

The Choice in Obligatory Judgment by the Fundamentalists

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Abstract: *The current study aimed to demonstrate the importance of knowing Islamic law judgment. There is an importance for knowing the Islamic law by people such as knowing what is obligatory, imposed, permissible, reprehensible, and referred matters. The fundamentalists mentioned that the obligatory Islamic law in its sections without detailing them for each section. I chose one of these sections, which is the optional obligatory section. In order to clarify and detail its merits, I studied the subject in a thorough study. It is known that it is a subject of disagreement between the fundamentalists, whether it is synonymous with the obligation or is it analogous to it, and the difference in its parts and divisions. Jurisprudence branches in applications of the various issues mentioned in my topic.*

Keywords: Optional obligatory, Optional duty, jurisprudential applications.

Introduction: The science of Usul al-Fiqh is genuine. It is the refuge when editing issues and determining evidence in most rulings. Its rules are based on the revealed truth, and many of them are handed over to the beholders. For being linked to scientific evidence taken from the movable and reasonable. The most honorable sciences are those in which the mind and the hearing are doubled, and opinion and the sharia are accompanied in it, and the science of jurisprudence and its principles are such that it takes from the purity of the Sharia and the intellect is the same path and I chose a topic for my research, "The obligatory Judgments Option ", because I see it as important, and I have failed to discover it by the pens and to search for it by some of the leaders. I ask Allah to help me to complete it and to benefit the students of Islamic science and researchers.

The Statement of the Problem:

The study problem can be formulated in the following questions:

- 1- Is the obligatory judgments a division or an obligatory?
- 2- Does it have any types? And how to divide it by itself.
- 3- What is the difference between it and the obligatory?
- 4- How can we obtain it or adopt it? Is it hypothetical or is it realistic and applied to some legitimate business?

Study hypotheses: The study assumes:

- 1- The obligatory Islamic judgment has divisions, which is separate from others and has its judgment.
- 2- The Islamic obligatory judgment has many rules that are branched into the jurisprudential rulings.

3- The obligatory judgment is applied in some times and to people and has choices that differ from other terms.

4- The obligatory judgment has jurisprudential applications and has Islamic considerations, unlike other rulings.

The importance of studying:

1- Definition of the obligatory Islamic judgments and its sections.

2- Knowing the relationship between the obligatory and the terminology that coincides with it or not.

3- Explaining and clarifying the relationship between the obligatory and the judgments related to it.

4- Explaining the relationship between the obligatory and the Islamic legal ruling, its inclusion in the legal ruling in its divisions, knowledge of the categories of the obligatory, and knowledge of the jurisprudential applications that indicate that.

Study methodology:

1- Inductive approach: through my research in books of fundamentals of books of jurisprudence, and other books, where I extrapolated the sources of the subject, review old and modern books, and trace and count the parts.

2- The Analytical Approach: As I will analyze and discuss fundamentalist issues, and discuss the sayings of fundamentalists related to this topic from original fundamentalist books.

Study Parts:

This study was divided into two topics, the first topic deals with: its definition and the difference between it and the hypothesis and its types, while the second topic deals with its sections and the applications of obligatory rules and the jurisprudential applications on it.

The first topic: Obligatory definition:

The first section: Defining the obligatory in language and idiomatically.

Definition of obligatory linguistically and idiomatically.

A- Obligatory definition in language: It is obligatory: the Arabic letter (waw, jim, and b), one principle, indicating the assigning of something and its application. The obligatory of so-and-so is obligatory and a must. The thing is obligatory and fixed, and the wall, it has fallen. "(Ibn Faris, 1972AD, Article (obligatory), Part 6 89, Al-Zayyat and a group of authors, 2004, vol. 2, p. 1013, and al-Fayoumi, 1987 CE, (Wajib), Vol. 2, p. 648.).

Al-Jawhari said: The fall is with the guilt, and the deceased is obligated if he miscarried and died. Meanings: "And the camels and cattle We have appointed for you as among the symbols of Allah; for you therein is good. So mention the name of Allah upon them when lined up [for sacrifice]; and when they are [lifeless] on their sides, then eat from them and feed the needy and the beggar. Thus have We subjected them to you that you may be grateful".

One of them: the fallen, is taken from the obligatory meaning: it fell, as mentioned in the verse, and the meaning of something has fallen.

The second: the imperative, it is said: it is obligatory, i.e. it is necessary.

B- obligation idiomatically: obligatory has several definitions:

The definition of Al-Sada Al-Hanafi: What is proven by evidence of suspicion, (Al-Shaashi, 1987 CE, Part 1, page 379), (and Al-Samarkandi, 1987 CE, Part 1, p. 41).

