it is not certain that he made a mistake in the second like the first. What is most likely, and God knows best This is the first statement: This is due to the following: The strength of the evidence used by the authors of this statement. What the proponents of

the second opinion used as evidence is answered by the existence of the difference between the witness's return here, and his return after the ruling, because the ruling has been fulfilled by continuing its condition, so it is not revoked after its completion.

What was indicated by Imam Al-Zuhri - May God have mercy on him, because there is a contradiction between the two testimonies. He is answered by saying that the second testimony is not contradicted by the first, because the first was invalidated by his retracting it, and it is not permissible to rule on it; Because it is a condition of the ruling, it is considered to continue until its expiration. As for their reasoning, the first is invalid, and the second is unreliable. He will be answered by agreeing to the first premise, so the first testimony will not be taken into account. As for the second, it will not be handed over to them. If it is from a just person who is not accused, then his testimony will be accepted. Indeed, the witness' retracting his testimony and pointing out his error is evidence of his interest in ensuring that his testimony is consistent with his certain knowledge of what he testifies to. Then The truth will not be proven by his testimony alone, but there must be another witness to defend the accusation.

### **The third topic**

#### ***Ruling on the Judiciary of Absent Persons***

Jurists differed regarding the legality of eliminating the absent person based on two main schools of thought: The first doctrine: It is not permissible to make up for the absent. Among those who hold this opinion are the Hanafi school of thought. And Imam Al-Shafi'i in the past, and the second narration on the authority of Imam Ahmad, and Ibn Taymiyyah chose it from the Malikis, Ibn Abi Laila, Al-Sha'bi, Sufyan, and Ibn Shubramah in Ibn Hazm's narration on his authority (55). They demonstrated the impermissibility of making up for the absent according to the Holy Qur'an, the Sunnah of the Prophet, and what is reasonable. The Holy Quran The Almighty said: The face of significance: Truth is a name for an established being, and there is no proof with the possibility of non-existence, and the possibility of non-existence is established in evidence due to the possibility of lying, so the ruling on evidence was not a ruling on the truth, so it should not have been permissible to rule on it in the first place, except that it was made an argument for the necessity of separating disputes, and that did not appear in the case of backbiting. Rather, he acted with evidence to end the dispute, and there is no dispute here due to lack of denial, so it is not valid.

It is possible news, and it is not permissible to base the ruling on possible news. Sunnah: The saying of the Messenger - may God bless him and grant him peace - to our master Ali, may God be pleased with him: ((Do not make a judgment until you hear from the other as you heard from the first, for it is more likely that the judgment will become clear to you)) . The face of significance: He - may God's prayers and peace be upon him - forbade one of the two opponents from judging before hearing the words of the other, because ignorance prevents him from judging and because ignorance does not go away except by hearing their words. Judicating for the plaintiff in the absence of the defendant is a ruling for one of the two opponents before hearing the other's words, so it was forbidden from doing so . Reasonable: Evidence is a name for what a statement is obtained from, and what is meant is not that it is evidence against the plaintiff only because it is obtained by his statement, nor against the judge because it is obtained by the statement of the plaintiff if he has no dispute, but rather the need for a statement is against the ungrateful opponent and that can only be done in his presence. The completion of evidence is in the presence of the opponent, because evidence is a name for evidence, and it is not evidence against him unless he shows his inability to defend and appeal, and the appearance of his inability can only be in his presence. The second statement: It is permissible to make up for the absent person: It is permissible to make up for the absent, which is the doctrine of the majority of Maliki, Shafi'i, and Hanbali jurists according to what is approved by them, and the Dhahiri, Imami, and Al-Awza'i jurists. And Al-Layth Bin Saad, and Ibn Al-Mundhir The transmission differed from Ibn Shubrumah It was reported by Ibn Hazm He said that it is not permissible, while Ibn Qudamah quoted him Ibn Hajar said it was permissible The majority based their evidence on the Qur'an, Sunnah, consensus, and reason. Evidence. The Holy Qur'an: God Almighty says: And the Almighty said: And



many others. The reason for this is that the verse did not differentiate between the absent and the present in the ruling .

