

Differences among jurists regarding prohibited but valid transactions (Selected models)

Widad Mahdi Jasim Mohammed¹

Department of Economics, College of Management and Economics, Kirkuk University, Iraq .

widadmahdi@uokirkuk.edu.iq

Mohammed Naaman Abdulnabi²

Department of Quranic Sciences and Islamic Education, College of Education for Human Sciences, Tikrit University , Iraq .

Mohamadno3man@tu.edu.iq

Article Information

Received: August 13, 2023

Accepted: September 22, 2023

Published: Oktober 3, 2023

Keywords

Al-Bay', Al-Buyu' Al-Muharramah Ghair Al-Muharramah, Al-Hasād, Al-Malaqīh wa Al-Madāmin, As-Sūf

ABSTRACT

The focus of my study is on the concept of prohibited but valid transactions. It is in the best interest of people that Allah Y has clarified the ways of life and legislated for them the exchange of benefits through permissible means, as they carry goodness and guidance. The wisdom behind the legitimacy of transactions is that it serves as a means to fulfill human needs such as clothing, drinks, food, and other necessities of life. Often, a person's need is dependent on what is in the possession of another, who may not willingly provide it. Thus, a transaction is a means to achieve one's purpose without difficulty or hardship.

Therefore, we find the noble Prophet ﷺ urging the ummah to seek lawful and wholesome gains while warning against illegitimate and malicious earnings due to their frequent occurrence.

Given the depth of financial transactions in people's lives, especially in our present era, it has motivated me and raised my determination to research this subject, hoping that Allah Y guides me towards what is beneficial in both this world and the hereafter.

Introduction

Praise be to Allah, we praise Him, seek His help, ask for His forgiveness, and seek refuge in Him from the evils of ourselves and the misdeeds of our actions. Whoever Allah guides, there is no one to lead astray, and whoever is led astray, there is no guide for them. We bear witness that our Master Muhammad is His servant and messenger. He delivered the message, fulfilled the trust, and advised the Ummah. May the blessings of Allah be upon him, his family, and his companions.

Now to proceed:

It was in consideration of the interests of humanity that Allah Y clarified the paths of life and legislated for them the exchange of benefits through means that He has made permissible. This is due to the goodness and guidance that it carries, as Allah Y says (interpretation of the meaning): [Quran verses]. He also closed doors and prohibited what contains harm and destruction, in confirmation of the words of Allah Y (interpretation of the meaning): [Quran verses].

The scholars, may Allah have mercy on them, have said: "The wisdom behind the legitimacy of transactions is that it serves as a means to fulfill human needs such as clothing, drinks, food, and other necessities of life. Often, a person's need is dependent on what is in the possession of another, who may not willingly provide it. Thus, a transaction is a means to achieve one's purpose without difficulty or hardship."

For this reason, we find the noble Prophet μ urging the ummah to seek lawful and wholesome gains while warning against illegitimate and malicious earnings due to their frequent occurrence. Given the depth of financial transactions that touch upon the realities of people's lives, especially in our present era, this has motivated me and raised my determination to delve into this subject. I beseech Allah Y to grant me success in what is beneficial for both this world and the hereafter, for success is in the hands of Allah alone, as stated in the noble verse, where Allah says (interpretation of the meaning): [Quran verses].

Importance of the Topic One of the most significant subjects in Islamic jurisprudence is financial transactions due to their frequent occurrence. Dealing with matters related to financial transactions is a constant aspect of daily life; hardly a day goes by without some financial transaction taking place. As members of society, individuals are constantly engaged in these transactions due to their commonality. Therefore, it was essential to elucidate their rulings through well-organized jurisprudential books addressing financial transactions, supported by their legal evidences, and providing the predominant opinions that serve the best interests of people.

Reasons for Choosing the Topic Highlighting the Importance of Financial Transactions Jurisprudence in Comparison to Personal Matters: Financial transactions, unlike personal matters such as marriage, divorce, lineage, inheritance, and maintenance, play a crucial role in the lives of individuals. This topic sheds light on the significance of understanding the legal framework surrounding financial dealings. Addressing Students' Reluctance in Dealing with Financial Transactions Due to Their Complexity: Many students tend to shy away from delving into the complexities of financial transactions. I wanted to address this issue and provide assistance, especially since I found that there are aspects within this subject that people need to have clarified according to Islamic jurisprudence. The scholars of Islam, in various Islamic schools of thought, have extensively researched what is required by a Muslim individual in their financial transactions. This involves careful consideration, diligence, and remains relevant until the Day of Judgment. It is not a closed chapter, as some may think, but rather an ongoing field accessible to anyone well-versed in the correct methods of jurisprudential diligence.

Theoretical Framework.

Definition of "Sale" in Language:

In language: Among the antonyms, he sold the thing, and he sold it from him, and he has a sale and a purchase: to give it in return. It is also said: the judge sold his property without his consent, and he sold his brother's sale, intervening between the buyers to spoil the contract, either to buy or sell, and if he bought it, he is a seller.

Definition of "Sale" in Islamic Jurisprudence Terminology:

As for the terminology, there are different definitions as follows:

First: Defined by the Hanafis: (Sale in language is the exchange of money for money, and similarly in Islamic law, but with the condition of mutual consent).

Second: Defined by the Malikis: (It is a contract of exchange without any additional benefits or

pleasures).

Third: Defined by the Shafi'is: (Sale is the exchange of money for money, both of which are capable of being disposed of, with a clear and permissible procedure).

Fourth: Defined by the Hanbalis: (It is the expression of offer and acceptance when it includes the elements necessary for ownership).

Fifth: Defined by the Zaidis: (The reality of sale is comprehensive and detailed. The comprehensive includes the offer and acceptance in two properties with conditions. As for the detailed, it is the actual transaction between two competent parties in what can be legally owned, for a known price, in two past-tense expressions or their equivalents in legal status).