Then the scholars introduced it to several definitions, including:

The first definition -: “He is the one who intentionally denounces the one who neglects it, and is blamed according to Sharia in some way.” (Al-Ghazali, 1998 CE, Vol. 1, p. 53), (Ibn Qudamah, 2002 CE, Vol. 1, p. 150), (Al-Armawi, 1988 CE, Vol. 1, p. 148), (Al-Subki, 1999 AD, Part 1, p. 491), (and Al-Senwi, 1999 AD, Part 1, p. 21).

The second definition -: “Speech by the law-giver that which revokes its neglect is a reason for religious slander in some case.” (Al-Amidi, 1982 CE, Vol. 1, p. 139).

The third definition -: “There was no punishment for neglecting him, in that he left him in some way. (Al-Baji, 2017 AD, Part 1, P.2), (and Al-Ghazali, 1998 AD, Vol 1, p. 31), (Wal-Shirazi, 1985 AD, Part 1, p.159) (And Al-Taymiyyah, 2018, Part 1, p. 42), (Al-Mardawi, 2000 CE, Part 2, p.848).

The chosen definition: it is what is proven by evidence of suspicion, which is the definition of the tap. Because the majority define obligatory with its ruling, and the definition of the ruling is flawed when speaking, and it is permissible according to the jurists ...

The speaking, they say: They have the benefit ... that the provisions enter into the boundaries

So the Manataqa says: Define a thing by what it is, not by its judgment (Al-Minyawi, 2011, p. : 103). Therefore, Ibn Aqeel - who is a Hanbali - said in his definition: “It is the obligation of the Sharia, and he said: Reward and punishment are its provisions and its belongings” (Al-Fotouhi, 1997 AD, Part 1, p. 349).

The second Section: the difference between obligatory and imposition. It is necessary to define each separately in order to know the difference between them:

Obligatory in language and idiomatically:

The hypothesis in the language: “The qa ', the raa' and the da'ad, is a valid original indicating an effect on something of a share or something else.

(Ibn Faris, 1972 A.D., vol. 4, p. 488).

Imposition idiomatically: the public knew the presumption or the proposition: what required - demand - the sharia did it a definite necessity. (Al-Razi, 1979, vol.1, p. 113.

As for the Hanafis, they differentiated between them: If the discourse of the person requesting the action was assertive, and the verdict indicated a definite indication, then this is their obligatory judgment, as in the verse said: In it are clear signs [such as] the standing place of Abraham. And whoever enters it shall be safe. And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way. But whoever disbelieves - then indeed, Allah is free from need of the worlds. (Surat Al-Imran, verse 97). Anything that is established by evidence and evidence, such as the book and the Mutual Sunnah, is obligatory if there is a request for action.

They want presumptive evidence: proven in the units, or the indication of judgment is a speculative indication, such as the news of the one, the analogy, and the evidence in which it is disputed (Ibn Malak, 2004 AD, Part 1, p. 195), (An-Namlah, 1993 AD, Part 1, pp. 40-41).

Explaining the type of disagreement between not obligatory and not obligatory: The disagreement in this issue is based on two sayings:

The first saying: The disagreement is verbal and has no meaning, for they are synonymous. Because the boundary of obligation applies to the imposition, they are two levels in the limit, and if they are equal in this sense, one of them will have no advantage over the other. Due to the difference in their names, just as al-Nadb and al-Nafl, when their meaning is the same, and there is no dispute between them also over naming the suspect is obligatory (Ibn Qudamah, 2002 CE, Part 1, p. 105), (Al-Attar, 1999 CE, Vol1, pp. 121-124), (An-Namlah, 1996 AD, Part 1, P. 366).

The second saying: that the disagreement is a moral one that has a meaning, which is that the obligation is what is proven by the information of one and that it is like the obligation to act without belief, that is, it is not necessary to believe that it is necessary, so that the one who denies it does not disbelieve, and if he neglects the statement by one or two scholars, it is corrupt if he underestimates the statement by one or two scholars unless it is interpreted.

(Ibn Malak, 2004 AD, Part 1, p. 195).

For example: reciting the Qur'an in prayer is an obligation. To prove it with definite evidence, which is the Almighty's saying Indeed, your Lord knows, [O Muhammad], that you stand [in prayer] almost two-thirds of the night or half of it or a third of it, and [so do] a group of those with you. And Allah determines [the extent of] the night and the day. He has known that you [Muslims] will not be able to do it and has turned to you in forgiveness, so recite what is easy [for you] of the Qur'an. He has known that there will be among you those who are ill and others traveling throughout the land seeking [something] of the bounty of Allah and others fighting for the cause of Allah. So recite what is easy from it and establish prayer and give zakah and loan Allah a goodly loan. And whatever good you put forward for yourselves - you will find it with Allah. It is better and greater in reward. And seek forgiveness of Allah. Indeed, Allah is Forgiving and Merciful". Surah Al-Muzzammil, verse: 20.

