

The Wisdom in the Legality of Public Financial Transactions that have the Meaning of Trust and Warrant in Islamic Fiqh

By

Dr. Majeed Hammoudi Musleh

Dr. Hamed Mahmoud Latif

INTRODUCTION

Praise be to Allah, Lord of the worlds, and prayers and peace be upon our Prophet Muhammad and his family and companions as a whole.

The one who contemplates the texts of the Noble Qur'an and the noble Prophet's Sunnah realizes with certainty that it came to achieve the interests of the servants and ward off evil from them, and this realization is obtained through the secrets, wisdom, and purposes that the Islamic Sharia (Islamic law) came into in its provisions and legislation, whether in acts of worship or transactions and even in behavior and morals.

And if we wanted to turn our consideration of the divine books, man-made constitutions, or human laws, we would not have found a book, constitution, or law that fulfilled people's interests and demonstrated the wisdom of its legislation as demonstrated by the Holy Qur'an and the purified Sunnah of the Prophet, to highlight something from this bright aspect of our tolerant Sharia (Islamic law), we will discuss in this research A topic related to the essence of this idea and its name as (the wisdom in the legality of public financial transactions that carry the meaning of trust and security in Islamic Fiqh).

Research problem:

The wisdom of financial transactions legislation and its fiqh rulings cannot be limited to what has been diagnosed with them. Facts are renewed, and the means, methods and types of treatment change and develop. Unless we stand on the wisdom of its legislation in the first centuries, whether in terms of solution or sanctity, we may have stood on it today among the developments in contemporary financial transactions.

Objectives of the study:

1. Shedding light on public financial transactions that carry the meaning of trust, security and wisdom that are described in the books of fiqh.

Research Methodology:

The researcher took the inductive approach, depending on what the jurists (Al-Fuqaha') mentioned in terms of the judgment in their books.

The nature of the research required that it be in two topics, the first of which was an introductory one with the title, while the second dealt with a set of financial transactions, which were divided according to the content of those transactions and their description. Therefore, the research was technically and

scientifically equal. Thus, I made it a study of transactions that carry the meaning of trust and guarantee. The following is a detailed statement of this research plan:

The first topic: Definition of the content of the research, and it includes two Sections.

The First Section: the definition of wisdom.

The second Section: the definition of financial transactions.

The second topic: Financial transactions carry the meaning of trust and security, and include six demands.

The first Section: deposit.

The second Section: the borrowing for assistance.

The third Section: stewardship.

Fourth Section: bail.

Fifth Section: Money transfer.

Sixth Section: mortgage.

The first topic

Definition of wisdom and it has two Sections

The First Section: the definition of wisdom and includes two purposes:

First purpose: wisdom in language.

Wisdom comes in the meaning of knowledge and fiqh ⁽¹⁾, and as for its significance in this study: wisdom is in the sense of the purpose, goal, or purpose of financial transactions.

The second purpose: wisdom as a term:

It is what results from the legitimacy in terms of bringing an interest or stopping evil, or it is the interest that the legislator intends from the legislation of the ruling to achieve or complement it. Or, an evil that the legislator intended by the legislation of the ruling to stop or reduce. For example, cutting off the hand of the thief: if he is the cause of theft, the wisdom of the legislation of this prescribed punishment is: Preserving, protecting and maintaining people's money ⁽²⁾.

The second Section: the definition of financial transactions and includes:

First: Defining financial transactions based on isolation:

Transactions definition in language: the plural of a transaction, which is taken from the work, and it is a general term in every action intended by the employer ⁽³⁾.

Transactions idiomatically: They are the legal provisions regulating the dealings of people in this world ⁽⁴⁾.

Whether related to money or women, as Ibn Abidin said: "There are five transactions: financial transactions, marriage money, litigations, trusts, and inheritances" ⁽⁵⁾.

Finance definition in language: related to money, which is what someone has possession of all things ⁽⁶⁾.

Finance idiomatically: The jurists defined money in several different definitions in terms that are similar in their meanings, including:

By Imam Hanafi: "What tends to be worth, and can be saved for the time of need" ⁽⁷⁾.

The Hanbalis defined it as: "What has an absolute benefit, or to have it saved to the time in need" ⁽⁸⁾.

The Maliki and Shafi'i defined it with definitions close to that of Hanbali.

Second: Defining financial transactions structurally.

Financial transactions idiomatically: The jurists defined financial transactions with different definitions, including Sharia (Islamic law) rulings related to worldly matters such as buying, selling, leasing, mortgage, and so on ⁽⁹⁾.

(1) Mukhtar As-Sahih, p. 78, article (judgment).

(2) Ijtihad in the Area of Islamic Ruling, An Empirical and Empirical Study, p. 552.

(3) See: Lisan Al-Arab, 3/67, article (work).

(4) Dictionary of the Language of the Jurists, p. 438.

(5) The confused response to Al-Durr Al-Mukhtar, 1/79.

(6) Lisan al-Arab, 635/11, article (Mall).

(7) The Clear Sea, 5/277.

(8) Ultimate wills, 2/7.

(9) Contemporary Financial Transactions by Sheikh Dr. Khalid bin Ali Al-Mushaiqah, p.1.

The second topic: Financial transactions that carry the meaning of trust and security

It contains six Sections.

The first Section: deposit.

The deposit is considered one of the contracts that must be preserved without using it or disposing of it. This is what many texts indicated, as it is a trust in the hands of the depositor.

It includes three branches:

The first branch: Defining the deposit, linguistically and idiomatically:

Linguistically speaking: from the deposit, where the meaning of abandonment is derived ⁽¹⁾.

Idiomatically: the viewpoint of the jurists differed regarding the legal definition of a deposit. This is due to their differences in their meaning. It is sometimes referred to as the deposited thing and the other to the deposit. The Hanafis defined it as: "What is left with the trustee for safekeeping, whether money or others."

And the deposit is that: "The owner asks someone else to preserve his money, explicitly or implicitly" ⁽²⁾.

The Malikis and Shafi'i defined it by saying: "trusting someone of something owned for the preservation of a property or respected one, in particular." So the validity of depositing the wine to somebody, or the skin of a dead animal cleansed with tanning, dung, and a trained dog, and came out with a "specialist": that which has no specialization, such as a dog that is not possessed, and an item disposed to someone. Or, a garment flew by wind and the like, because it is lost money contrary to the rule of the deposit ⁽³⁾.

The Hanbalis defined it as: "The money or specified money paid to the one who saves it without compensation" ⁽⁴⁾. Thus, it is tied under the record of "money" or "specialist" a dog that is not possessed, or, alcohol and the like that is not respected.

The Hanbalis - on the definition of the tap in the deposit - added: "a donation."

Section Two: Evidence for the Legality of the Deposit:

The jurists (Muslim Scholars) have inferred the legality of the deposit by the Qur'an, the rhetorical and practical Sunnah, consensus and the reasonable (which is wisdom)

First: the Qur'an:

The Almighty verse "Allah doth command you to render back your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice: Verily how excellent is the teaching which He giveth you! For Allah is He Who heareth and seeth all things" ⁽⁵⁾.

And the Almighty said: O you who have believed, do not violate the rites of Allah or [the sanctity of] the sacred month or [neglect the marking of] the sacrificial animals and garlanding [them] or [violate the safety of] those coming to the Sacred House seeking bounty from their Lord and [His] approval. But when you come out of ihram, then [you may] hunt. And do not let the hatred of a people for having obstructed you from al-Masjid al-Haram lead you to transgress. And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty. ⁽⁶⁾.

The significance of the two verses:

The two verses clearly indicate that trusts must be paid back to their people. It is known that they cannot be paid back without preserving them and unless they can be paid.

It also indicated the necessity of cooperation between Muslims in the work of righteousness and piety ⁽⁷⁾.

Second: The Sunnah:

On the authority of Abu Hurairah, he said: The Prophet said: (Pay your trust to those whom you trust, and do not betray those who betray you)) ⁽⁸⁾.

(1) See: Dustour Al-Ulama, 3/311.

(2) See: Explaining the Facts, 5/76, and Majma 'Al-Anhar, 3/446, Lisan Al-Hakam, by Ibn Al-Shifa, 273.

(3) Mughni al-Muhtaj, 4/125.

(4) See, Mask Flashlight, 4 / 166-167.

(5) Surat An-Nisa ': Verse (58).

(6) Surat Al-Ma'idah: from verse (2).

(7) See: Selection, 3/25.

(8) Sunan al-Tirmidhi, Chapters on Sales, Chapter What came in the prohibition for a Muslim to pay alcohol to the dhimmi to sell it to him, 3/556, No. (1264), and al-Tirmidhi said about it: "This is a good and strange hadith."