Sixth: Defined by the Imamiyyah (Twelver Shi'as): (It is the wording indicating the transfer of ownership from one owner to another in exchange for a known compensation.

They have defined the contract as the productive offer and acceptance for the exchange of ownership. Therefore, contracting through gift-giving and announcing is not valid according to them).

The one I lean towards is the definition of the Shafi'is because it encompasses all types of sales, whether direct or otherwise. And Allah knows best.

The Essential Elements of the Sale Contract:

The First Element: The Parties involved, which are the seller and the buyer. The Second Element: The Subject Matter of the Contract, which is the price and the commodity being bought. The Third Element: The Form of the Contract, which means that the sale can be established through any statement or action indicating the intention to buy and sell. There are two forms of sale: A. Verbal Form: Also called offer and acceptance. B. Actual Form: Also called delivery.

Conditions of Sale:

The sale is not valid unless it fulfills the following seven conditions. If any of these conditions are lacking, the sale becomes invalid:

1. Mutual consent between the parties.
2. The contracting parties must be legally capable.
3. The commodity must be capable of beneficial use without any necessity.
4. The sale must be conducted by the owner or someone acting on their behalf.
5. The commodity must be deliverable by the seller.
6. The commodity must be identifiable through either direct observation or a clear description.
7. The price must be known and specified."After defining the sale and understanding its meaning, we now address the issues related to prohibited but valid sales.

Opinions on the Ruling of Selling to the Harvest:

There is a difference of opinion among the jurists regarding this matter, with two opinions:

The First Opinion: It is permissible to sell to the harvest. This was the view of Malik, Abu

Thawr, and one of the narrations from Imam Ahmad. It is also reported from Umar that he used to buy for the harvest. Supporters of this opinion argue that specifying the time for the transaction is known and not unknown.

Sahnun said: Ibn Wahb informed me, Ibn Juraij told me, that Amr bin Shu'ayb informed him from Abdullah bin Amr bin al-Aas, that the Messenger of Allah ﷺ ordered him to prepare an army. Abdullah said: We don't have money at the moment. So, the Prophet ﷺ ordered him to buy on credit until the contribution (Sadaqah) was received. Abdullah bought a camel with two camels on credit until the contribution was received by the order of the Messenger of Allah ﷺ. A group of knowledgeable people saw no harm in this. The Second Opinion: It is not permissible to sell to the harvest, nor to the jathath, nor to the Nairuz, nor to the Mihrajān, nor to the Christian New Year. This was the view of Abu Hanifa and al-Shafi'i. It is also the apparent narration from Ahmad, and it is the view of the Zahiriyyah. They argue the following:

Firstly, they say: Harvest, jathath, Nairuz, and Mihrajān are determined by days. Harvest and jathath may be delayed if the rain is delayed and they are advanced by the wind, counting the rain. As for al-'Atā', he was carried. All of this is a condition not mentioned in the Book of Allah, so it is invalid. Only a time limit that is neither delayed nor advanced by an hour or a month, like the Arabian and non-Arabian months, or like the rising or setting of the sun, or the rising or setting of a named star, or the rising or setting of the moon. All of these are time limits known to those who know. Allah says: "The sun and the moon (run on their fixed courses) calculated with measured out stages for each (for reckoning, etc.)" (Quran 55:5).

Ibn Hazm said: "It is impossible that we mention selling to Maysarah (harvest) as permissible. This is a right granted by the text, for it is Allah's ruling for anyone who cannot pay his debt".

Secondly, they say: Allah says: "Do not make the selling of Allah's covenant a miserable trade." (Quran 5:9). Al-Shafi'i said: "A deferred sale is not valid except with a term set

". **Thirdly**, they say: Allah says: "O you who have believed, do not consume one another's wealth unjustly or send it (in bribery) to the rulers in order that (they might aid) you (to) consume a portion of the wealth of the people in sin, while you know (it is unlawful)." (Quran 2:188).

Fourthly, it is not reported from Ibn Abbas that he said, "Do not sell until the harvest and Diyas, and do not sell except for a known month".

After presenting the opinions of the jurists and discussing their evidence, the most correct and Allah knows best, is the opinion of those who say that it is permissible to sell to the harvest and jathath. This is because it facilitates transactions, stimulates economic activity in society, and it involves a known and not an unknown condition.

Ruling on Selling Earnest Money (Advance Payment):

There is a difference of opinion among the jurists regarding the permissibility of this type of sale, with two main opinions:

First Opinion: The sale of earnest money is valid. This is the view of Umar, Abdullah bin Umar, and it is narrated as permissible by Mujahid, Muhammad ibn Sirin, Nafi' ibn al-Harith, and Zaid ibn Islam. This view is also attributed to Imam Ahmad - may Allah have mercy on him. Supporters of this opinion argue with the following:

1. What is reported from Zaid ibn Islam that he said: "The earnest money is permissible in a sale."

2. What is reported from Nafi' ibn al-Harith: "He bought the prison from Safwan ibn Umayya for Umar. If Umar is pleased, fine; otherwise, he has such and such option." This sale is valid due to the action of Umar.

Second Opinion: This type of sale is not valid. This is the view of Ibn Abbas, Al-Hasan, Malik, Al-Shafi'i, Abu Hanifa and his companions, the Zahiriyyah, Abu Al-Khattab from the Hanbalis,

the Imamiyyah (Twelver Shi'as), and it is also the view of the Zaidis.

Supporters of this opinion argue with the following:

1. Narrations from Amr bin Shu'ayb from the Prophet ﷺ: "He prohibited the sale of earnest money."
2. Since the buyer did not condition anything for the seller without compensation, it is not valid, just as it would not be valid if he conditioned it for a foreigner.
3. Because it is similar to an unknown option, if he conditioned for himself the right to cancel the sale without specifying a time, it is not valid.