As for reciting Al-Fatihah during prayer, it is obligatory. This is proven by presumptive evidence, which is the information of the one who was narrated by Ubadah ibn al-Samit, that the Prophet said: "There is no prayer for one who does not read the Fatiha of the Book (Bukhari, 1987 CE, Vol1, p. 263, No. 723), (Muslim, 2014 CE, Vol1, p. 263, Number: 723).

The text in which there is no suspicion necessitates reciting the Qur'an in prayer, and the report of the one - and there is a suspicion in it - Ain Al-Fatihah. Thus, it is not permissible to change the first with the second, but the second must be acted as a complement to the ruling of the first. (Al-Bazdawi, 1997 A.D., Part 1, p. 137).

The most correct view is that the disagreement is intangible, as said by the Hanafis and others as mentioned. Because the obligation, even if an obligation is equal in defamation and punishment for the neglecter, has contradicted it in another way, which is: that it is proven by a method that is cut off by it, this contravention prevented from equal naming, by analogy with the deputation and permissibility, because they are equal in the judgment of slander and punishment, and they differed in naming.

The third Section: Defining the obligatory chosen in language and idiomatically:

Language: Goodness has its origin in sympathy and inclination, and its choice is between two things: that is, it delegated to him the choice, so he chose one of them and chose it (Ibn Duraid, 1987 AD, Part 1, P.589), (Ibn Faris, 1972 AD, Part 2, P.232), (Ibn Sidah, 1996 AD, Part 4, p. 46), (Ibn Manzur, 1993 AD, Part 4, p. 266).

And the reduction of options, from which the letter(T) was removed; Because it is redundant, it was replaced from Z; Because it changed them in the event of zooming in. And in the hadeeth: “Choose for your kindness, that is, seek what is best for marriage and its honor and that is far from evil and immorality.” (Ibn Majah al-Qazwini, 2009 CE, vol. 3, 142)

Idiomatically: The fundamentalists differed in defining the obligatory chosen by several definitions:

The first definition: What is best for the lawgiver in it between two things (Ibn Qudamah, 2002 AD, Part 1, p. 112), (Al-Razi, 1988 AD, Part 1, p. 96).

The second definition: the obligatory is chosen by one that is not specified (Al-Qarafi, 1998 AD, Part 2, p. 21).

The third definition: He is blamed for leaving him with his suit (Al-Ghazali, 1998 AD, Part 1, 128), (Al-Asmandi, 1992 AD, pg: 499).

The fourth definition: It is what the lawmaker asked for a definite request, not with an eye, but the best of the lawgiver in its action among its specific and confined individuals (The Ant, 2000 AD, Part 1, p. 26).

Fifth definition: It is what the lawgiver inevitably asked to do about certain matters (Al-Zuhaili, 2006 AD, Part 1, p. 327)

The summary of these definitions: that the people asked him to do an obligatory action, and he has the choice to choose one of the members of this duty, or that he ordered one of the things (Al-Asnawi, 1999 AD, Part 1, p. 43), (Abu Zar'a, 2004, p. 77).

The fourth Section: Obligatory has various considerations, the most prominent of which are four:

The first consideration: According to the commanded person, it is divided into:

1- A specific obligatory: The specific duty is what the lawgiver person requested, such as prayer and fasting, the price of the purchaser, the wage of the lessee, the return of the usurped, and the liability of the person responsible is not discharged except by his specific performance (Khallaf, 2009 CE, p. 111).

2- A obligatory of choice: What the lawgiver requested is one of the certain things, such as one of the characteristics of atonement, because Allah enjoins upon him who breaks his oath: to feed ten poor persons, or clothe them, or free a slave.

The obligatory is any one of these three things, and the choice is for the taxpayer in one assignment, and he is discharged from the duty to perform any one (Khallaf, 2009 CE, p.111).

3- An ordered obligatory: What the lawmaker asked to do when it was not possible to do the one before it, because the one who chooses is permissible to withdraw from each of the qualities to do the other, and the ordered is not permissible to withdraw from the first except when he is unable to do so.

Then the ordered, if it is difficult for the person to perform the first act of its hardship, the obligation is waived. Because it harms him, and if he does it and does it, it is sufficient. For he is given a choice between fasting and feeding, and the effect of hardship is in dropping the issue of fasting and helping it.

The duty remains one and not the same, then for the choice and arrangement are terms that indicate them in the language, and what I saw to the jurists is that when Allah Almighty says do such-and-such, it is for the sake of choice, and so is either such-and-such and so is either such. Thus, when he says, and whoever does not find such-and-such, then he should do such-and-such, and if he does not find such-and-such, let him do such-and-such, as in Dhihar, God Almighty said - And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty - then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] - then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever Knowing and Wise.” Surah An-Nisa: 92. The image of the condition is based on the arrangement, and the word or positive for the option (Al-Qurafi, 1973 AD, Part 1, pp. 153-154).

The second consideration: According to the time assigned to:

1- Absolute Obligatory (non-temporary): It is the act that the lawmaker requested to impose on the people with a firm request, and he did not specify a specific time for his performance and imposing it. (An-Naml, 1999 A.D., vol.1, p. 158).