And according to what was narrated on the authority of Aisha, may Allah be pleased with her, in the migration of the Prophet she said: ((And he commanded, you mean the Messenger of Allah Alya to leave him in Mecca until he pays off from him the deposits that he had with people)) (¹).

The significance of the hadith: The two hadiths clearly indicated the necessity of fulfillment, and there is no doubt that the deposit contract includes the commitment of the depositor to preserve the deposit.

Imam Al-Kasani, may Allah have mercy on him, says: Depositing on the part of the owner is preservation, and on the part of the depositor is an obligation to preserve, and he is one of the people of preservation, so he must be committed to the deposit (²).

Third: the consensus:

Muslim scholars have agreed in every age from among the Companions to this day that the deposit is permissible and legitimate (³).

The third branch: the wisdom of the deposit.

It is clear that the wisdom behind the legitimacy of the deposit is making it easier for Muslims, achieving their interest and warding off embarrassment and harm on their behalf, as they are in dire need of that. It is clearly a subsidy for its owner in preserving his money, maintaining his luggage, and including it in providing the benefits of his body and money in helping the servants of Allah Almighty and in response to the reward and praise for that. There is be someone who has a possession to keep this money, and he does not have a fire for it. Thus, no insolent person dares to approach his house or store, and deposit it with his money. Also, one of them may want to travel to fulfill his interests, and he is not safe to leave his money and what he has without care or supervision (⁴).

The second Section: The borrowing for assistance.

Borrowing for assistance is considered a desirable contract that must be adhered to and taken care of and preserved from damage and loss. It is being a trust in the hands of its owner, and it is a noble humanitarian work because it results in relieving distress, and what it brings to hearts and closeness.

It includes three branches:

The first branch: Definition of bare language and idiomatically:

Borrowing for assistance in language: a derivative of ta`wir, which is trading ⁽⁵⁾.

In terminology, the jurists defined it with close definitions.

The Hanafi's school said: "It is the ownership of the benefits without compensation" ⁽⁶⁾.

The Malikis defined it as: "Ownership of a temporary benefit, not with a compensation" ⁽⁷⁾.

And the Shafi'i said: It is "the permissibility to use what is permissible to use by keeping a sample" ⁽⁸⁾.

And the Hanbalis defined it: as "permissibility of usufruct with an item from objects of wealth" ⁽⁹⁾.

From the definitions it becomes clear to us that some of them said: by permitting usufruct, while others said: by owning usufruct, and justifying those who said: by permitting usufruct of the property of others; It takes place with the wording of permissibility and is not required

(1) Al-Bayhaqi included it in Al-Sunan Al-Kubra, Kitab Al-Wadiah, chapter on what came about encouraging the performance of trusts, 6/472, No. (12696).

(2) See: Badaa`a Al-Sanai`, 6/207 and after.

(3) See: Al-Mabsut, 11/108, and Al-Mughni, by Ibn Qudamah, 9/256.

(4) See: Al-Care Sharh Al-Hidayah, 8/484, and Al-Taj wa'l-Ekleel by Mukhtasar Khalil, 7/268, Mughni al-Muhtaj, 4/126, and Al-Mughni, 9/256.

(5) Talabah Al-Talabah, p. 98, and Taj Al-Arous, 13/163, subject (Awar).

(6) Al-Mabsut, Al-Sarkhasi, 11/133, and clarifying the facts, 5/83.

(7) The Talents of Galilee, 5/268, and Adawi's Footnote on the Adequacy of the Student, 2/273

(8) Asna al-Muttalib, 2/324, and Mughni al-Muhtaj, 3/313.

(9) Al-Mughni, 5/163.

There is a multiplication of the period with ignorance, ownership is not valid. Also, the prohibition applies to it, and he does not have the right to lease from it".

And the others answered: It foretells from ownership, because it was taken from the borrowing for assistance, and it is the gift in the fruits of ownership without compensation, then it was used for the benefit. He does not have the right to allow others to own the benefits, and this is because ownership of the benefits is legitimate for compensation, such as renting. Thus, it must be legitimate without compensation as well as emancipation. "⁽¹⁾

Section Two: evidence of the legitimacy of Borrowing for assistance:

The borrowing for assistance resembles closeness in a relationship its legitimacy is indicated by the Qur'an, Sunnah, consensus and reasonable.

First: the Qur'an:

Meaning: (And withhold [simple] borrowing for assistance) ⁽²⁾.

The significance of the verse: What is meant here by Ma'un is borrowing for assistance because the borrowing for assistance sacrifice to the needy with obedience and charity and be rewarded for a person. Thus, he who prevents the borrowing for assistance from the needy, and it does not harm him in giving it the great warning of punishment is placed on him ⁽³⁾.

Second: The Sunnah:

On the authority of Abu Umamah, he said: I heard the Prophet say in the sermon in the year of the farewell pilgrimage: ((The borrowing for assistance is performed, and the leader is tainted, and the religion is judged)) ⁽⁴⁾.

Safwan ibn Umayyah narrated that the Prophet borrowed from him armor on the day of Hunayn (battle), so he said: O Muhammad? He said: ((But borrowing for assistance that is guaranteed)) ⁽⁵⁾.

The significance of the hadiths: They indicate that the borrower must preserve the assistance and take care of it and hasten to return it to its owner if his mission ends and that he does not tolerate it or expose it to damage. Because it is his trust, and because its owner is the best ⁽⁶⁾.

Third: the consensus:

Muslims agreed on the permissibility of borrowing ⁽⁷⁾.

Fourth: Reasonable:

That when the bounty of the notables is permissible, the bounty of benefits is permissible, and that is why the bequest is valid for the notables and all the benefits ⁽⁸⁾.

The third branch: the wisdom of the borrowing for assistance.

The wisdom of the borrowing legislation is to achieve the cooperation that Allah Almighty has asked the Muslims to, and because the lender is a reason for relieving the borrower's distress and meeting his needs with the occurrence of the reward, and bringing.

(1) Al-Mabsut, Al-Sarkhi, 11/133, and Al-Ikhtiar, 3/55, and clarifying the facts, 5/83.

(2) Surat Al-Ma'un: verse (7).

(3) See: Interpretation of the Great Qur'an, by Ibn Katheer, 8/470.

(4) Al-Tirmidhi included it in his Sunnah, Chapters of Sales, chapter on what was mentioned in the fact that the naked is performed, No. (1265) 3/557, and he said about it: "A good hadith."

(5) It was included by Ahmad in his Musnad, No. 45/606 No. (27636), and al-Bayhaqi in al-Sunan al-Kubra, Kitab al-'ariyya, Bab al-'areh al-jawwoon, 6/147 No. 3/51 No. (4369), and he said on his authority: "The chain of transmission is authentic and they did not produce it." Al-Dhahabi agreed with him.

(6) See: Rawd al-Murabba', 1/420.

(7) See: Al-Ijmaa, by Ibn al-Mundhir, 1/108,

(8) See: The Choice for the Explanation of Al-Mukhtar, 2/55, and Al-Hawi Al-Kabeer, by Al-Mawardi, 7/268, and Al-Mughni, by Ibn Qudamah, 7/345.

To benefit and ward off harm, lift embarrassment, and save from fatigue and intransigence, so that familiarity and affection prevail (¹).

The third Section: stewardship.

Stewardship is one of the important contracts in financial transactions, and many Qur'an texts and hadiths have been mentioned that indicates its importance. Besides, most of the jurists have devoted chapters to it in which they dealt with the rules and provisions related to this contract.

It includes three branches:

The first branch: Defining stewardship in language and idiomatic:

Stewardship in language: with fatha on the letter (waw) and the agent is similar to (fa'eel in Arabic) which means (Maf'ool) object, and the agent is an action in the sense of an object. Because it is entrusted to him, and it has an effective meaning if it is in the sense of the Hafiz, and from it, God suffices us, and yes, he is the agent (²).

Idiomatically: the jurists defined it with multiple definitions.

The Hanafis said: It is "what someone else established himself in a permissible and known behavior" (³).

And the Malikis defined it as: "The representation of someone who has the right - without command or worship - for someone else and not conditioned by his death" (⁴).

And the Shafi'i said: It is "delegating someone to do something that can be done by someone else to do it in his life" (⁵).

The Hanbalis defined it as Deputization that is to act similarly to what the working instead with the rights of Allah Almighty and the rights of human beings" (⁶).

Through the definitions, it becomes clear to us that the stewardship is a proxy in acting, as it is permissible for a person, i.e. the principal, to authorize someone else according to a contract concluded with him; to perform an action or work on his behalf.

The second branch: evidence of the legality of stewardship:

Stewardship is a legitimate award in the Qur'an, the Sunnah, consensus, and the reason (and it is the wisdom of it).