After presenting the evidence for both opinions in this matter, what I see as the most preferable and Allah knows best, is the second opinion which prohibits the sale of earnest money unless it causes significant harm.

Selling Embryos and Fetuses:

The majority opinion is that "Malaqih" refers to the sale of what is inside the wombs of female animals, specifically embryos.

As for "Mudamin," it pertains to the sale of what is in the loins of males, specifically their semen.

Al-Azhar said: They are called so because Allah, may He be exalted, entrusted them within their bodies, as if He guaranteed them.

They cite a verse of poetry to support this:

"The embryos within the loins, the semen of the strong in the humps."

The Maliki school holds that "Mudamin" refers to the sale of what is in the wombs of female camels because the womb guarantees what is inside. Meanwhile, "Malaqih" is the sale of what is on the backs of camels, referring to male camels since they impregnate female camels. Therefore, the date palm tree that is pollinated by a male camel is also named after this practice.

Selling wool on the back

The scholars differed regarding the sale of wool on the back of an animal before slaughtering it, according to two opinions:

The first opinion: It is not permissible to sell wool on the back of an animal before slaughtering it. This is the opinion of the Hanafi, Shafi'i, and Hanbali schools of thought. They used the following evidence:

1. Ibn Abbas (may Allah be pleased with him) narrated: "The Messenger of Allah (peace be upon him) prohibited the sale of milk in the udder and wool on the back (of the animal)."
2. Al-San'ani commented on this hadith: "The narration is mutually supported by multiple chains of transmission, and the prohibition of deception (gharr) is established in it."
3. Ibn Abbas (may Allah be pleased with him) also said: "Do not buy wool on the backs of sheep, nor milk in the udders."

4. Ibn Abbas (may Allah be pleased with him) stated: "He (the Prophet) prohibited selling fruit until it ripens, or selling wool on a back, or milk in an udder."

The indication points to the clarity of the prohibition in his (peace be upon him) hadith regarding the sale of wool on the back of the animal. Supporting this indication is the fact that it cannot be completely obtained without what remains of it. Additionally, it is one of the characteristics of the animal, and it grows from the bottom, causing it to mix with other parts. This is unlike the limbs, as they grow from the top, and unlike the tail, as it can be removed. The cutting in wool is specific, leading to disputes over the location of the cut. Furthermore, it involves deception as it happens gradually, and what happens is under the ownership of the seller. This causes the sold item to be indistinguishable, and its value is unknown, making it unidentified.

The animal may die before being sheared, causing its hair to become impure. This would be deceitful without necessity, and therefore, it is not permissible.

It is connected to the animal, so it cannot be individually specified in the contract like its limbs. Requiring it to be pulled out from the animal would amount to torture, and if it's specified to be cut, there's a difference in the cut. For instance, the animal might be partially sheared, making it impossible to fulfill the entire condition. Carrying out the customary cut is also impractical as there's no set limit to it. Therefore, it's established that it is invalid.

The second opinion is that it is permissible under the condition that it is sheared immediately. This is the opinion of Abu Yusuf from the Hanafi school, as well as Imam Malik. It's also a reported opinion among the Hanbali and Zahiri schools.

They argue that it can be sheared without causing harm that necessitates cutting. Abu Yusuf also stated that it's permissible based on analogy to a resolution, just as if one were to resolve about the wool of a sheep, it would be permissible. This is in contrast to "Shajar al-Khilaf" which grows from the top, leading to an increase in the ownership of the buyer. Wool grows from the bottom, thus occurring under the ownership of the seller, causing them to mix.

According to Malik, it's permissible to sell wool on the backs of sheep, but if one stipulates that its shearing be delayed by five, six, or ten days, then it's all considered close. However, they said that its wool is not permissible before the sacrifice if Eid is near. As for when it's far enough away that its wool would grow before it's slaughtered, then there's no issue with it.

Some of the Hanbali scholars argued that it's known and can be delivered without harm. Ibn Hazm stated, "If someone sells wool, fleece, or hair on an animal, the cut is determined by the one who owns the wool, hair, and fleece, as he has to remove it from his property, not from the property of others. As for the place where the hair, fleece, and wool grow, which is the skin of the animal, it is the responsibility of the one who owns all of that to remove it from his property, not from the property of others. The one who owns the place can only facilitate that, just as someone who buys a ruined house has the right to demolish part of it in order to remove the ruin, and there is no liability on him for that, because he has no other way of doing the work he has been instructed to do except by doing that". After presenting the evidence regarding the sale of wool on the back, which refers to the back of the animal before slaughter, the opinion favoring permissibility is more likely. This is because the default ruling is permissibility in transactions, and harm in this case is not excessive. Allah knows best.

The Key Result of the Research on Jurisprudential Issues are as Follows:

1. Contracts mandated by Allah upon His servants, whether pertaining to what is permissible or forbidden for them, encompass transactions and others. This is indicated by the generality mentioned in His statement: [Quranic verses provided].
2. Allah, may He be exalted, has prohibited taking money or causing its destruction in any form of damage, because the term 'eating' in His statement: [Quranic verses

provided] although it may be generally understood as consumption, scholars have conveyed its intended meaning in language to another sense, which is: taking the property of others and destroying it without right."

References

Surah Al-Baqarah: Verse 275

Surah An-Nisa: Verse 29

Reference: "The Paths of Peace: Explanation of Bulugh Al-Maram" by As-San'ani, Muhammad bin Ismail Al-Amir (d. 1182 AH), Edited by Hazem Bahgat Al-Qadi, Dar Al-Fikr, Beirut, 1423 AH = 2003 CE, (Edition: 1), Volume 3, Page 1.