Or it is the act that the lawmaker asked the people to perform and perform a definite request in a time which he can accommodate other than his kind (The Ant, 1993 AD, p.68).

Examples include: performing absolute vows, penance, and penance for oaths. Since it is an absolute obligation, so whoever swears an oath and breaks, or a vow and does not restrict his vow to a specific time, then there is no specific time for him to do, so if he wants to expiate his oath and perform his vow immediately, and if he wishes he delays it to the time he wants.

2- Temporary obligatory: It is what Sharia has specified a specific time for, has a beginning and an end, and its rhythm at that particular time (Al-Baqlani, 1998 AD, Part 2, p. 234), (Ibn Hazm, 2008 AD, Part 3, pg 53), (Al-Juwayni, 1996 AD, Part 1, (P. 420), (Al-Samaani, 1997 A.D., vol.1, p. 87), (Wal-Sobky, 1995 A.D., vol. 2, p. 202).

The temporary obligatory is divided into two parts: limited and extended.

The temporary obligatory is divided into two parts: narrow and extended. The limited is the one for whom the Sharia has specified a time that cannot be accommodated for another of its type with him, so that he does not find ample space in which he delays the action or part of it, which is equal to the act, because whoever leaves something of it can only make up for it, such as fasting, and this is called “obligatory” Al-Madiq, or what is called: the standard, such as fasting from dawn to sunset. Which is only prescribed at this time to fast for one day only in relation to fasting that day. As for the month, Ramadan is not contested by another fast that disturbs this fast, and warding off harm from oneself is obligatory at a time when harm is concerned only with others, and there is no doubt that all of it is a time of obligation (Abu Al-Hussein, 1964 A.D., vol.1, p.134) (Al-Razi, 1992 AD, 2, p. 173).

But this time is expanded for other than fasting and the duties and things that are not fasting, and for this meaning, we said: It is not sufficient for others of its types with it. (Al-Abyari, 2013 CE, Part 1, p.651), (Ibn Abd al-Salam, 1991 CE, Vol1, p. 242), (al-Armawi, 1996 CE, Vol. 2, p. 560), (Al-Isfahani, 1986 CE, Vol1, p. 358)

The extended obligatory: It is the one who specified time for him in Sharia to accommodate him and others of its types with it, for example, the evening prayer, because the specified time starts from sunset of the twilight and extends to midnight for the one who has no excuse, and this time expands for the obligatory prayer and another prayer other than the obligatory evening prayer. (Al-Jassas, 1994 AD, Part 2, pg. 166) (Abu Ya'la, 19990 CE, Vol1, page 160) (Al-Zarkashi, 2000 CE, Vol1, pp. 267, 168) (Ibn al-Najjar, 1997 CE, Vol1, p. 363.)

The third consideration: what is required to perform or is required to perform or to be ordered:

1- An obligatory on the specification (every one alone): it is what the lawmaker asked to do from every member of the people, and the duty-bearer is not discharged from it except by performing it himself. It is not sufficient for one who is assigned to do it on behalf of another, and it is called a duty in kind. Because the rhetoric of the lawmaker is directed towards every specific duty bearer, such as prayer, zakat, Hajj, fulfilling contracts, avoiding alcohol, and gambling. (Al-Asnawi, 1981AD, p.74)

2- Duty on sufficiency (Kafa'i- specific people): It is what the lawmaker asked to do from the group of people, not from every one of them,. So, that if some of the people did it, then he fulfilled the duty and the sin and embarrassment fell on the rest, and if no one of the people did it they all sinned by neglecting this duty, and calling it a sufficient duty, because the performance of some of those charged with it is sufficient to reach the destination of the lawmaker, such as enjoining good and forbidding evil and praying for the dead. (Al-Samaani, 1997 AD, Part 1, pg. 25), (Al-Asnawi, 1999 AD, pg. 44), (El-Sobky, 1995 AD, Part 1, p. 100)

The difference between the two hypotheses: Rather, the two hypotheses separate: that the obligation of sufficiency is intended to achieve its interest without looking at its doers (Al-Sobky, 1995 AD, Part 2, p. 277)

This is for gaining interest or the method of projection. As for the aspect of obligation, there is no difference.

There is no difference between the obligation of every person and the obligation over the group in terms of the obligation. To include the limit of obligation for them, unlike some people, deciding from it that the obligation is specific and is not waived by the action of others other than the obligation of the group. The goal of difference in the way of projection and that does not necessitate the difference in reality. Therefore, whoever apostatizes and kills him with apostasy and murder is an obligation, and despite that, one of the two duties is waived by repentance without the other duty. (Al-Amdi, 1984 AD, Part 1, P.100), (Al-Baghdadi, 1983 AD, Part 1, pp. 80-81).