Sunnah: His ruling - may God bless him and grant him peace - over the Oranites who killed the shepherds. His ruling - may God's prayers and peace be upon him - on the people of Khaybar was to divide Abdullah's guardians. The saying of the Messenger - may God bless him and grant him peace - ((To India: Take what is sufficient for you and your children on an honorable basis)). The face of significance: He - may God bless him and grant him peace - eliminated the Aranis, the people of Khaybar, and Abu Sufyan while they were absent. In the hadith of Hind, he judged Abu Sufyan - may God be pleased with him - while he was absent, so it was a judgment, not a fatwa. Otherwise, he would have said to her: You may take it, or there is no problem with you. He did not order her to say - may God bless him and grant him peace: Take it, because the mufti does not decide with his fatwa, so when he decided, it was a ruling not. advisory opinion. He objected to the inference of Hind's hadith that Abu Sufyan - may God be pleased with him - was present in Mecca when Hind came and pledged allegiance to him - may God's prayers and peace be upon him - and because he - may God's prayers and peace be upon him - did not estimate the ruling for her, and Imam Al-Nawawi - may God have mercy on him, said: There are two sides to it, the more correct one.

One of them is that it is a fatwa, and it applies to every woman like her, so it is permissible. The second is that it is a fatwa, so it is not permissible for anyone else except with the permission of the judge. In any case, the majority did not cite this hadith alone as evidence, and the significance of the sayings of the Companions and their narrations is more clear . Sayings of the Companions and their effects: Among them is the saying of our master Omar - may God be pleased with him: ((Whoever has money on Al-Asifa', let him come to us tomorrow, for we have pledged allegiance to his money and divided it among his creditors)) Al Asifa was absent. It was authentically narrated on the authority of our master Omar and Othman, may God be pleased with them, that the ruling on the absent person was not dissented from among the Companions, so it was a consensus. Ibn al-Mundhir conveyed the consensus on similar rulings from a ruler and transferring them to another ruler, and this is nothing but a judgment on the absent . Reasonable: If it were prevented from judging the absent person, many of the rights that the legislator urged us to preserve would be lost, and the failure to judge the absent person would lead to fleeing and hiding from the judiciary, making that a means and a trick to waste rights. And the most correct saying This is what the jurists agreed to because of the strength of the evidence they have.

## **2. Conclusion**

Every beginning has an end, and the best speech is the best at its end. The topic (the ruling on removing an agent without his knowledge and eliminating the absent person in Islamic jurisprudence) is one of the best topics due to its importance in our society. By the grace of God Almighty, I have reached the following results: Removal is an annulment of the contract, and its ruling is not required except after knowledge of it, and if it is withdrawn before knowledge of it, there will be harm in it, because he may act in ways that become invalid, and that the agent acts on the orders of his principal, and the ruling of revocation against the person appointed before his knowledge is not proven, such as rescission. Requiring the testimony to be performed with a specific word, "and I bear witness," which is what the Hanafis and Malikis said in the words of the Shafi'i masters and a narration from the Hanbali masters. As for the Maliki scholars, according to the more correct of the two opinions, and the Hanbalis, according to the other narration, they do not stipulate this. The permissibility of making up for the absent: The permissibility of making up for the absent, which is the doctrine of the majority of jurists: the Malikis, the Shafi'is, the Hanbalis according to what is approved by them, the Dhahiris, the Imamis, Al-Awza'i, Al-Layth bin Saad, and Ibn Al-Mundhir.