Surah Hud: Verse 88 Reference: "Lisan Al-Arab" by Abu Al-Fadl Jamal Ad-Din Muhammad bin Mukarram Ibn Manzur Al-Afriqi Al-Misri (d. 711 AH), Dar Sadir, Beirut - Lebanon, Volume 8, Page 25, under the topic of "Sale"; "Taj Al-Arus from the Jewels of the Dictionary" by Muhammad Murtada Al-Husayni Az-Zubaidi, Edited by a group of experts, Published by: Ministry of Guidance and Information in Kuwait - National Council for Culture, Arts and Letters in the State of Kuwait, (1385 AH = 1422 AH) = (1965 CE = 2001 CE), Dar Al-Huda, Dar Ihya Al-Turath, Volume 20, Page 365, under the topic (sale); "Foundation of Eloquence" by Abu Al-Qasim Mahmoud bin Amr bin Ahmad, Az-Zamakhshari Jar'u Allah (d. 538 AH), Edited by Muhammad Basel Ayyun As-Sud, Dar Al-Kutub Al-Ilmiyya, Beirut - Lebanon, 1419 AH = 1998 CE, First Edition, Volume 1, Page 87; "Al-Muajam Al-Wasit" by Ibrahim Mustafa, Ahmed Al-Ziyat, Hamed Abdul Qadir, Muhammad Al-Najjar, Edited by the Arabic Language Academy in Cairo, Dar Al-Dawah in Istanbul, and Dar Al-Fikr in Beirut, 1392 AH = 1972 CE, Second Edition, Volume 1, Page 79.

"The Expansive Sea: Explanation of Treasure of Minutes, Zain al-Din ibn Ibrahim ibn Muhammad, known as Ibn Najim al-Masri (d. 970 AH), Edited by Zakariya Umairat, Dar al-Kutub al-Ilmiyya, 1418 AH = 1997 CE, First Edition, Volume 5, Page 278; Bada'i al-Sana'i Fi Tartib al-Shara'i, Alaa al-Din Abi Bakr ibn Mas'ud al-Kasani al-Hanafi (d. 587 AH), Edited by Muhammad Khair Ta'ma al-Halabi, Dar al-Ma'arif, Beirut - Lebanon, 1420 AH = 2000 CE, Sixth Edition, Volume 5, Page 133.

Refer to: Al-Fawakih al-Dawani Ala Risala Abi Zaid al-Qairawani, Ahmad ibn Ghunaim ibn Salim ibn Muhanna, Shihab al-Din al-Nafrawi al-Azhari al-Maliki (d. 1126 AH), Maktabat al-Thaqafa al-Diniyya, Cairo - Egypt, Volume 2, Page 72; Manh al-Jalil Sharh Mukhtasar Khalil, Muhammad ibn Ahmad ibn Muhammad Ali Shah, Abu Abdullah al-Maliki (d. 1299 AH), Dar al-Fikr, Beirut, 1404 AH = 1984 CE, First Edition, Volume 1, Page 449; Hashiyat al-Adawi Ala Sharh Kifayat al-Talib al-Rabani, Abu al-Hasan Ali ibn Ahmad ibn Makram al-Sa'idi al-Adawi (d. 1189 AH), Edited by Yusuf al-Sheikh Muhammad al-Baqai, Dar al-Fikr, Beirut, 1414 AH = 1994 CE, Edition: 1, Volume 2, Page 137.

Refer to: Maghni al-Muhtaj Ila Ma'rifat Ma'ani Alfazh al-Minhaj, Shams al-Din Muhammad ibn Muhammad al-Khatib al-Sharifini (d. 977 AH), Edited and Annotated by: Ali Muhammad Muwad - Adel Ahmad Abdel Mawjoud, Dar al-Kutub al-Ilmiyya, Beirut - Lebanon, 1415 AH = 1994 CE, First Edition, Volume 2, Page 322; Al-Siraj al-Wahhaj Ala Matn al-Minhaj, by Imam Abu Zakariya Muhyi al-Din Yahya ibn Sharaf al-Nawawi al-Shafi'i (d. 677 AH), Dar al-Kutub al-Ilmiyya, Beirut - Lebanon, 1430 AH = 2009 CE, Sixth Edition, Volume 1, Page 170; Hashiyat Qalyubi Ala Sharh al-Mahalli Ala Minhaj al-Talibin, Ahmad ibn Ahmad ibn Salama al-Qalyubi (d. 1069 AH), Dar al-Fikr, Beirut, 1415 AH = 1995 CE, Volume 2, Page 191.

Refer to: Al-Mughni lil Ibn Qudamah, Abu Muhammad Abdullah ibn Ahmad ibn Muhammad ibn Qudamah al-Maqdisi (541-620 AH), Edited by: Taha al-Zaini - and Mahmoud Abdel Wahab Fayyad - and others, Maktabat al-Qahira, 1388 AH = 1968 CE, First Edition,