The fourth consideration: the obligation is divided in terms of the required amount into specific and unspecified:

1- The specific obligation: It is what the lawmaker person has assigned to him a known amount, so that the obligated person will not be discharged from this duty unless he performs it on what is designated by the lawmaker, such as the prices of purchases, the values of waste, the amounts of Zakat, the obligatory prayers, and the like. There is no doubt that such a debt is owed by him, and if he does not pay it. The judgment remains on it, and it is not waived except with evidence. (Al-Shatby, 1997 AD, Part 1, p. 247)

2- The unspecified duty: It is what the lawmaker did not assign to him an amount, but his request from the taxpayer without specification, and it is necessary for him, and he is required to do it, except that it is not due to his liability, and it is not permissible to sue, because the liability is only occupied with a specific amount and the litigation is not except with a certain. Such as spending for the sake of Allah, cooperating

in righteousness, absolute charity, filling in passions, meeting the needs of the needy, relieving the distressed, and saving the drowns (Al-Shatibi, 1997 AD, Part 1, p. 110).

This division results in:

That the specific duty: establish a debt in the owed, and it must be performed on time, or it must be fulfilled after its time.

As for the unspecified duty: debt is not proven in the liability until after it is appointed by the person in charge, or from the authority entrusted with the appointment (Al-Zuhaili, 2006 AD, Part 1, p. 322).

The second topic: Judgments related to the obligation of choice and their applications

The first Section: Sections of the obligation of choice is divided into two parts:

The first section: It is permissible to combine those matters - which the obligated person is obligated to do - and their members are also confined, such as the qualities of atonement, because the obligation is related to one of the feedings, the clothing, or the manumission, and yet all may be taken out.

The second section: it is not permissible to gather, and its members are confined, as if the great imam dies and we find a group that has prepared for the imamate, that is, the conditions are gathered in them, then the people must set up one of them, and it is not permissible to add more to it. (Muslim, Part 3, p. 1480, Number: 1853).

That is, if several people are submitted to the caliphate, then the ummah must choose one of them. To be a caliph, and it is not permissible to combine them, the Messenger of Allah - may Allah bless him and grant him peace - said: "If he pledges allegiance to two caliphs, fight the other of them." The deciding duty may be limited from several actions to two acts, for example, or it is necessary by one action, for example, the swearer is given the choice in expiation for an oath with three things, and now he is choosing between two matters only, which is feeding and clothing, after the global abolition of the system of slavery. Geneva deals with the treatment of prisoners by preventing murder and preventing slavery (Al-Zuhaili, 2006 AD, Part 1, pp. 327 -328).

The third Section: Is the obligatory duty that is specific? The fundamentalists differed on this into different doctrines:

The first doctrine: It is the doctrine of the majority, which is not a specific one. It was said that it is one by Allah, and ambiguous. It is said as such is a common destiny. The obligation was not related to it. Thus, there is no contradiction between the obligation and the option. (Al-Juwayni, 1997 CE, Part 1, page 77), (Al-Ghazali, 1998 CE, Vol1, pp. 54-217), (Ibn Qudamah al-Maqdisi, 2002 CE, Vol1, 107), (Ibn al-Hajib , 2004 CE, C1, C236)

And it is more correct: because that is permissible by reason, and it is true according to Sharia:

As for Sharia (Islamic law), it is obligatory to marry a virgin woman to a competent suitor, and joining the union is impossible. Likewise, holding an Imamate for one of the two righteous imams is a duty, and it is not possible to combine them.

As for the mind, if the master says to his servant, you must sew the shirt or build the wall, whichever you have done, prove you to it, and I do not obligate you to all, but rather one is obligatory, but whoever you want, and if you leave everyone behind you, I punish you. Then, this is a reasonable statement, and if he said: You are charitable. From my money, with a dirham or a dinar, he did not know that it was obligatory

to do them. For this meaning the commanded deserved to be vilified by taking out the two matters from his money, and if they were obligatory, the doer was not entitled to an obligation to do the duty. And because the matter is like reporting it. (Al-Ghazali, 1998 A.D., Part 1, p. 54), (Al-Fur` , 1990 A.D., Vol. 1, p. 304).

The second school of thought: That ordering things is obligatory for the substitution and is waived by the action of one of them, which is the doctrine of some Mu'tazila, and it is close to the doctrine of the majority, so there is no difference between them in the meaning (Al-Razi, 1988 AD, Part 2, p.159).

The third school of thought: that the duty assigned to it is appointed by Allah Almighty rather than the people, and it is the Mu'tazila doctrine that it is weak to narrate from the majority, and the majority narrated it on the authority of the Mu'tazila. Therefore, it is called the doctrine of disparity. Because each group is different from the other school of thought, it has no basis. (Abu Al-Hussein Al-Basri, 1983 AD, Part 1, p. 87)

The fourth school of thought: The duty is appointed by Allah Almighty and not appointed by us. It was agreed on false (Al-Razi, 1988 AD, Part 2, p. 160)

Fourth Section: the judgment of using this Islamic rule.