First: the Qur'an:

The Almighty verse: And similarly, We awakened them that they might question one another. Said a speaker from among them, "How long have you remained [here]?" They said, "We have remained a day or part of a day." They said, "Your Lord is most knowing of how long you remained. So send one of you with this silver coin of yours to the city and let him look to which is the best of food and bring you provision from it and let him be cautious. And let no one be aware of you" (⁷).

The Almighty says: Test the orphans until they reach the age of marriage, and then if you find them mature of mind hand over to them their property, and do not eat it up by either spending extravagantly or in haste, fearing that they would grow up (and claim it). If the guardian of the orphan is rich let him abstain entirely (from his ward's property); and if he is poor, let him partake of it in a fair measure. When

you hand over their property to them let there be witnesses on their behalf. Allah is sufficient to take account (of your deeds).⁽⁸⁾.

The significance of the two verses:

The first verse indicates: that this resurrection and reborn obtained from the people of the Cave is by way of stewardship, and this indicates the validity of the stewardship, and it is a contract on the behalf of others, Allah has authorized it for its need, and for its interest, as everyone is unable to handle his affairs except with the help of others, and it is the stronger verse on this purpose.

As for the second verse, it indicates that Allah Almighty has commanded guardians to keep the money of orphans until they reach the age of adulthood and the fact that these guardians do this is a form of stewardship ⁽⁹⁾.

Second: The Sunnah:

(1) See: The Choice, 3/55, Al-Hawi Al-Kabeer, 7/115.

(2) See: The Illuminating Lamp, 2/670.

(3) Explaining the facts, 4/254, and explaining the enlightenment of the eyes, 5/510, and the confused response, 5/510.

(4) The Talents of Galilee, 5/181, and the Court of Al-Adawi on the Adequacy of the Divine Student, 2/352.

(5) Mughni al-Muhtaj, 3/231.

(6) Scouts of the Mask, 3/461, and Explanation of Muntaha Al-Iradat, 2/184

(7) Surat Al-Kahf: verse (19).

(8) Surat An-Nisa ': Verse (6).

(9) See: The Rulings of the Qur'an, by Ibn al-Arabi 3/220, and al-Jaami 'to the provisions of the Qur'an, by al-Qurtubi, 5/9, and the interpretation of Ibn Katheer, 2/260, and Mughni al-Muhtaj, 2/217.

On the authority of Uqbah bin Amer: That the Prophet gave him sheep that he would divide among his companions as victims, so he remained otud ⁽¹⁾ and mentioned it to the Prophet and he said: ((You sacrificed it)) ⁽²⁾.

On the authority of Jabir bin Abdullah, may Allah be pleased with them, he said: I wanted to go out to Khaybar, and I came to the Messenger of Allah and I greeted him, and I told him: I wanted to go out to Khaybar, and he said: ((If you come to my agent, take fifteen saqah from him, and if wants an ayat from you then, put your hand on his collarbone)) ⁽³⁾.

The significance of the two hadiths:

The first hadith indicated that giving the Prophet the sheep to Aqabah that he sacrifices, then divides it among his companions, is tantamount to authorizing this division.

As for the second hadith, it is evidence of the legitimacy of stewardship, and the consensus on that, and the rulings are related to the agent, and it contains evidence of working with the presumption in the money of others and that it is believed by the Messenger to draw the attention ⁽⁴⁾.

Third: the consensus.

The jurists unanimously agreed on the permissibility and legitimacy of stewardship from the time of the Messenger of Allah to the present day, and none of the Muslims disagreed in that ⁽⁵⁾.

The third branch: the wisdom of stewardship.

It is to take care of the interest, fill the need and ward off embarrassment on behalf of people, as the ability, competence and experience may be available to one person without another, and the person may be right, but he is unable to present the argument and the statement, and his opponent is more able and knows the arguments. Thus, he needs to delegate others to defend him and show his right ⁽⁶⁾.

Fourth Section: bail.

A bail is a commitment contract or agreement issued by the bailer for the creditor to fulfill the restitution of rights if the debtor does not fulfill it.

It includes three branches:

The first branch: Defining sponsorship in language and convention:

Definition of bail-in language: it comes to mean attachment: the bailer. It is said: He bailed him a surety and bailed on him with money to his opponent ⁽⁷⁾.

And idiomatically:

The Hanafis defined it as: "it is the bailing by the bailer for the absolute claim of self, debt, or appointed usurped and the like" ⁽⁸⁾. And "it was said in religion, and the first is more correct" ⁽⁹⁾.

And the Malikis said: It is "an obligated, not a foolish obligation, a debt owed to others, or the demand of those who owe it to whoever is his." ⁽¹⁾

(1) Al-Atoud: "He is the little one of the goats's children.

And from it the hadith of Omar, and he mentioned his policy, so he said: "I add the udh," meaning I want it if it is a match and a homelessness. The end is in Gharib al-Hadith and Athar, 3/177, Article (Attad).

(2) It was provided by Al-Bukhari, Book of sacrifice, chapter on the sacrifice of the Prophet ﷺ with two horned rams and he mentions two fat men, 5/2112, No. (5235).

(3) It was included by Abu Dawud in his Sunan, the first book of the Aqdiyyah, Chapter in the Agency, 5/475, No. (3632), and its chain of transmission was classed as hasan by Ibn Hajar in al-Talkhees al-Habeer, 3/123.

(4) See: Explanation of Al-Kirmani on Sahih Al-Bukhari, 10/131, and Umdat Al-Qari, 21/151, and Subul Al-Salam, 2/93.

(5) See: Al-Ijma', by Ibn Al-Mundhir, 1/133, and Al-Mughni, by Ibn Qudama, 7/197.

(6) See: Selection for the Explanation of Al-Mukhtar, 2/156, and Al-Mughni, 7/197, and Mughni Al-Muhtaj, 3/231.

(7) As-Sahah, 5/1811, Article (Kafeel), and Students' Students, p. 139.

(8) Selection, 2/166, and clarification of the facts, 4/146, and al-Bahr al-Ra'iq, 6/221, Marginal Refutation of the Confused, 5/281.

(9) Al-Hidaya, 3/87.

As for the Shafi'is, they said: It is "a fixed right in the debt of others. Or, to bring whoever is on him, or something guaranteed" ⁽²⁾.

According to the Hanbalis: "The guarantor's liability is combined with the liability of the guaranteed person in the commitment of the right. Then it is proven in all of them, and the right holder has a claim from whomever he wants" ⁽³⁾.

Through the foregoing, it becomes clear to us that the definitions dealt with the reality of bail and included its three types - self-sponsorship, debt-bond, and an item-sponsorship - for some of them, as well as establishing the right to be held by the bailer.

The second branch: evidence of the legality of the bail:

The bail is legitimate, and it may be delegated if the person in charge of it is confident in himself and is sure that he will suffer harm because of it.

First: the Qur'an:

The Almighty says: The officials said: "We have lost the king's cup." (And their chief added): "He who brings it shall have a camel-load of provisions, I guarantee that." ⁽⁴⁾.

Meaning: So her Lord accepted her with good acceptance and caused her to grow in a good manner and put her in the care of Zechariah. Every time Zechariah entered upon her in the prayer chamber, he found with her provision. He said, "O Mary, from where is this [coming] to you?" She said, "It is from Allah. Indeed, Allah provides for whom He wills without account." ⁽⁵⁾.

The significance of the two verses:

These two verses indicated the permissibility and legitimacy of bail. Judge Abu Ishaq said: This is not a matter of bail, because it does not include a guarantee for a person on behalf of a person, rather he is a man who committed himself on behalf of himself and guaranteed it, and this is a permissible language that is required by Sharia (Islamic law).

Imam Abu Bakr said: This is what Judge Abu Ishaq said is correct, but the leadership there is a text, so if he says: I am a leader, then it means that I am committed, and what difference is there between saying: I adhere to it on my behalf or I adhere to others? ⁽⁶⁾.

Second: The Sunnah:

- On the authority of Salamah ibn Al-Akwa He said: We were sitting with the Prophet when a funeral was brought, and they said: pray on it, and he said: ((Does he have a debt)), they said: No, he said: ((So did he leave something)), they said: No, then, he prayed for him. Then, another funeral was brought and he said: O Messenger of Allah, pray for her. He said: ((Does she have a debt?). It was said: Yes. He said: ((So did she leave anything)). They said: Three dinars, and he prayed on it. Then, a third dead body was brought and they said: Pray for it. He said: ((Did he leave anything)), they said: No, he said: ((He has a debt)). They said: Three dinars. Then, he said pray for him, O Messenger of Allah, and upon his religion, and pray for him ().

The significance of the hadith: The hadith indicated the legitimacy of the bail, as the Prophet has permitted it for the dead, and he acknowledged the guarantor's commitment to repaying the two debts.