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- [5] See: Al-Mabsoot by Al-Sarkhasi: 19/109, and Al-Bana'ah Sharh Al-Hidaya 9/306, Durar Al-Hukam 2/293.
- [6] See: Al-Sharh Al-Kabir ad-Dardir 2/414,
- [7] See: Nihayat al-Muttalib: 13/237, Asna al-Muttalib 2/53.
- [8] See: Al-Insaaf 11/174
- [9] See: Al-Sharh Al-Kabir Al-Dardir 2/414.
- [10] See: Nihayat al-Muttalib: 13/237, Asna al-Muttalib 2/53.
- [11] See: Al-Kafi fi Fiqh Al-Imam Al-Ahmad 2/143.
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- [26] - Same source.
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- [31] - Sahih Al-Bukhari, by Muhammad bin Ismail Al-Bukhari, Abu Abdullah (d. 256 AH), Dar Al-Shaab, 1st edition 1407 - 1987, Book: Testimonies, Chapter on Oaths: On the Defendant in Money and Limits. The Prophet, may God's prayers and peace be upon him, said, "Your two witnesses or his oath," No. the talk(2667).
- [32] - Kinda:: A wide area in the east of Aden near the sea, and around it is a lot of sand known as Al-Ahqaf, and it contains the grave of Hood, peace be upon him. It is seventy-two farsangs from the right between it and Sana'a. See the Dictionary of Countries, Al-Shehab Al-Din Yaqut Al-Hamwi - 3/157 - Dar Ihya' Al-Turath - Ihya' Al-Turath Edition - Beirut 1417 AH 1997 AD - ed. A farsakh is equivalent to between four and six kilometers in the current international system. "The majority of jurists agreed that a farsakh is equal to three miles." A mile in language: a mile from the ground is as far as the eye can see. A mile in jurisprudence: it does not deviate from its linguistic meaning, and it is a unit of length used by jurists to determine a distance. Permissible travel for concessions. See: Legal amounts and their control by natural signs, Dr. Ali Muhammad Al-Omari - Yarmouk University.
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- [39] - Surah Al-Baqarah from verse 282.
- [40] - Surah Al-Baqarah from verse 251.
- [41] Sufyan bin Uyaynah: Abu Muhammad bin Sufyan bin Uyaynah bin Abi Imran Maymun al-Hilali. He was born in Kufa in the year 107 AH, and originally from Kufa. He was a scholarly imam with proven evidence and an ascetic who narrated on the authority of al-Zuhri, Ishaq al-Subaie, Amr bin Dinar, Muhammad bin al-Mankadir, Abu al-Zannad, and Asim bin Abi al-Najood. Al-Muqri, Al-A'mash, Abd al-Malik bin Umair, and other notable scholars. Imam Al-Shafi'i, Shu'bah bin Al-Hajjaj, Muhammad bin Ishaq, Ibn Jurayj, Al-Zubair bin Bakkar, his uncle Mus'ab, Abd al-

Razzaq bin Hammam al-San'ani, Yahya bin Aktham al-Qadi, and many people were narrated from him. May God be pleased with them. He died on Saturday of Rajab in the year 198 AH in Mecca. See: Deaths of Notables and News of the Sons of Time, by Abu Abbas Shams al-Din Ahmad Ibn Khalkan al-Barmaki al-Irbali (d. 681 AH), edited by: Ihsan Abbas, Dar Sader - Beirut, 2/391.

[42] - Al-Maounah by Judge Abdel-Wahhab - 3/1540.

[43] Judge Shurayh: Abu Umayyah Shurayh ibn al-Harith ibn Qays al-Kindi, he was one of the senior followers, and Omar ibn al-Khattab, may God be pleased with him, appointed him to judge in Kufa. He served as a judge for seventy-five years, during which he was not interrupted except for three years during which he refrained from judging in the sedition of Ibn al-Zubayr, and al-Hajjaj ibn excused himself from Yusuf was removed from the judiciary, so he relieved him. He died in the year 87 AH when he was one hundred years old, and he was 120 years old, and it was said that it was 108 AH. See: Deaths of Notables and News of the Sons of Time, 2/460.

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[45] - Al-Musannaf fi Hadiths wal-Athār by Ibn Abi Shaybah - 7/236 - ed.: Al-Sunan Al-Kubra by Al-Bayhaqi - 10/243 - ed.: Scientific Books - Beirut - 1414 AH.

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[47] - Al-Hidaya Sharh Bidayat al-Mubtada - 3/126, Al-Dasouki's footnote to Al-Sharh Al-Kabir - vol. 2, p. 169, Al-Mughni by Ibn Qudamah - 14/264.

[48] - Al-Mughni by Ibn Qudamah - 14/264.

[49] - The Crown and the Wreath - 8/240.

[50] - Al-Mughni by Ibn Qudamah - 14/264.

[51] - Al-Sunan Al-Kubra by Al-Bayhaqi - 10/425, Al-Mughni by Ibn Qudamah - 14/264.

[52] - Al-Mughni by Ibn Qudamah - 14/264.

[53] Syphilis: Abu Bakr Muhammad bin Muslim bin Abdullah bin Shihab Al-Zuhri, from Banu Zahra bin Kilab, from Quraysh, the first to record hadith, and one of the greatest memorizers and jurists. Tabi'i, from the people of Medina, died in the year 124 AH. See: History of Islam 3/499, and Al-A'lam by Al-Zirikli 7/97.