The person who is charged with the option is to allocate one of the matters already decided upon, and he is discharged from its duty to perform any one of them. (Abu Al-Hussein Al-Basri, 1983 CE, Vol1, p. 340), (Zaidan, 2018 CE, C1, p. 327), then the person discharges his liability by the action of any of his members, if he forsakes them all, he is sinned (Al-Namlah, 1999 AD, Part 1, p. 162). And if everyone did at the same time, then the duty of them is one, and the reward is due to one. And because each one of them is subject to expiation whenever the person chooses it, and it is permissible for all to call expiation, and it is intended for the right of those charged. Because one may choose emancipation, and another to feed. As for the right of one, it is not said about it except by way of expansion.

And also: if he left the three he deserved punishment for one, then it indicates: that the duty is one of them, which indicates the validity of that, the obligation of all is the choice. Because each one of them if does it is acceptable, and yet if everyone leaves him they will be embarrassed and sinned and deserve the punishment. If it is a duty for everyone, and likewise if it has a thousand dirhams for a man, then he guarantees him on his behalf, and he must have a thousand for each one of them with the choice. If they leave All of his judgments deserved the punishment, so if all three were obligatory, then those who neglected it should deserve punishment for all of them, and when we were unanimously agreed that he deserves punishment for one of them, one of them must be obligatory (Al-Fur` , 1990AD, Part 1, pp. 303-305)

The fifth Section: Judgments of the obligation of choice:

If we know that the obligation of choice is what the lawmaker has inevitably asked to do about certain matters, it remains for us to know the most important provisions in which he mentioned them and the applications in which they are mentioned, and among these judgments:

1- Penance for an oath, the Almighty said: "Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths. So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them or the freeing of a slave. But whoever cannot find [or afford it] - then a fast of three days [is required]. That is the expiation for oaths when you have sworn. But guard your oaths. Thus does Allah make clear to you His verses that you may be grateful". (Surat Al-Ma`idah: 89). His oath is

with one of the three characteristics of atonement, between feeding ten poor, or cladding ten needy people that is sufficient in prayer, or freeing a believing slave if he does not redeem in his oath.

He has the choice in these three previous ones, and if he cannot fast for three days, it is not permissible to fast except when he is unable to meet the previous three.

2-Al-Ilaa: It is the oath of a husband whose divorce is valid. To abstain from having sexual intercourse at all or over four months. (Al-Nawawi, 2005, p. 243)

Giving as mentioned is a kind of faith. For it is an oath; His penance is the expiation for an oath, which is feeding ten poor persons, cladding them, or releasing a slave. Whoever cannot find a three-day fast (Al-Ayni, 2000 A.D., Part 5, p. 538)

It was mentioned in the Aziz book regarding the right to evacuation, Allah Almighty said "For those who swear not to have sexual relations with their wives is a waiting time of four months, but if they return [to normal relations] - then indeed, Allah is Forgiving and Merciful". (Al-Baqarah: 226-227). And the meaning of stalking in the verse: Wait.

The apparent meaning of the verse indicates that his judgment not to have intercourse with her was not a divorce and that he made him wait for the completion of four months in which he would not be required to divorce. Thus, the woman did not divorce, and the husband did not divorce or intend a divorce, and she did not possess her command and he made her husband the intention to divorce and when he divorced. (Al-Harawi, 1978 A.D., Part 1, p. 331), (Al-Saheb Bin Abbad, 1994 A.D., Part 2, p. 466) (Al-Nasafi, 1995 A.D., p.61).

3- Penalty for intercourse during the day in Ramadan, and expiation for one who breaks his fast by having intercourse during the day in Ramadan, and who has to free a believing slave. If he is not able, then fast for two consecutive months, and if he does not find it, then feed sixty poor people, and the evidence for her legitimacy is that Abu Hurairah - may Allah be pleased with him - said: While we were sitting with the Prophet - may Allah bless him and grant him peace - when a man came to him and said: O Messenger of Allah, you perished. He said: What do you get? He said: I fell to my wife while I was fasting, so the Messenger of Allah, peace, and blessings be upon him, said: Do you find a slave to free her? He said: No, he said: Can you fast for two consecutive months? he said no. He said: Can you find feeding sixty poor people? he said no. He said: So the Prophet, may Allah's prayers and peace be upon him, and we were on that. The Prophet, may Allah's prayers and peace be upon him, used a sweat containing dates - and the clotted sweat - he said: Where is the sweat? He said: I am. He said: Take it and give it in charity, then the man said: To the poorer than me, O Messenger of Allah, for Allah is what is two parents - He wants the two free - the people of a house are poorer than the people of my house, and the Prophet, peace and blessings of Allah be upon him, laughed until his teeth appeared, then he said: Feed him your family (Bukhari, 1987 CE, Part 3, p. 32, No. : 1936).