Ibn Shihab narrated on the authority of Abu Muslimah ibn Abd al-Rahman, on the authority of Abu Hurayrah that the Messenger of Allah used to bring the deceased man a debt and ask me:

(1) The small explanation with the footnote of Al-Sawi, 3/430

(2) Mughni al-Muhtaj, 3/198.

(3) Al-Mughni, 4/399.

(4) Surat Yusuf: from verse (72).

(5) Surat Al Imran: from verse (37).

(6) See: Ahkam al-Qur'an, by Ibn al-Arabi, 3/64.

(7) Al-Bukhari included it in his Sahih, Kitab al-Hawala, chapter If he assigns the debt of the dead to a man, it is permissible, 2/799 No. (2168).

(8) See: Neal Al-Awtar, 5/239.

((Has he left to pay))? If it so happened that he neglected to fulfill it, he prayed for him, otherwise, he said to the Muslims: ((Pray on your friend)), so when Allah opened the sight for him, he prayed for him, and he said: ((I am close to the Muslims from themselves, and those who die from them are in debt, I have to pay it. And those who leave a heritage for his inheritance)) ⁽¹⁾.

The indication of the hadith: The hadith indicated that whoever left a debt and does not have to pay it, the prophet takes care of it and takes care of it from the money of charity and pay the debtors.

Third: The consensus: Ibn Qudamah said: "Muslims are unanimously agreed on the permissibility of insurance in the sentence.

Rather, they differed in branches "⁽³⁾.

The author of the choice said: "The Prophet was sent and the people would take care of others, and they approved of him, and on him the people from the presence of the first chest rule to this day without denying" ⁽⁴⁾.

The third branch: the wisdom behind the legality of bail:

It is a contract and fine legal document; To pay the need, which is the reach of the sponsored for them to revive their rights, take care of their interests, rid them of embarrassment, facilitate for the Muslims, and achieve cooperation among them, because the seller may not be reassured by the buyer, so he needs someone to guarantee the price, or the buyer is not reassured about the seller, so he needs someone to guarantee him in Sale ⁽⁵⁾.

Fifth Section: Transfer (hawala).

The transfer is considered one of the actions that do not need legitimization and acceptance. It is valid in every word that indicates it: such as your case and so on, and whose benefits include facilitating transactions between people. Especially, if the person is in one country, and the transferee is in another country. Also, it is easy for the impossible to benefit from it ⁽⁶⁾.

It includes three branches:

The first branch: Defining transfer (hawala), linguistically, and idiomatically:

Transfer in language: from transformation. And to transfer is to move from a place. Transferred means that it moved away from him. The word transfer with fathah in Arabic is derived from this. If you convert someone to your religion, you have transferred him to a religion other than your religion ⁽⁷⁾.

And idiomatically:

Some of the Hanafis defined it as: “Transferring the debt from the owner to that of the second person as a way of trusting it” ⁽⁸⁾.

Others, the Malikis, the Shafi’is, and the Hanbalis defined it by saying: “a contract requiring the transfer of a debt from an owner to an owner” ⁽⁹⁾.

(1) Al-Bukhari included it in his Sahih, Kitab al-Hawwalah, Chapter If he refers to a banker, he has no response, 5/231, No. (2289).

(2) See: Neal Al-Awtar, 5/239.

(3) Mughni al-Muhtaj, 3/198, and Al-Mughni, 4/400.

(4) (Choice), 2/166.

(5) See: Sharh Fath Al-Qadeer, 7/162, Al-Mubda 'fi Sharh Al-Muqni', by Ibn Muflih, 4/147.

(6) Clarification of the provisions from achieving the goals, 4/513.

(7) See: the luminous lamp, 1/157, material (about)

(8) See: Providence Explanation of Guidance, 7/238, Building Explanation of Guidance, 8/458, and Al-Dur al-Mukhtar, 5/340.

(9) The facts show, 4/171, Al Bahr Al Raeeq, 6/266, Al Sharh Al Kabeer, 3/325, Asna Al Muttalib, 2/230, and Tuhfat Al Muhtaj, 5/226, and Al Mughni 4/390.

It appears from the definition that in transfer, the right moves from the responsibility of the assignor to the liability of the assignee, and the assignor is absolved of the assignee’s debt by registering authentication.

The second branch: the evidence for the legitimacy of the transfer (hawala):

Hawala is legitimized based on the Sunnah, consensus, measurement, and the reason.

First: The Sunnah:

On the authority of Abu Huraira that the Messenger of Allah said: ((The rich man who is late to pay back his debt is wrongdoing, and if one of you take a loan, then he should pay)) ⁽¹⁾.

And in another version of Al-Bukhari: ((The rich one who fails to pay, and he has to pay back on time)) ⁽²⁾

Significance: This hadith indicates anyone should not extend the paying back of debt and it is forbidden in Islam ⁽³⁾.

Second: The consensus:

Ibn Qudamah said: “The scholars are unanimously agreed that transfer (hawala) is permissible in the sentence” (4).

Third: Measurement:

The transfer is measured on the bail, with a collector that both the assignee and the guarantor have committed what is qualified for their obligation and can deliver it. Both are a way to facilitate the collection of the debt, so do not refrain from this as did not refrain from that (5).

The third branch: the wisdom of the transfer (Hawala).

There is a need for transfer, the debt is easy, and the Hanafis inferred by measuring the total on its units: both of the two types of transfer (absolute or restricted) include the assignee donating commitment and fulfillment, ordering him to surrender to the shop, and delegating the assignee to take possession of it. Solo, so be it when meeting, with the collector of non-difference (6).

Sixth Section: Mortgage.

What is meant by the mortgage is to sell the mortgaged property upon maturity, and the right from it is fulfilled. All that is permissible to sell is permissible as a mortgage, and according to it, it is not permissible to mortgage what is not permissible to sell.

The concept of mortgage includes language and idiom:

A mortgage in language: the letters Ra, Ha, and Noon (ح) is a principle indicating the stability of something that holds a right or something else.

Mortgage: is anything taken with it that is can be mortgaged is a mortgage.

Among its meanings: Imprisonment (7), Allah Almighty said: Every soul, for what it has earned, will be retained(8). That is, it is locked up by its earning.

Idiomatically: the jurists mentioned different definitions of terms, but their concept is the same.

It is the confinement of a financial right that can be recovered from, such as debt, whetherby reality or by judgment (1).

(1) Al-Bukhari included it in his Sahih, The Book of Remittances, Chapter: Chapter in the Hawala and Should he return to the Hawala, 2/799 No. (2166).

(2) It was included by Al-Bukhari in his Sahih, The Book of Remittances, chapter If he refers to Melli, he has no response, 2/799 No. (2167) from the hadith of Abu Hurairah.

(3) See: Explanation of Fath Al-Qadeer, 7/239, Al-Bujurami's Commentary on Explanation of Al-Manhaj 3/19 onwards.

(4) See: Al-Mughni, by Ibn Qudama, 7/56.

(5) See: Explaining the Facts, 4/171, and Al-Bahr Al-Ra'iq, 6/266.

(6) See: Al-Banaah Sharh al-Hidayah, 8/486, Haashiyat al-Bujirami on Sharh al-Manhaj, 3/20, and Al-Mughni, 56/7.

(7) Al-Ain, by Farahidi, 4/44, article (mortgage), and the dictionary of language scales, 2/452, subject (mortgage), and students' students, 146 p.

(8) Surat Al-Muddathir: verse (38).

Evidence of the legality of the mortgage:

The mortgage is prescribed according to the Qur'an, the Sunnah, the consensus, and the reason (which is the wisdom of it).

First: the Qur'an.

And the Almighty said: And if you are on a journey and cannot find a scribe, then a security deposit [should be] taken. And if one of you entrusts another, then let him who is entrusted discharge his trust [faithfully] and let him fear Allah, his Lord. And do not conceal testimony, for whoever conceals it - his heart is indeed sinful, and Allah is Knowing of what you do. ⁽²⁾.

That is: make a mortgage and take ⁽³⁾.

The indication is that Allah Almighty has commanded writing a debt and witnessing it in the interest of preserving money by saying: It is not for me O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you injustice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah, his Lord, and not leave anything out of it ⁽⁴⁾. Then, after that, he mentioned the state of excuses forbidding writing, and a kind of documentation was prescribed for it, which is making a mortgage. This indicates the legality of the mortgage as a trust for the right and preserving it from loss ⁽⁵⁾.

Al-Jassas said: If you do not verify the writing and the testimony, then the document is proof that it is received, and the mortgage is established in the chapter of authentication in the case in which it does not reach the book's authentication and testimony in its place, but the travel state is mentioned. Because it mostly lacks writers and witnesses ⁽⁶⁾.