[54] - Surah S: from verse 26.

[55] -Bada'i' al-Sana'i' 6/222 - Explanation of Al-I'ra'ah li-Hidaya 5/493.

[56] -It was included by Abu Dawud in Al-Aqdiyah, Chapter on How to Judge, and by Ahmad in Al-Musnad 1/111.

[57] - See: Fath Al-Qadir 5/494.

[58] - See: Bada'i' al-Sana'i' 6/222 - Al-Mabsoot 17/39., Al-Mabsoot 17/39 - Fath Al-Qadir 5/494.

[59] Al-Awza'i: Abu Amr Abd al-Rahman bin Amr bin Yahmd, the imam of the Levant in jurisprudence and asceticism, and he died in the year (157 AH). See: History of Islam 4/120, and Al-A'lam 3/320.

[60] Al-Layth bin Saad: Abu Al-Harith Abd al-Rahman al-Fahmi, the imam of the people of Egypt in his time, a modern scholar and scholar of jurisprudence, who died in the year (175 AH). See: History of Islam 4/710, and Al-A'lam by Al-Zirikli 5/248.

[61] Ibn Al-Mundhir: He is Abu Bakr Muhammad bin Ibrahim bin Al-Mundhir, a diligent jurist, a scholar of hadith, and one of his works is (Al-Mabsoot fi Al-Fiqh). He died in the year (319 AH). See: History of Islam 7/344, and Al-A'lam by Al-Zirkali 5/294.

[62] Ibn Shubrumah: Abdullah bin Shubrumah bin Al-Tufayl bin Hassan Abu Shubrumah Al-Kufi, the judge, the jurist of the people of Kufa, his number among the Successors, a poet, of good character, a gentleman, or heard from the people,

[63] His narration about him and Umrah amounted to fifty hadiths or so. He died in the year 141 AH. Al-Bukhari cited him in Al-Sahih, and narrated from him in Al-Adab, and the rest narrated from him except Al-Tirmidhi, and Abu Jaafar Al-Tahawi narrated from him. See: Mughani Al-Akhyar fi Sharh Asami Rijal Ma'ani Al-Athar, by Abi Muhammad



Mahmoud bin Ahmed bin Musa bin Ahmed bin Hussein Al-Ghaitabi Al-Hanafi Badr Al-Din Al-Aini (d. 855 AH)

[64] Edited by: Muhammad Hassan Muhammad Hassan Ismail, Dar Al-Kutub Al-Ilmiyyah, Beirut - Lebanon

[65] 1st edition, 1427 AH - 2006 AD. 2/88.

[66] Ibn Hazm: Abu Muhammad Ali bin Ahmed bin Saeed bin Hazm, born in Cordoba, Andalusia, in the year three hundred and eighty-four, on the eastern side of it. He was a memorizer and knowledgeable of the sciences of hadith and its jurisprudence, and he extracted rulings from the Qur'an and Sunnah after he had been the Shafi'i school of thought, so he moved to the doctrine of the people of Zahir, and he died in the year four hundred and fifty-six. See: Al-Wafi bi al-Wafiyat 20/93.

[67] Ibn Qudamah: Muwaffaq al-Din Abu Muhammad Abdullah bin Ahmad bin Muhammad bin Qudamah bin Miqdam al-Hanbali, author of "Al-Mughni". He was born in Nablus, in the year 541 AH. He heard in Damascus from: Abu al-Makarim bin Hilal, and several others. In Mosul, her fiancé, Abu al-Fadl al-Tusi. And in Mecca from: Al-Mubarak bin Al-Tabbakh, who had a sheikhdome that we heard. Narrated by: Al-Baha Abdul Rahman, Al-Jamal Abu Musa Ibn Al-Hafiz, Ibn Nuqtah, Ibn Khalil, Al-Diya', Abu Shamah, and Ibn Al-Najjar. He died in the year 620 AH. See: Biography of the Noble Figures 16/149.