- Volume 3, Page 480; Al-Rawd al-Marb' Sharh Zad al-Mustaqni Mukhtasar al-Muqni, Mansur ibn Yunus al-Bahuti (1051 AH), Dar al-Fikr, Beirut - Lebanon, 1410 AH = 1990 CE, First Edition, Volume 2, Page 22; Kashaf al-Qina Ala Matn al-Iqna, Mansur ibn Yunus al-Bahuti (1051 AH), Dar Ihya al-Turath al-Arabi, Foundation for Arab History, Beirut - Lebanon, 1420 AH = 2000 CE, First Edition, Volume 4, Page 259.
- Refer to: At-Taj al-Mazhab Li Ahkam al-Mazhab, Al-Allama Ahmad ibn Qasim al-Ansi al-Yamani al-San'ani (1390 AH), Maktabat Ibn al-Qasim, Matba'at al-Mustafa al-Haditha, Edition: 1, Volume 2, Page 304; Sharai' al-Islam Fi Masa'il al-Halal wal-Haram, by Abu al-Qasim Najm al-Din Jafar ibn al-Hasan al-Hilli (676 AH), Matba'at al-Adab, Najaf, 1389 AH = 1969 CE, First Edition, Volume 2, Page 8.
- Refer to: Durar al-Hukam Fi Sharh Majalla al-Ahkam, Ali Haydar Khwaja Amin Afandi (1353 AH), Edited by Fahmi al-Husayni, Dar al-Jil, First Edition, 1411 AH = 1991 CE, Volume 1, Page 130, Item 162; Al-Sharh al-Kabir, by Abu al-Barakat Ahmad ibn Muhammad ibn Ahmad al-Dardir al-Maliki (d. 1201 AH), Edited by Muhammad Alish, Dar al-Fikr for Printing and Publishing, Beirut, Volume 3. Encyclopedia of Islamic Jurisprudence, Printed by the Kuwaiti Ministry of Awqaf, Second Edition, Compiled by a Group of Scholars, 1407 AH = 1987 CE, Volume 30, Page 220."
- "Refer to: Al-Mabsut by Al-Sarakhsi, Abu Bakr Muhammad ibn Ahmad ibn Abi Sahl (d. 490 AH), Dar Al-Ma'arif, Beirut, 1406 AH, Volume 25, Page 25; Bada'i al-Sana'i Fi Tartib al-Shara'i, by Imam Alaa al-Din Abi Bakr ibn Mas'ud al-Kasani al-Hanafi (d. 587 AH), Edited by Muhammad Khair Ta'ma al-Halabi, Dar Al-Ma'arif, Beirut - Lebanon, 1420 AH = 2000 CE, First Edition, Volume 5, Page 135; Al-Anaya Sharh al-Hidaya, Muhammad ibn Muhammad ibn Mahmoud Akmal al-Din Abu Abdullah ibn al-Sheikh Shams al-Din ibn al-Sheikh Jamal al-Din al-Rumi al-Babarti (d. 786 AH), Dar Al-Fikr, Volume 9, Page 311; Al-Sharh al-Kabir, Volume 3, Page 3; Al-Mawsu'a al-Fiqhiya, Volume 30, Page 220.
- Al-Jami' li Ahkam al-Quran, by Abu Abdullah Muhammad ibn Ahmad ibn Abi Bakr ibn Farh al-Ansari al-Qurtubi (d. 671 AH), Edited by Abdullah bin Abdul Mohsen Al-Turki, Foundation Al-Risalah, 1427 AH = 2006 CE, First Edition, Volume 2, Page 433; 'Aradat al-Ahwadhi bi Sharh Sahih al-Tirmidhi, Muhammad ibn Abdullah Abu Bakr ibn al-Arabi al-Maliki (d. 543), Dar Al-Kutub Al-Ilmiyya, Beirut, Volume 5, Page 176; Al-Mughni, Volume 4, Page 21.
- Refer to: Al-Mudawwanah al-Kubra, by Imam Malik ibn Anas ibn Malik ibn Amir al-Asbahi al-Madani (d. 179 AH), Saudi Ministry of Awqaf, Matba'at al-Sa'adah, 1324 AH, Volume 9, Page 158; 'Aradat al-Ahwadhi, Volume 5, Page 176.
- Al-Mudawwanah al-Kubra, Volume 9, Page 158.
- Al-Mudawwanah al-Kubra, Volume 9, Page 58.
- Refer to: Al-Mabsut by Al-Sarakhsi, Volume 25, Page 25; Bada'i al-Sana'i, Volume 5, Page 135; Al-Anaya Sharh al-Hidaya, Volume 9, Page 311.
- Nihayat al-Muhtaj Ila Sharh al-Minhaj Fi al-Fiqh Ala Madhhab al-Imam al-Shafi'i, Shams al-Din Muhammad ibn Abi al-Abbas Ahmad ibn Hamza al-Ramli al-Ansari al-Shafi'i (d. 1004 AH), Dar Al-Kutub Al-Ilmiyya, Beirut - Lebanon, 1424 AH = 2003 CE, Volume 3, Page 452.
- Al-Mughni, Volume 4, Page 21.
- Refer to: Al-Mahalli Sharh al-Majalla, by Imam al-Faqih Abu Muhammad Ali ibn Ahmad ibn Saeed ibn Hazm (d. 456 AH), Edited by Ahmed Muhammad Shakir, Dar Ihya al-Turath al-Arabi, Beirut - Lebanon, 1418 AH = 1997 CE, First Edition, Volume 8, Page 445.
- Surah Al-Baqara: Verse 189
- Al-Mahalli, Volume 8, Page 445.
- Surah At-Tawba: Verse 36
- Al-Mahalli, Volume 8, Page 445; Also refer to: Al-Am, by Imam Abu Abdullah Muhammad ibn Idris al-Shafi'i (d. 204 AH), United Technical Printing Company, Cairo, 1381 AH = 1961

CE, Volume 7, Page 102.

Surah Al-Baqara: Verse 282

Refer to: Manar al-Sabil Fi Sharh al-Dalil, Ibrahim ibn Muhammad ibn Salama ibn Dwayan (d. 1353 AH), Edited by Zuhair al-Shawish, Al-Maktab al-Islami, 1409 AH = 1989 CE, Seventh Edition, Volume 1, Page 343; Mukhtasar al-Insaf wa al-Sharh al-Kabir, Muhammad ibn Abdul Wahab ibn Suleiman al-Tamimi al-Najdi (d. 1206 AH), Edited by Abdul Aziz bin Zaid al-Rumi, Dr. Muhammad Biltaji, Dr. Sayed Hijab, Riyadh Press, Riyadh, First Edition, Volume 1, Page 496."