Second: The Sunnah:

Aisha, May Allah be pleased with her, narrated that the Prophet: ((He bought food from a Jew for a certain time and mortgaged him a shield of iron)) ⁽⁷⁾.

The significance of the hadith: The hadith indicated the legality and permissibility of the mortgage since the Prophet did it, so this indicates that it is permissible ⁽⁸⁾.

On the authority of Anas: ((He walked to the Prophet with barley bread and a sankha ⁽⁹⁾, and the Prophet mortgaged a shield for him in Medina with a Jew and took from him barley for his family)) ⁽¹⁰⁾.

Significance: The hadith indicated that the Prophet had mortgaged his shield with a Jew in Medina, and was present and not traveling, thus proving the legality of the pledge and its permissibility in urban areas by his action ⁽¹¹⁾.

Third: the consensus:

The nation was unanimously agreed on the legality of the mortgage, and it has dealt with it from the time of the Prophet to this day, and no one has denied it ⁽¹²⁾.

The third branch: the wisdom of mortgage.

It was made legitimated as a precaution for the owner of the right. Thus, the wise lawgiver did not consider the interest of the debtor only, but gave the creditor the authority to fulfill his right from the

mortgaged property if the debtor could not return what he owed, and make a balance of justice by taking into account the debtor in case of hardship, and in it taking into account the interests of

-
- (1) Al-Hidaya, 4/412, and Al-Muhtar's Response to Al-Durr Al-Mukhtar, 4/352, The Talents of Galilee: 5/2, Asna al-Muttalib, 2/144, and Al-Mughni, 4/245.
- (2) Surat Al-Baqarah: verse (283).
- (3) Milestones of revelation, 1/352, and persuasion in dissolving the words of Abu Shuja, 2/297.
- (4) Surat Al-Baqarah: from verse (282).
- (5) See: Al-Jami' al-Ahkam al-Qur'an, by al-Qurtubi 3/406 and beyond, and al-Mabsut, by al-Sarkhasi, 21/197.
- (6) Ahkam al-Qur'an, for Jisas, 2/258.
- (7) Al-Bukhari included it in his Sahih, Kitab al-Sale, chapter on Buying the Prophet ﷺ by al-Nasi'ah, 2/729 No. (1962), from the hadith of Aisha, may God be pleased with her.
- (8) Al-Minhaj Sharh Sahih Muslim Ibn Al-Hajjaj, 11/40, Maraqat Al-Mufateh Sharh Mishkat Al-Misbah, 5/1947.
- (9) "Everything from the fats is something that leads to wear. It was said: It is what is melted from the mechanism and the fat. It was said: solid fat. The end in Gharib al-Hadith, 1/84, 2/408, article (ahl-sikh).
- (10) Al-Bukhari included it in his Sahih, Kitab al-Sale, Chapter: The Prophet's purchase by al-Nasi'ah, 2/729 No. (1963).
- (11) Al-Minhaj Sharh Sahih Muslim, 11/40, Mirqat Al-Mufahat Sharh Mishkat al-Masabih, 5/1947.
- (12) Al-Bayan in the School of Imam Al-Shafi'i, 6/7, and Al-Mughni, 4/245.

Servants, in addition to the fact that society appears in a spirit of cohesion and solidarity, not intersection and disintegration so that society lives in harmony with one another (¹²).

Al-Kasani said: The mortgage was legalized due to the need to document the debt, on the distortion of the truth with ingratitude and denial, and to remember it in forgetfulness and neglectful (¹).

Al-Haddadi said: The mortgage is prescribed to facilitate his affairs and open his chest until he can collect what he pays his debt in its annulment and preserves his honor in his deadline. Or, he denies, and the mortgagee has no evidence, or he dies penniless without a specific guarantee.

Conclusion:

After this review in my research, which is marked with (wisdom in the legitimacy of financial transactions, which means security and general secretariat in Islamic fiqh) I summarize the most important results that I have reached, which are as follows:

First: Islamic law has not neglected any financial transaction that brings benefits to people and wards off embarrassment and harm for them.

Second: Highlighting the wisdom from the legitimacy of financial transactions are the purposes of Sharia, which has become an independent science today.

Third: This helps to put confidence in the responsible for the legality of financial transactions, as well as to acknowledge their application, as Sharia enjoined upon the stability of transactions in their minds.

Fourth: We find the jurists, after mentioning the definition, the transport evidence and consensus, who mention the wisdom to establish the above concepts, which is very important.

Fifthly: Financial transactions today are developing tremendously, and we find scientists today rely on judgment and causes to reach what brings benefits to people and removes embarrassment for them.

List of sources and references

The Holy Quran.

1. *The joy in explaining the curriculum - the method for reaching the science of assets* - by Al-Qadi Al-Baydawi (d.: 785 AH), to Taqi al-Din Abi Al-Hassan Ali bin Abdul Kafi bin Ali bin Tamam bin Yahya bin Yahya Al-Sobki and his son Taj Al-Din Abu Nasr Abdul Wahhab, (Dr.), Dar Al-Kotob Al-'Aliyyah - Beirut, (D. T), 1416 AH 1995.
2. *Ijtihad in the area of legal governance, an applied rationalization study*, by Belkacem bin Zakir bin Muhammad al-Zubaidi, a doctoral thesis from the Department of Jurisprudence at the College of Sharia and Islamic Studies at Umm Al-Qura University in 1435 AH, supervised by A. Dr. Ghazi bin Murshed Al-Otaibi, Training Center for Studies and Research, 1st Edition, 1435 AH - 2014 AD.
3. *Rulings of the Qur'an*: by Ahmad bin Ali Abi Bakr al-Razi al-Jasas al-Hanafī (d.: 370 AH), translated by Abd al-Salam Muhammad Ali Shaheen, Dar al-Kutub al-Ilmiyya, Beirut - Lebanon, 1st ed. 1415 AH / 1994 AD.

(1) See: Al-Care, Explanation of Guidance, 10/135 onwards, Al-Jawhara Al-Naira, 1/225 onwards, Al-Muhtar for the explanation of Al-Mukhtar, 2/62, and the statement in the doctrine of Imam Al-Shafi'i, 6/7, and Al-Mughni 4/245.

(2) See: Bada'a Al-Sanai', 6/135.

(3) Al-Jawhara Al-Naira, 1/225 onwards.

4. *Rulings of the Qur'an, Judge Muhammad bin Abdullah Abu Bakr bin al-Arabi al-Ma'afari al-Maliki (d .: 543 AH), reviewed his origins, produced his hadiths and commented on it: Muhammad Abd al-Qadir Atta, Dar al-Kutub al-Ilmiyya, Beirut - Lebanon, 3rd edition, 1424 AH - 2003 AD.*
5. *The choice to explain the Mukhtar: by Abdullah bin Mahmoud bin Mawdud al-Mawsili al-Baldhi, Majd al-Din Abi al-Fadl al-Hanafi (T .: 683 AH), with comments: Sheikh Mahmoud Abi Minya (from the Hanafi scholars and a teacher at the Faculty of Fundamentals of Religion previously), Al-Halabi Press - Cairo (and its photo Scientific Books House - Beirut, and others), 1356 AH - 1937 CE.*
6. *Ikhlas al-Nawi from the guidance of the Ghawi to the paths of al-Hawi, to Sharaf al-Din, Ismail bin Abi Bakr bin Abdullah al-Yamani, known as Ibn al-Maqri (d .: 837 AH), under: Sheikh Adel Ahmad Abd al-Muawjid and Sheikh Ali Muhammad Muawad, Dar al-Kutub al-Ilmiyya, Beirut - Lebanon.*
7. *The best demands in explaining Rawdat al-Taleb, by Sheikh of Islam Zakaria al-Ansari, ed. Muhammad Muhammad Tamer, Dar Al-Kutub Al-Ilmiyya - Beirut, 1st Edition, 1422 AH - 2000.*
8. *Persuasion about dissolving the words of Abu Shuja, by Shams al-Din, Muhammad bin Ahmad al-Khatib al-Sherbini al-Shafi'i (T .: 977 AH), under: Research and Studies Office - Dar Al Fikr, Dar Al Fikr - Beirut.*
9. *Persuasion in the jurisprudence of Imam Ahmad bin Hanbal, by Musa bin Ahmed bin Musa bin Salem bin Isa bin Salem al-Hijjawi al-Maqdisi, then al-Salihi, Sharaf al-Din, Abu al-Naja (d .: 968 AH), (ed): Abd al-Latif Muhammad Musa al-Sabki, Dar al-Maarifah Beirut, Lebanon.*
10. *Al-Bahr Al-Ra'iq, Explaining the Treasure of the Minutes: by Zain Al-Din Bin Ibrahim Bin Muhammad, known as Ibn Najim Al-Masry (d .: 970 AH), and at the end: The complement of the fragrant sea by Muhammad bin Hussein bin Ali Al-Turi Al-Hanafi Al-Qadri (d. By Ibn Abdin, Dar Al-Kitab Al-Islami, 2nd Edition, (dt).*
11. *Bidayat al-Mujtahid and Nihayat al-Muqtasid, by Abu al-Walid Muhammad bin Ahmed bin Muhammad bin Ahmed bin Rushd al-Qurtubi, known as Ibn Rushd al-Hafid (d .: 595 AH), Mustafa al-Babi al-Halabi and Sons Press, Egypt, 4th edition, 1395 AH / 1975 CE.*
12. *Bada'i al-Sanai'i in the order of the Shari'a: by Ala Al-Din, Abu Bakr bin Masoud bin Ahmed Al-Kasani Al-Hanafi (d. 587 AH), (Dah), Dar Al-Kotob Al-Alami, Beirut, 2nd Edition, 1406 AH - 1986 AD.*
13. *Al-Badr Al-Mounir in the Tertiary of Hadiths and Archeology in Al-Sharh Al-Kabeer, by Ibn Al-Malqin Siraj Al-Din Abi Hafs Omar Bin Ali Ahmed Al-Shafi'i Al-Masry (d .: 804 AH), under: Mustafa Abi Al-Ghait, Abdullah Bin Suleiman and Yasser Bin Kamal, Dar Al-Hijrah for Publishing and Distribution - Riyadh-Saudi Arabia, 1st floor, 1425-2004 AD.*
14. *The building Sharh al-Hidayah: by Abu Muhammad Mahmoud bin Ahmed bin Musa bin Ahmed bin Hussein al-Gheitabi al-Hanafi Badr al-Din al-Aini (d .: 855 AH), (Dah), Dar al-Kutub al-Ilmiyya - Beirut, Lebanon, 1st ed., 1420 AH - 2000 AD.*
15. *The joy of the hearts of the righteous and the sweetness of the eyes of the good guys in explaining the collections of news, by Abu Abdullah, Abdul Rahman bin Nasser bin Abdullah bin Nasser bin Hamad Al Saadi (d .: 1376 AH), under: Abdul Karim bin Rasmi Al-Darini, Al-Rashed Library for Publishing and Distribution, 1st Edition, 1422 AH - 2002 AD.*