[68] - See: The Jurisprudential Laws of Muhammad ibn Ahmad ibn Muhammad ibn Jazi al-Kalbi al-Gharnati, 2nd edition, Beirut, Dar al-Kitab al-Arabi 1409 AH - 1989 AD, p. 295, The Beginning of the Mujtahid and the End of the Muqtassid, Abu al-Walid Muhammad ibn Ahmad ibn Rushd al-Hafid al-Qurtubi al-Andalusi, Dar al-Fikr for Printing and Publishing 3532, and insight. Rulers in the Fundamentals of Districts and Curriculums of Rulers Burhan al-Din Abu al-Wafa Ibrahim bin Shams al-Din Abu Abdullah bin Farhun al-Yamari, Beirut, Dar al-Kutub al-Ilmiyyah 198 al-Muhadhdhab Abu Ishaq Ibrahim bin Ali bin Yusuf al-Fayrouzabadi al-Shirazi Beirut Dar al-Fikr, 303/2304, Rawdat al-Talibin and Umdat al-Muftin Abu Zakaria Yahya bin Sharaf al-Nawawi, 3rd edition, Al-Maktab Al-Islami 1412 AH - 1991 AD, 175/11 Al-Wajiz fi jurisprudence of Imam Al-Shafi'i Abu Hamid Muhammad bin Muhammad Al-Ghazali 1418 AH - 1997 AD, first edition, Beirut, Dar Al-Arqam 444/2 - 445, Literature of the Judiciary or Pearls of Systems in Districts and Governments Shihab al-Din Abi Ishaq Ibrahim bin Abdullah Ibn Abi al-Dam al-Hamawi, ed.: Muhammad Mustafa al-Zuhayli, second edition, Damascus, Syria, Dar al-Fikr, pp. 278-280, al-Mughni, Muwaffaq al-Din Abu Muhammad Abdullah bin Ahmad Ibn Qudamah al-Maqdisi Beirut Lebanon Dar Al-Kutub Al-Ilmiyyah 11/485 - 487, Kashshaf Al-Qinaa' on the Text of Persuasion, Mansour bin Yunus bin Idris Al-Bahuti 1402 AH - 1982 AD, edited by: Hilal Muselhi Mustafa Hilal, Beirut, Dar Al-Fikr - 6/353 356 Al-Muhalla Ali bin Ahmed bin Saeed bin Hazm Al-Dhaheri Al-Andalusi, edited by the Committee for the Revival of Arab Heritage, Beirut, Dar Al-Afaq Al-Jadidah 366/9, Fath Al-Bari, Explanation of Sahih Al-Bukhari, Ahmed bin Ali bin Hajar Abu Al-Fadl Al-Asqalani Al-Shafi'i, edited by: Muhammad Fouad Abdel-Baqi and Muhib Al-Din Khatib, Beirut, Dar Al-Ma'rifa, 1171/13, and Jawahir. Al-Kalam fi Sharā' al-Islam, by Muhammad Hassan al-Najafi, verified and commented on by Sheikh Abbas al-Qujani, Dar Ihya al-Turath al-Arabi, 4th edition, Beirut - Lebanon, 222/40.

[69] - Surat Al-Ma'idah: from verse 49.

[70] - Surah S: from verse 26.

[71] - Mughni Al-Muhtaj 4/406 - Tuhfat Al-Muhtaj ila Evidence Al-Minhaj 2/431 - Al-Minhaj Sharh Muslim 12/7.

[72] - Sunan Al-Bayhaqi 8/282.

[73] - Sunan Al-Bayhaqi 8/117

[74] - Sahih Al-Bukhari, Book: Itikaf, Chapter: Whoever conducts the affairs of the regions according to what they agree upon among themselves in sales, rent, measure, and weight, Hadith No. (95), 3/103.

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[76] - Mughni Al-Muhtaj: 4/406 - Tuhfat Al-Muhtaj: 10/163 - Nihayat Al-Muhtaj: 8/268 - Abstraction: 4/360 - Tuhfat Al-Muhtaj Ila Evidence of Al-Minhaj: 2/431 and 575 - Al-Minhaj Explanation of Sahih Muslim: 12/7, Asna Al-Matalib: 4/315.

[77] - Sunan Al-Bayhaqi: 10/141.

[78] - Asna Al-Matalib: 4/315, Al-Ijma' by Ibn Al-Mundhir: 62.

[79] - Mughni Al-Muhtaj: 4/406 - Tuhfat Al-Muhtaj: 10/163 - Nihayat Al-Muhtaj: 8/268 - Al-Tajarid: 4/360 - Tuhfat Al-Muhtaj to Evidence of Al-Minhaj: 2/431 and 575 - Al-Minhaj Sharh Sahih Muslim: 12/7, Asna Al-Matalib: 4/315.