Refer to: Al-Sharh Al-Kabir on the Text of Al-Muqni', Shams al-Din Abu al-Faraj Abd al-Rahman ibn Abi Umar Muhammad ibn Ahmad ibn Qudamah al-Maqdisi (d. 682 AH), notably supervised by Muhammad Rashid Rida, owner of Al-Manar Press, Dar Al-Kitab Al-Arabi for Publishing and Distribution, Beirut, 1403 AH = 1983 CE, Volume 4, Page 58; Al-Rawd Al-Murbi', Volume 2, Page 172.

Bidayat al-Mujtahid wa Nihayat al-Muqtasid, Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Ahmad ibn Rashid al-Qurtubi, famous as Ibn Rushd al-Hafid (d. 595 AH), Dar al-Hadith - Cairo, 1425 AH = 2004 CE, Fourth Edition, Volume 3, Page 180; Rahmat al-Ummah Fi Ikhtilaf al-A'imma, Abu Abdullah Muhammad ibn Abdul Rahman al-Dimashqi al-Othmani al-Shafi'i, Dar al-Kitab, Beirut - Lebanon, 1407 AH = 1987 CE, First Edition, Page 141; Nayl al-Awtar Min Ahadith Sayyid al-Akhyar Sharh Muntakha al-Akhbar, Muhammad ibn Ali ibn Muhammad ibn Abdullah al-Shawkani (d. 1255 AH), Dar al-Kitab al-Ilmiyya, Beirut - Lebanon, Volume 6, Page 237.

Al-Musannaf Fi al-Ahadith wa al-Athar, Abu Bakr Abdullah ibn Muhammad ibn Ibrahim ibn Abi Shaybah al-Kufi al-Abshi (d. 235 AH), verified by Kamal Yusuf al-Hawt, Library of al-Rashad, Riyadh, 1409 AH, First Edition, Hadith Number: 23195, Volume 5, Page 7.

Al-Musannaf, Abu Bakr Abd al-Razzaq ibn Hammam al-San'ani (d. 211 AH), verified by Habib al-Rahman al-A'zami, al-Majlis al-Ilmi - India, distributed by al-Maktab al-Islami, Beirut, 1403 AH = 1983 CE, Second Edition, Hadith Number: 9213, Volume 5, Pages 147-148; Al-Sunan al-Kubra, Abu Bakr Ahmad ibn al-Husayn ibn Ali ibn Musa al-Bayhaqi (d. 458 AH), verified by Muhammad Abdul Qadir Ata, Dar al-Kitab al-Ilmiyya, Beirut - Lebanon, 1424 AH = 2003 CE, Third Edition, Hadith Number: 11180, Volume 6, Page 56.

Al-Rawd al-Murbi', Volume 2, Page 172; Refer to: Al-Mabsut by al-Sarakhsi, Volume 25, Page 156; Bada'i al-Sana'i, Volume 5, Page 135; Al-Anaya Sharh al-Hidaya, Volume 9, Page 311; Al-Sharh al-Kabir, Volume 3, Page 34; Al-Mahalli, Volume 8, Page 445; Al-Mawsu'a al-Fiqhiya, Volume 30, Page 420.

Refer to: Shuray' al-Islam, Volume 2, Page 8.

Nayl al-Awtar, Volume 6, Page 237.

Tanwir al-Hawalik Sharh Muwatta' Malik, Abd al-Rahman ibn Abi Bakr Jalal al-Din al-Suyuti (d. 911 AH), The Major Commercial Library - Egypt, 1389 AH = 1969 CE, Hadith Number: 1271, Volume 2, Page 47; Sunan Abi Dawud, by Imam Abu Dawud Sulaiman ibn al-Ash'ath al-Sijistani al-Azdi (d. 275 AH), Dar Ihya' al-Turath al-Arabi, Beirut - Lebanon, Hadith Number: 3502, Volume 3, Page 281; Sunan Ibn Majah, by al-Hafiz Abu Abdullah Muhammad ibn Yazid al-Qazwini (d. 275 AH), Dar al-Fikr, Beirut - Lebanon, Hadith Number: 2192, Volume 2, Page 738; Al-Sunan al-Kubra by Al-Bayhaqi, Hadith Number: 10872, Volume 5, Page 559.

Al-Sharh al-Kabir on Al-Muqni', Volume 4, Page 58; Refer to: Nayl al-Awtar, Volume 6, Page 237.

Al-Sharh al-Kabir on Al-Muqni', Volume 4, Page 58.

Refer to: Al-Majmu' Sharh al-M

Readings, 9/358.

Al-Ta'ir, 6/399.

Used: Al-Muwatta', Malik bin Anas bin Malik bin Aamer Al-Asbahi Al-Madani (d. 179