16. *The statement in the doctrine of Imam al-Shafi'i: by Abu Al-Hussein Yahya bin Abi al-Khair bin Salem al-Omrani al-Yamani al-Shafi'i (d .: 558 AH), translated by: Qasim Muhammad al-Nuri, Dar al-Minhaj - Jeddah, 1st edition, 1421 AH - 2000 AD.*
17. *The statement, collection, explanation, guidance and explanation of the issues extracted: by Abu Al-Walid Muhammad bin Ahmed bin Rushd Al-Qurtubi (d .: 520 AH), modified by: Dr. Muhammad Hajji and others, Dar Al-Gharb Al-Islami, Beirut - Lebanon, 2nd edition, 1408 AH - 1988 AD.*
18. *Crown of the Bride, one of the jewels of the dictionary: by Muhammad bin Muhammad bin Abd Al-Razzaq Al-Husseini, Abi Al-Fayd, nicknamed Murtada, Al-Zubaidi (d .: 1205 AH), U: a group of investigators, Dar Al-Hidaya, (d. T), (dt).*
19. *Explaining the facts, explaining the treasure of the minutes and the retinue of Al-Shalabi: by Othman bin Ali bin Muhajin al-Barai, Fakhr al-Din al-Zayla'i al-Hanafi (d .: 743 AH), footnote: Shihab al-Din Ahmad bin Muhammad bin Ahmed bin Yunus bin Ismail bin Yunus al-Shalabi (T: 1021 AH) The Great Amiriya Printing Press - Bulaq, Cairo, 1st Edition, 1313 AH.*
20. *Tuhfat al-Habib Ali Sharh al-Khatib (Al-Bujermi Ali Al-Khatib): by Suleiman bin Muhammad bin Omar Al-Bujaimi Al-Shafi'i (d .: 1221 AH), (Dr. Tah), Dar Al-Kutub Al-Ilmiyyah - Beirut / Lebanon, 1st edition, 1417 AH -1996 AD.*
21. *Tuhfat al-Faqih's: by Muhammad bin Ahmed bin Abi Ahmed, Abu Bakr Alaa al-Din al-Samarqandi (: about 540 AH), Dar al-Kutub al-Ilmiyya, Beirut - Lebanon, 1st ed., 1414 AH - 1994 AD.*
22. *Tuhfat al-Muhtaj fi Sharh al-Minhaj, by Ahmad bin Muhammad bin Ali bin Hajar al-Haytami (T .: 974), revised and corrected: in several copies with the knowledge of a committee of scholars, publisher: The Great Commercial Library in Egypt for its owner Mustafa Muhammad, 1357 AH - 1983 CE.*
23. *Interpretation of the Great Qur'an: by Abu al-Fida 'Ismail bin Omar bin Kathir al-Qurashi al-Basri, then al-Dimashqi (d .: 774 AH), under: Sami bin Muhammad Salama, House of Good for Publishing and Distribution, Edition 2, 1420 AH - 1999 AD.*
24. *Al-Kutub Al-Ilmiyya, Dar Al-Kutub Al-Ilmiyya, 1st Edition, 1419 AH, by Abu Al-Fadl Ahmed bin Ali bin Muhammad bin Ahmed bin Hajar Al-Asqalani (T .: 852 AH). 1989AD.*
25. *Refining Names and Languages: By Abu Zakaria Muhyiddin Yahya bin Sharaf Al-Nawawi (d .: 676 AH), I meant to publish, correct, comment and interview its origins: The Scholars Company with the help of the Al-Muniriya Printing Department, Dar Al-Kutub Al-Alami, Beirut - Lebanon.*
26. *Refining the language: by Muhammad bin Ahmad bin Al-Azhari Al-Harawi, Abu Mansour (: 370 AH), ed: Muhammad Awad Mireb, House of Revival of Arab Heritage - Beirut, 1st Edition, 2001 AD.*
27. *Facilitating the Science of Fundamentals of Jurisprudence, by Abdullah bin Yusef bin Isa bin Yaqoub Al-Yaqoub Al-Judai Al-Anzi, Al-Rayyan Foundation for Printing, Publishing and Distribution, Beirut - Lebanon, 1st Edition, 1418 AH - 1997 AD.*
28. *Al-Jami Al-Sahih Al-Muqisas: Al-Maarouf (Sahih Al-Bukhari): by Muhammad Bin Ismail Abi Abdullah Al-Bukhari Al-Jaafi (T .: 256 AH), U: Dr. Mustafa Deeb Al-Bagha Professor of Hadith and its Sciences at the Faculty of Sharia - University of Damascus, Dar Ibn Kathir, Al-Yamamah - Beirut, 3rd Edition, 1407-1987.*