4- The expiation for the manslaughter - after paying the blood money -: it is the freeing of a believer's slave, and if he does not find a fast for two consecutive months, the expiation is required from the offender's money in particular. To erase the sin that he committed to semi-intentional, and Al-Aqilah has to pay blood money for the wrongful killing

(Al-Jassas, 1994 AD, Part 1, pg. 233), (Al-Esnawi, 2007 CE, Vol. 1, pg. 287), (Al-Karmi, 7 p.m., vol. 2, p. 533), (Al-Sawy, 1952 AD, Part 4, p. 405).

5- The expiation for zihar: which is when a man says to his wife: You are on me like the back of my mother or my sister, or whoever is forbidden to him by lineage, breastfeeding, or intercourse. (Malik,

1994 AD, Part 2, pg. 307) (Al-Kasani, 1986 AD, Part 3, pg. 229), (Ibn Qudama, 1994 AD, Vol. 3, pg. 165), (Bahaa Al-Din Al-Maqdisi, 2005 AD, Part 2, pg 68), (Al-Damiri, 2004 AD, 8, p. 48).

The penance was mentioned in the Almighty saying, “Those who pronounce thihar among you [to separate] from their wives - they are not [consequently] their mothers. Their mothers are none but those who gave birth to them. And indeed, they are saying an objectionable statement and a falsehood. But indeed, Allah is Pardoning and Forgiving” “And those who pronounce thihar from their wives and then [wish to] go back on what they said - then [there must be] the freeing of a slave before they touch one another. That is what you are admonished thereby; and Allah is Acquainted with what you do”. Surah Al-Majadla: 2-3

6 - Ruling on prisoners, so the imam has the choice between release the captives or taking redemption from them. The Sunnah added, murder and enslavement (Zaidan, 2006 AD, C1, p. 327), and it was mentioned in the Almighty saying “So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burdens. That [is the command]. And if Allah had willed, He could have taken vengeance upon them [Himself], but [He ordered armed struggle] to test some of you by means of others. And those who are killed in the cause of Allah - never will He waste their deeds.” (Surah Muhammad: 4), the verse gave choice to the Imam, and the Messenger of Allah - may Allah bless him and grant him peace - redeemed my prisoners with money, and the lowest degree of his action - upon him be blessings and peace - is permissibility and permissibility. (Al-Kasani, 1986 A.D., Part 7, p. 119) The imam chooses among the prisoners of war people between four things; Murder, redemption, aphids, and slavery. As for redemption and manna, and because the Prophet - may Allah’s prayers and peace be upon him –released Abu Azza al-Jamhi, and one of Abu al-Aas ibn al-Rabee’, and one of Thamamah bin Athal al-Hanafi, and he ransomed a prisoner of two of his companions whose family was Thaqif, and he gave my captives Badr with money, and as for killing it is because the Prophet - May God’s prayers and peace be upon him - He killed on the day of Badr al-Nadr bin al-Harith and Uqba bin Abi Mu’ait with patience, and on the day of Uhud he killed Abu Azza al-Jamhi, and Qurayza was killed. And because he mentions them and informs about their terror, so it is first. As for slavery, it is permissible for the People of the Book and the Magi. Because it is permissible to acknowledge their disbelief with the tribute, slavery is first. Because it is more eloquent among their children, and if it is from others, then there are two narrations:

One of them: It may not be a slave. Chosen by Al Kharqi, because he does not acknowledge the tribute, it is not permissible to libel him, like an apostate.

And the second: it is permissible. Because he is an original infidel, so it is more like the book. And if the prisoner becomes Muslim, it is forbidden to kill him. (Ibn Qudamah, 1994 CE, Part 4, pg. 127), (Al-Damiri, 2004 CE, Vol.9, pg. 340), (Ibn al-Mabrad, 1991 CE, Part 3, p.770)

7 - The choice in the penalty for hunting contained in the right of the forbidden. The option mentioned in the different rulings in terms of the image with the letter of choice (or) is done on the face of it if the reason for the obligation is the same, as in the expiation for the oath, and the expiation for the penalty of hunting. Thus, whoever does that is obliged to pay the ransom, which is as follows:

First: If there is an example for hunting an animal, he has a choice between three things: 1- Either slaughter the parable and distribute all its flesh on the poor of Makkah.

2- To see how much this thing is worth, and to produce food that is equivalent to its value to be distributed among the needy for every day.

3- Or, to fast for every poor person one day (Al-Tayyar, 2012AD, p.77)

Second: If there is no thing for hunting, it has a choice between two things:

1- To look at the value of the killed animal, then give out the corresponding food, to be distributed to the poor for every half a saa '.