- AH), authenticated and numbered it, and its hadiths were included and commented on by: Muhammad Fouad Abdel Baqi, Dar Al-Turath Al-Arabi, Beirut - Lebanon, 1406 AH = 1985, hadith number: 63, 2/654 ; Al-Muntaqa Sharh Al-Muwatta, Abu Al-Walid Suleiman bin Khalaf bin Saad bin Ayyub bin Warith Al-Tajibi Al-Qurtubi Al-Baji Al-Andalusi (d. 474 AH), Al-Saada Press - Egypt 1332 AH, 1st edition, 5/22; Al-Salik reached the closest path to Malik's doctrine, by Sheikh Ahmed bin Muhammad Al-Sawi Al-Maliki (d. 1241 AH) based on Al-Sharh Al-Saghir by Sheikh Ahmed bin Muhammad bin Ahmed Al-Dardir (d. 1201 AH), Dar Al-Fikr Al-Kutub Al-Ilmiyya edition, 2/26; Al-Zarqani's commentary on Muwatta' Malik, by Imam Muhammad Al-Zarqani (d. 1122 AH), Dar Al-Ma'rifa, Beirut - Lebanon, 1398 AH = 1978 AD, 3/306.
- Al-Bahr Al-Zakhar, which brings together the doctrines of the ancient scholars, by Imam Ahmad bin Yahya bin Al-Murtada (d. 840 AH), and in its margin is the book Jawahir al-Akhbar wa al-Athar by the scholar Muhammad bin Yahya Bahran al-Sa'udi (d. 957 AH), Al-Risala Foundation, Beirut-Lebanon, 1394 AH = 1975 AD, 2nd edition, 3/293. .
- Mawahib Al-Jalil fi Sharh Mukhtasar Khalil, Shams Al-Din Abu Abdullah Muhammad bin Muhammad bin Abdul Rahman Al-Tarabulsi Al-Maghribi, known as Al-Hattab Al-Raqini Al-Maliki (d. 954 AH), Dar Al-Fikr, 1412 AH = 1992 AD, 3rd edition, 4/363; Issue: Lectures, 9/358; Al-Mabsoot, 23/13; Explanation of Fath Al-Qadeer, New Changes, 6/411; Radd al-Muhtar, 5/53; Liber, 6/299; Scouts of Reassurance, 3/166; Fath al-Wahhab (1/194); Al-Bahr Al-Zakhar, 3/294; Laws of Islam, 1/13.
- Habal al-Habal, pregnancy: is what is in the abdomen of the fetus, Explanation of Fath al-Qadeer, the beginning of the results of changes, 6/411; Al-Mughni, 6/300, Al-Gama'at, 9/354.
- Muwatta Malik, hadith number: 63, 2/654; Al-Muntaqa, 22/5; Al-Zarqani's explanation of Al-Muwatta', 3/302.
- Muwatta Malik, hadith number: 63, 2/654; Raising the Banner for Hadiths of Guidance with His Entourage Stilai in Graduation by Al-Zayla'i, Jamal al-Din Abu Muhammad Abdullah bin Yusuf bin Muhammad al-Zayla'i (d. 762 AH), editor: Muhammad Awama, Al-Rayyan Printing and Publishing Foundation, Beirut-Lebanon, Dar Al-Qibla for Islamic Culture, Jeddah-Saudi Arabia, 1418 AH = 1997 AD, 1st edition, 4/10; Used: Sahih and Weak Al-Jami' Al-Saghir and its Ziadah, Abd al-Rahman bin Abi Bakr, Jalal al-Din al-Suyuti (d. 911 AH), hadith number: 12893, p. 12893; Majma' al-Zawa'id and the Source of Benefits, Abu al-Hasan Nour al-Din Ali bin Abi Bakr bin Suleiman al-Haythami (d. 807 AH), investigator: Hussam al-Din al-Qudsi, Al-Maktabah al-Qudsi, Cairo, 1414 AH = 1994 AD, hadith number: 6502, 4/104; Al-Suyuti said an authentic hadith, and he said in Majma' al-Zawa'id: It contains Salih bin Abi al-Akhdar, and he is weak.
- See: Al-Ijma', Abu Bakr Muhammad bin Ibrahim bin Al-Mundhir Al-Naysaburi (d. 318 AH), investigation and study: Dr. Fouad Abdel Moneim Ahmed, Dar Al-Muslim for Publishing and Distribution, Riyadh - Kingdom of Saudi Arabia, 1425 AH = 2004 AD, 1st edition, 95.
- See: Al-Muntaqa, 2/42; Al-Mughni, 6/299.
- That is, selling wool on the back of an animal before shearing it. See: Taj Al-Arous from Jawaher Al-Qamoos, 15/59.
- See: Sharh Fath al-Qadir, 6/414.
- See: Mother, 3/109; Al-Hawi Al-Kabir in the jurisprudence of the Imam Al-Shafi'i doctrine, which is a commentary on the summary of Al-Muzani, Abu Al-Hasan Ali bin Muhammad bin Muhammad bin Habib Al-Basri Al-Baghdadi, famous for Al-Mawardi (d. 450 AH), investigator: Sheikh Ali Muhammad Moawad - Sheikh Adel Ahmed Abdel Mawjoud, Dar Al-Kutub Al-Ilmiyyah, Beirut - Lebanon, 1419 AH = 1999 AD, 1st edition, 5/333; Al-Muhadhdhab fi Jurisprudence of Imam Al-Shafi'i by Ibrahim bin Ali bin Yusuf Al-Shirazi Abu Ishaq (d. 450 AH), Dar Al-Fikr, Beirut, 1/266; Sughni Al-Muhtaj, 2/20.