29. *Al-Jawhara Al-Naira: by Abu Bakr bin Ali bin Muhammad Al-Haddadi Al-Abadi Al-Zubaidi Al-Yemeni Al-Hanafi (d .: 800 AH), (dt), Charity Press, 1st Edition, 1322 AH.*
30. *Desouki's footnote to the great explanation by Muhammad bin Ahmed bin Arafah al-Desouki al-Maliki (d .: 1230 AH), (d. TAH), Dar al-Fikr, (d. T), (dt).*
31. *Al-Adawi's footnote on explaining the adequacy of the Rabbani student, by Abu Al-Hasan, Ali bin Ahmed bin Makram Al-Saidi Al-Adawi (relative to Bani Adi, near Manfalut) (d .: 1189 AH), under: Yusef Al-Sheikh Muhammad Al-Beqai, Dar Al-Fikr - Beirut, (d I), 1414 AH - 1994 AD.*
32. *The footnote of Al-Mukhtar's response to Al-Durr Al-Mukhtar, Explanation of Tanweer Al-Absar, by Ibn Abdin Al-Sayyid Muhammad Amin Abdeen Ibn Al-Sayed Omar Abdeen Al-Dimashqi Al-Hanafi, the famous mufti of Ibn Abdin (d .: 1252) Dar Al-Fikr - Beirut, 1421 AH - 2000 AD.*
33. *Al-Hawi al-Kabeer in the jurisprudence of the Imam al-Shafi'i doctrine, which is the explanation of the summary of al-Muzni, by Abu al-Hasan Ali bin Muhammad bin Muhammad bin Habib al-Basri al-Baghdadi, known as al-Mawardi (d .: 450 AH), under: Sheikh Ali Muhammad Muawwad - Sheikh Adel Ahmad Abdul-Muawjid, Dar al-Kutub al-'Ilmiyya Beirut - Lebanon, 1st floor, 1419 AH -1999 AD.*
34. *The pearls of the rulers explaining the deceitfulness of the rulings: by Muhammad ibn Framers bin Ali, famous for Mulla - or Manla, or Mawla - Khusraw (T .: 885 AH), (Dah), House of Revival of Arabic Books, (D i), (dt).*
35. *The Constitution of the Scholars = Jami` al-Ulama in Art Terminology: Judge Abd al-Nabi ibn Abd al-Rasul al-Ahmad al-Nakri (d .: 12 AH), Arabic for his Persian phrases: Hassan Hani Fahs, Dar Al-Kutub Al-'Ilmiyya - Lebanon / Beirut, 1st ed., 1421 AH - 2000 AD.*
36. *Minutes of Awli al-Banha to explain the well-known Muntaha by explaining Muntaha al-Iradat, by Mansour bin Yunis bin Salah al-Din Ibn Hassan bin Idris al-Bahouti al-Hanbali (T .: 1051 AH), The World of Books, 1st Edition, 1414 AH - 1993 AD.*
37. *Al-Thakhira, by Abu al-Abbas Shihab al-Din Ahmad bin Idris bin Abd al-Rahman al-Maliki, famous for al-Qarafi (T .: 684 AH), Rev .: Part 1, 8, 13: Muhammad Hajji, Part 2, 6: Saeed Aarab, Part 3 - 5, 7, 9 - 12: Muhammad Bou Khobza, Dar Al-Gharb Al-Islami - Beirut, 1st Edition, 1994 AD.*
38. *Reviewed and corrected: in several copies with the knowledge of a committee of scholars, The Great Commercial Library in Egypt for its owner Mustafa Muhammad, (d. T), 1357 AH - 1983 CE.*
39. *Rawdat al-Nazir and Jannat al-Nazir in the fundamentals of jurisprudence according to the doctrine of Imam Ahmad bin Hanbal, by Abu Muhammad Muwaffaq al-Din Abdullah bin Ahmad bin Qudamah al-Jamili al-Maqdisi, then al-Dimashqi al-Hanbali, known as Ibn Qudamah al-Maqdisi (d .: 620 AH), (Dah), Al-Rayyan Foundation, 2nd Edition, 1423 AH -2002 AD.*
40. *Zahrat al-Tafseer: by Muhammad bin Ahmed bin Mustafa bin Ahmed, known as Abu Zahra (T .: 1394 AH), the Arab Thought House.*
41. *Sabil al-Salaam: by Muhammad bin Ismail bin Salah bin Muhammad al-Hasani, al-Kahlani, then al-San'ani, Abu Ibrahim, Izz al-Din, known as his predecessors by the Emir (T .: 1182 AH), (Dr. Tah) Dar al-Hadith, (d. I), (d. .T).*

42. *Sunan Ibn Majah: by Muhammad ibn Yazid Abi Abdullah al-Qazwini, (T .: 273 AH), under: Muhammad Fu'ad Abd al-Baqi, Dar al-Fikr - Beirut, (d. I), (dt).*
43. *Sunan Abi Dawood: by Al-Hafez Abi Dawood Sulaiman bin Al-Ash'ath Al-Sijistani (d .: 275 AH), Tah: Shuaib Al-Arna`oot - Muhammad Kamil Karah Belli, Dar Al-Risalah Al-Alamiah*
1st Edition, 1430 AH - 2009 AD
44. *Sunan Al-Bayhaqi Al-Kubra: by Ahmad Bin Al-Hussein Bin Ali Bin Musa Abi Bakr Al-Bayhaqi, Under: Muhammad Abdul-Qader Atta, Dar Al-Baz Library - Makkah Al-Mukarramah, 1414 - 1994.*
45. *Sunan al-Tirmidhi: Al-Jami al-Sahih: by Muhammad bin Isa Abi Issa al-Tirmidhi al-Salami (d .: 279 AH), edited by: Ahmad Muhammad Shakir and others, House of Revival of Arab Heritage - Beirut, (d. I), (dt).*
46. *Explanation of Sahih al-Bukhari, by Ibn Battal, by Abu al-Hasan Ali bin Khalaf bin Abd al-Malik (d .: 449 AH), ed: Abu Tamim Yasser bin Ibrahim, Al-Rushd Library - Saudi Arabia, Riyadh, 2nd Edition, 1423 AH - 2003 AD.*
47. *Explanation of Fath al-Qadeer: by Kamal al-Din Muhammad bin Abdul Wahid al-Siywasi, (d .: 681 AH), Dar al-Fikr - Beirut, (dt).*
48. *Al-Sahhah Taj Al-Luguah and Sahih Al-Arabia: by Abu Nasr Ismail bin Hammad Al-Jawhari Al-Farabi (d .: 393 AH), edited by: Ahmad Abd Al-Ghafour Attar, House of Knowledge for the Millions - Beirut, 4th edition, 1407 AH - 1987 AD.*
49. *The students of the students: by Omar bin Muhammad bin Ahmed bin Ismail, Abu Hafis, Najm al-Din al-Nasfi (T. 537 AH), (Dah), Al-Amra Press, Al-Muthanna Library in Baghdad,*
(D i), 1311 AH.
50. *Attention Sharh al-Hidayah: By Muhammad bin Muhammad bin Mahmoud, Akmal al-Din Abu Abdullah bin al-Sheikh Shams al-Din Ibn al-Sheikh Jamal al-Din al-Rumi al-Babarti (T: 786 AH),*
(Dt), Dar al-Fikr, (d i), (dt).
51. *Fath al-Bari, Sharh Sahih al-Bukhari: by Ahmed bin Ali bin Hajar Abi al-Fadl al-Asqalani al-Shafi'i, Tah: Ahmad bin Ali bin Hajar Abi al-Fadl al-Asqalani al-Shafi'i, Dar al-Maarifah, Beirut, 1379, (d. I), and Muhammad Fu'ad Abdul-Baqi, directed by It was authenticated and printed by Moheb al-Din al-Khatib, on which the comments of the scholar: Abd al-Aziz bin Abdullah bin Baz, Dar al-Maarifah - Beirut, 1379.*
52. *Al-Wahab's Concepts by explaining the explanation of the students's curriculum known as the footnote of the camel (The students's curriculum was abbreviated by Zakaria al-Ansari from the al-Talibin curriculum by al-Nawawi, then explained in the explanation of the students's curriculum), by Suleiman bin Omar bin Mansour al-Ajili, known as al-Jamal (T: 1204 AH), (D. H) House of Fikr, (dt), (dt).*
53. *Methodological jurisprudence according to the doctrine of Imam Al-Shafi'i, may God have mercy on him, Dr. Mustafa Al-Khan, Dr. Mustafa Al-Bagha, Ali Al-Sharbaji, Dar Al-Qalam for printing, publishing and distribution, Damascus, 4th Edition, 1413 AH - 1992 AD.*