2- Or to fast one day from feeding every poor person. And it was mentioned in the Almighty saying “O you who have believed, do not kill game while you are in the state of ihram. And whoever of you kills it intentionally - the penalty is an equivalent from sacrificial animals to what he killed, as judged by two just men among you as an offering [to Allah] delivered to the Ka'bah, or an expiation: the feeding of needy people or the equivalent of that in fasting, that he may taste the consequence of his deed. Allah has pardoned what is past; but whoever returns [to violation], then Allah will take retribution from him. And Allah is Exalted in Might and Owner of Retribution”. (Surah Al-Ma`idah: 95)

8- The choice regarding the ransom of harm to the forbidden, mentioned in the Almighty saying “And complete the Hajj and 'umrah for Allah. But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals. And do not shave your heads until the sacrificial animal has reached its place of slaughter. And whoever among you is ill or has an ailment of the head [making shaving necessary must offer] a ransom of fasting [three days] or charity or sacrifice. And when you are secure, then whoever performs 'umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during Hajj and of seven when you have returned [home]. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Haram. And fear Allah and know that Allah is severe in penalty”. (Surat Al-Baqarah: 196) Either, in its value or its equivalent according to the two sayings, the food was the same. And because there is no such thing as blessings, considering food as the value of hunting (Al-Kasani, 1986 AD, Part 2, p. 200).

9 - The choice between fasting and the ransom of the fasting person who is free and able at the beginning of Islam, which is the Almighty saying “[Fasting for] a limited number of days. So whoever among you is ill or on a journey [during them] - then an equal number of days [are to be made up]. And upon those who are able [to fast, but with hardship] - a ransom [as substitute] of feeding a poor person [each day]. And whoever volunteers excess - it is better for him. But to fast is best for you, if you only knew”. (Surat Al-Baqarah: 184), so he abrogated this duty of choice into a narrow duty by the Almighty saying “[Fasting for] a limited number of days. So whoever among you is ill or on a journey [during them] - then an equal number of days [are to be made up]. And upon those who are able [to fast, but with hardship] - a ransom [as substitute] of feeding a poor person [each day]. And whoever volunteers excess - it is better for him. But to fast is best for you, if you only knew”. (Surat Al-Baqarah: 184-185), the ruling was abrogated, and the verse remained. (Al-Baji, 1996 AD, Part 1, p. 263), (Al-Tajibi, 2003 AD, Part 1, p. 112)

10- Choice of one who has committed one of the forbidden acts of ihram, or neglects one of the duties of Hajj. Whoever commits one of the forbidden acts of ihram, such as removing hair or fingernails, putting on perfume, or doing a lust, or wearing clothes that are sewn to the male or gloves for women, and so on. The ransom is required for him, and it is based on the following options: slaughtering a sheep, feeding six poor people, or fasting for three days, and whoever neglects one of the duties of Hajj in Muzdalifah or Mina, or leaving the farewell circumambulation or leaving the Ihram from the meeqaat and other duties of Hajj, For this he must pay expiation, and it is in the following order:

Slaughtering a sheep and if he cannot do the fasts ten days, three during Hajj, and seven if he returns to his family. If he is unable to fast the three during Hajj, he should fast with the seven if he returns to his

family. (Al-Zarkashi, 1985 AD, Part 2, p. 299), (Ibn Al-Hamam 2009 CE, Part 2, (P. 423), (Al-Suyuti, 1990 CE, p. 192), (Al-Zubaidi, 1904 CE, vol.1, p. 168), (Al-Sawy, 1995, vol. 2, p. 75), (Al-Karmi, 2007 AD, vol 1, p. 393).

The results:

Through my research entitled (obligation of choice), I reached the following conclusions, which are:

1- Its definition: It is what is required of the person in charge of an obligatory act, and he has the choice to choose one of the sections of this obligation, or that he ordered one of the things that are proven by evidence of suspicion.

2 - The obligation is divided into several divisions with different considerations. The most prominent of which are four considerations: in terms of what is commanded, according to the time of the obligated, and because of the obligated person, and in view of the amount required of him (specific and unspecified).

3 - There is a difference in the division of the Islamic ruling, as among the public there are five sections, and for the tap, seven sections, because the public considers the answer of the same rank as the assumption, unlike the Hanafis, they consider it less than the obligation.

4- The obligation is unspecific, not a specific one, and it was said that it is one Allah, appointed and made it not specific to us. It is also said that it is a common destiny. The conflict between the obligated and the given.

5- The person charged with the option is to allocate one of the matters already chosen, and he is discharged from the obligation to perform any of them.

Recommendations: Based on the findings, the study recommends the following:

1- Attention and focus to the issue of studying the difference between the fundamentalist terminology in order to reach the differences or compatibility between them in the legal rulings, where the rulings are defined in terms that cannot be left from their circle nor can what is not be included in it.

2- The obligation of choice is important for making the student dive into the sea of books of principles and jurisprudence. For their helpful opinions and clear applications; for inference and access to weighting between their statements, seeing their evidence, and weighting by reviewing their evidence.

3- The researcher for the Sharia in rulings must know; to look at the wisdom of the lawmaker in determining these times.

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