- See: Al-Kafi in the jurisprudence of Imam Ahmad, Abu Muhammad Muwaffaq al-Din Abdullah ibn Ahmad ibn Muhammad ibn Qudamah al-Jamili al-Maqdisi, then al-Dimashqi al-Hanbali, known as Ibn Qudamah al-Maqdisi (d. 620 AH), Dar al-Kutub al-Ilmiyyah, 1414 AH = 1994 AD, 2/8.
- Sunan Al-Daraqutni, Abu Al-Hasan Ali bin Omar bin Ahmed bin Mahdi bin Masoud bin Al-Numan bin Dinar Al-Baghdadi Al-Dar Qatni (d. 385 AH), verified and its text corrected and commented on by: Shuaib Al-Arnaout and others, Al-Resala Foundation, Beirut - Lebanon, 1424 AH = 2004 AD, 1st edition, Hadith No.: 2836, 3/401, and Al-Bayhaqi said: Omar bin Faroukh was the only one to narrate it, and he is not strong, and others narrated it on a suspended basis. See: Revising the investigation into the hadiths of commentary, Shams al-Din Muhammad bin Ahmad bin Abdul-Hadi al-Hanbali (d. 744 AH), edited by: Sami. Bin Muhammad bin Jadallah and Abdul Aziz bin Nasser Al-Khabani, Publishing House: Adwaa Al-Salaf, Riyadh, 1428 AH = 2007 AD, 1st edition, Hadith No.: 2403, 4/85.
- Ways of Peace, Muhammad bin Ismail al-San'ani (d. 852 AH), edited by: Muhammad Abd al-Aziz al-Qawli, Dar Ihya al-Turath, Beirut, 4th edition, 4/150.
- It was narrated by Ibn Abi Shaybah in his Musannaf, 5/222, hadith number: 21911. It was narrated by Abu Ishaq, on the authority of Ikrimah, on the authority of Ibn Abbas, also in a suspended form, and it was narrated by Omar bin Faroukh, on the authority of Habib bin Al-Zubayr, on the authority of Ikrimah, on the authority of Ibn Abbas, with a chain of transmission traceable to the Prophet, and it was narrated from him. Mursal, and the authentic one is suspended, see: Knowledge of the Sunnahs and Athars, Ahmad bin Al-Hussein bin Ali bin Musa Al-Khusruji Al-Khorasani, Abu Bakr Al-Bayhaqi (d. 458 AH), investigator Abdul Muti Amin Qalaji, Publishers: University of Islamic Studies (Karachi - Pakistan), Dar Qutayba (Damascus). - Beirut), Dar Al-Wa'i (Aleppo - Damascus), Dar Al-Wafa' (Mansoura - Cairo), 1412 AH = 1991 AD, 1st edition, 8/148.
- Hadith: ((He forbade selling fruit until it is eaten)) Narrated by Al-Daraqutni in his Sunan, Hadith No.: 2837, 3/401; Al-Bayhaqi in his Sunan, 5/555, and Al-Bayhaqi said: Omar ibn Faroukh was the only one to narrate it, and he is not strong, and others narrated it on a suspended basis, and al-Daraqutni also attributed his endowment to Ibn Abbas.
- See: Al-Umm 3/109; Al-Hawi Al-Kabir by Al-Mawardi 5/333.
- The legs of animals and the legs of animals are four. See: Lisan al-Arab 12/496.
- Qasil: It is green barley mown for fodder for animals. It is called Qasil because it is sheared when it is wet and quickly cut. See: Al-Misbah Al-Munir in Ghareeb Al-Sharh Al-Kabir, Abu Al-Abbas, Ahmad bin Muhammad bin Ali Al-Fayoumi, then Al-Hamwi (d. 770 AH), Al-Maktabah Al-Ilmiyyah, Beirut, 2/506. .
- See: Al-Inaya Sharh Al-Hidaya, 9/110.
- See: Al-Muhit Al-Burhani in Al-Nu'mani Jurisprudence, Burhan Al-Din Abu Al-Ma'ali Mahmoud bin Ahmed bin Abdul Aziz bin Omar bin Maza Al-Bukhari Al-Hanafi (d. 616 AH), investigator: Abdul Karim Sami Al-Jundi, Dar Al-Kutub Al-Ilmiyyah, Beirut - Lebanon 1424 AH = 2004 AD, 1st edition, 6 /378.
- See: Al-Muhadhdhab fi Fiqh Al-Imam Al-Shafi'i, 1/266; Mughni Al-Muhtaj, 2/20.
- See: Al-Sharh Al-Kabir by Ibn Qudamah, 4/28.
- See: Jurisprudential Issues, by Judge Abi Ya'la Al-Farra', Mishkat Islamic Library, Al-Ma'arif Library, Riyadh, 1/199
- See: Al-Muhit Al-Burhani by Imam Burhan, 6/378.
- See: Al-Kafi in the jurisprudence of the people of Medina, Abu Omar Yusuf bin Abdullah bin Muhammad bin Abd al-Barr bin Asim al-Nimri al-Qurtubi (d. 463 AH), investigator: Muhammad Muhammad Ahid Ould Madik al-Mauritani, Riyadh Modern Library, Riyadh - Kingdom of Saudi Arabia, 1400 AH = 1980 AD. , 2nd edition, 2/680.
- See: Al-Sharh Al-Kabir by Ibn Qudamah, 4/28.
- See: Al-Muhalla by Ibn Hazm, 8/404.

See: Bada'i' al-Sana'i', 5/168.
Tree of contention: It is a willow, a willow that is flat on the ground and has no plants. See: Mukhtar Al-Sahhah, 1/375.
Similarities and analogues on the doctrine of Abu Hanifa al-Numan, Zain al-Din bin Ibrahim bin Muhammad, known as Ibn Nujaym (d. 970 AH), Dar al-Kutub al-Ilmiyyah, Beirut - Lebanon, 1419 AH = 1999 AD, 1st edition, 1/221.
See: Al-Ikhtiyar li'lil Al-Mukhtar, Abdullah bin Mahmud bin Mawdud Al-Mawdud Al-Mawsili Al-Hanafi (d. 683 AH), with comments by: Mahmud Abu Daqiqa, Dar Al-Kutub Al-Ilmiyyah, Beirut - Lebanon, 1356 AH = 1937 AD, 3rd edition, 2/24.
See: Al-Kafi fi Fiqh Ahl al-Madina, 2/680; Mawahib Al-Jalil fi Sharh Mukhtasar Khalil, 3/246.
See: Bada'i' al-Sana'i', 5/168.
Al-Muhalla by Ibn Hazm, 8/404.
Surah Al-Ma'idah: Verse 1
Surat An-Nisa: Verse 29