54. *Al-Kafi in the jurisprudence of the people of Medina: by Abu Umar Yusuf bin Abdullah bin Muhammad bin Abd al-Barr bin Asim al-Nimri al-Qurtubi (d .: 463 AH), translated by: Muhammad Muhammad Ahaid, born Madik of Mauritania, Riyadh Modern Library, Riyadh, Kingdom of Saudi Arabia, 2nd edition, Hegira 1400 / AD 1980.*
55. *The Book of Definitions: by Ali bin Muhammad bin Ali Al-Zain Al-Sharif Al-Jarjani (: 816 AH), corrected by a group of scholars under the supervision of the publisher, Dar Al-Kutub Al-Ilmiyya Beirut-Lebanon, 1st Edition, 1403 AH-1983AD.*
56. *Scouts of the mask on the body of Al-Iqnaa, by Mansour bin Yunis bin Salah Al-Din Ibn Hassan bin Idris Al-Bahouti Al-Hanbali (d .: 1051 AH), (d.*
57. *Colleges: A Dictionary of Terms and Linguistic Differences: by Ayoub bin Musa Al-Husseini Al-Quraimi Al-Kafawi, Abi Al-Tikha Al-Hanafî (d .: 1094 AH), under: Adnan Darwish - Muhammad Al-Masry, Foundation for the Resala - Beirut, (d. I), (dt).*
58. *Al-Kawakeb Al-Darari in Sharh Sahih Al-Bukhari: by Muhammad bin Yusuf bin Ali bin Said, Shams Al-Din Al-Kirmanî (T .: 786 AH), House of Revival of Arab Heritage, Beirut-Lebanon, 1st Edition, 1356 AH - 1937 AD, 2nd Edition, 1401 AH - 1981 AD.*
59. *The pulp in explaining the book: Abd al-Ghani al-Ghunaimi al-Dimashqi al-Midani: Under: Mahmoud Amin al-Nawawi, Dar al-Kitab al-Arabi, (d i).*
60. *Lisan al-Arab: by Ibn Manzur, under: Abdullah Ali al-Kabir + Muhammad Ahmad Hassaballah + Hashem Muhammad al-Shazly, Dar al-Ma'arif - Cairo, (d. I), (dt).*
61. *Al-Mabsut as-Sarkhasi: by Muhammad bin Ahmed bin Abi Sahl Shams, the Imams al-Sarkhasi (T.: 483 AH), translated by: Khalil Mohiuddin Al-Mays, Dar Al-Fikr for Printing, Publishing and Distribution, Beirut, Lebanon, 1st Edition, 1421 AH 2000 AD.*
62. *Al-Anhar Complex in Explanation of the Al-Bahr Forum: by Abdul Rahman bin Muhammad bin Suleiman Al-Kulibuli, called Sheikh Zadeh (T .: 1078): Tah: Khalil Imran Al-Mansour, Dar Al-Kutub Al-Alami - Lebanon - Beirut, 1419 AH - 1998 AD.*
63. *Al-Majmoo 'Sharh al-Muhdhab (with complementing al-Sabki and al-Muti'i) by Abu Zakaria Muhi al-Din Yahya bin Sharaf al-Nawawi (T .: 676 AH), (d. H), Dar al-Fikr, (dt).*
64. *Mukhtar As-Sahhah: by Muhammad bin Abi Bakr bin Abd al-Qadir al-Razi, U: Mahmoud Khater, Library of Lebanon Publishers - Beirut, new edition, 1415 AH - 1995 CE.*
65. *Al-Mustadrak Ali Al-Sahihin: by Abu Abdullah Al-Hakim Muhammad bin Abdullah bin Muhammad bin Hamdawiya bin Na'im bin Al-Hakam Al-Dhabi Al-Tahmani Al-Nisaburi, known as Ibn Al-Sale (d .: 405 AH), under: Mustafa Abdel-Qader Atta, Dar Al-Kotob Al-Alami - Beirut i 1, 1411 AH 1990 AD.*
66. *The Musnad of Imam Ahmad bin Hanbal: by Abu Abdullah Ahmad bin Muhammad bin Hanbal bin Hilal bin Asad al-Shaibani (d .: 241 AH), translated by: Shuaib al-Arnaout - Adel Murshid, and others, supervised by: Dr. Abdullah bin Abdul Mohsen al-Turki, Foundation for the message, 1st Edition, 1421 AH - 2001 AD.*

67. *The authentic Musnad, known as (Sahih Muslim): by Muslim bin Al-Hajjaj Abi Al-Hussain Al-Qushayri Al-Nisaburi (d .: 261 AH), under: Muhammad Fuad Abdul-Baqi, House of Revival of Arab Heritage - Beirut, (d.), (D.).*
68. *The Bottle Lamp in Zawaid Ibn Majah: by Abu Al-Abbas Shihab Al-Din Ahmed bin Abi Bakr bin Ismail bin Salim bin Qaymaz bin Othman Al-Busiri Al-Kanani Al-Shafei (d .: 840 AH), under: Muhammad Al-Muntaqa Al-Kashnawi, Dar Al-Arabiya - Beirut, 2nd ed., 1403 AH.*
69. *The demands of Oli al-Nuha in Sharh Ghayat al-Muntaha, to Mustafa bin Saad bin Abdo al-Suyuti, famously, al-Ruhaibani, then al-Dimashqi al-Hanbali (T .: 1243 AH), (D. H, The Islamic Office, ed 2, 1415 AH - 1994 AD.*
70. *The Insider on the Words of Al-Muqna ': by Muhammad bin Abi Al-Fath bin Abi Al-Fadl Al-Baali, Abu Abdullah, Shams Al-Din (d .: 709 AH), under: Mahmoud Al-Arna'oot and Yassin Mahmoud Al-Khatib, Al-Sawadi Library for Distribution, 1st Edition, 1423 AH - 2003 AD.*
71. *Milestones of revelation in the interpretation of the Qur'an = Tafsir al-Baghawi, by Muhyi al-Sunnah, Abu Muhammad al-Husayn ibn Masoud al-Baghawi (d .: 510 AH), under: Muhammad Abdullah al-Nimr - Othman Jumah Dumayriyah - Sulayman Muslim al-Harsh, Taibah House for Publishing and Distribution, 4th Edition, 1417 AH 1997 AD.*
72. *Milestones of Sunan, which is the explanation of Sunan Abi Dawood, by Abu Suleiman Hamad bin Muhammad bin Ibrahim bin Al-Khattab Al-Basti, known as Al-Khattabi (T: 388 AH), Scientific Press - Aleppo, 1st Edition, 1351 AH - 1932 AD.*
73. *Contemporary Financial Transactions, by Sheikh Dr.: Khalid bin Ali Al-Mushaiqih, from the lessons of the scientific course at Al-Rajhi Mosque, in Buraidah in 1424 AH.*
74. *The Lexicon Al-Awsat: by Sulayman bin Ahmed bin Ayyub bin Mutair al-Lakhmi al-Shami, Abu al-Qasim al-Tabarani (d .: 360 AH), under: Tariq bin Awad Allah bin Muhammad, Abd al-Muhsin bin Ibrahim al-Husseini, Dar al-Haramain - Cairo, (d. I), (Dt).*
75. *The Intermediate Dictionary: The Arabic Language Academy in Cairo, (Ibrahim Mustafa / Ahmad Al-Zayat / Hamed Abdel-Qader / Muhammad Al-Najjar), (Dr. Tah), Dar Al-Da`wah, (Dr. T), (dt).*
76. *The Dictionary of the Language of the Scholars, by Muhammad Rawas Qalaji - Hamid Sadiq Quneibi, Dar Al-Nafaes for Printing, Publishing and Distribution, 2nd Edition, 1408 AH - 1988 AD.*
77. *The Dictionary of Language Standards: by Ahmad bin Faris bin Zakaria al-Qazwini al-Razi, Abi Al-Hussein (d .: 395 AH), edited by: Abd al-Salam Muhammad Harun, Dar al-Fikr 1399 AH - 1979 CE, (DT).*
78. *Al-Maghrib in Al-Maarab Arrangement: by Abu Al-Fath Nasir Al-Din Bin Abd Al-Sayed Bin Ali Bin Al-Matriz, Tah: Mahmoud Fakhoury and Abdel-Hamid Mukhtar, Usama Bin Zaid Library - Aleppo, 1st Edition, 1979 AD.*
79. *Mughni who needs to know the meanings of the words of the Minhaj, by Shams al-Din, Muhammad bin Ahmad al-Khatib al-Sherbini al-Shafi'i (T .: 977 AH), Dar al-Kutub al-Ilmiyya, 1st Edition, 1415 AH - 1994 AD.*

80. *Al-Mughni*, by Abu Muhammad Muwaffaq al-Din Abdullah bin Ahmed bin Muhammad, known as Ibn Qudamah al-Maqdisi (d .: 620 AH), under: Dr. Abdullah bin Abdul-Mohsen al-Turki, and Dr. Abd al-Fattah Muhammad al-Hilu, scholar of books, Riyadh - Saudi Arabia, 3rd edition, 1417 AH - 1997 AD.
81. *The introductions introductions*, by Abu Al-Walid Muhammad bin Ahmed bin Rushd Al-Qurtubi (d .: 520 AH), under: Dr. Muhammad Hajji, Dar Al-Gharb Al-Islami, Beirut - Lebanon, 1st Edition, 1408 AH - 1988 AD.
82. *Al-Jalil bestowed a brief explanation of Khalil*, by Muhammad bin Ahmed bin Muhammad Alyish, Abu Abdullah al-Maliki (d .: 1299 AH), Dar al-Fikr - Beirut, (d. T), 1409 AH / 1989 CE.
83. *Al-Jalil's talents in a brief explanation by Khalil*, by Shams al-Din Abu Abdullah Muhammad Ibn Muhammad Ibn Abd al-Rahman al-Trabelsi al-Maghribi, known as al-Hattab al-Ra'aini al-Maliki (d .: 954 AH), (dt), Dar al-Fikr, 3 ed.
84. *The Balance of Moderation in Criticism of Men*: by Shams al-Din Abu Abdullah Muhammad bin Ahmad bin Othman bin Qaymaz al-Dhahabi (d .: 748 AH), translated by Ali Muhammad al-Bajawi, Dar al-Ma'rifah for Printing and Publishing, Beirut - Lebanon, 1st Edition, 1382 AH - 1963 AD.
85. *The End of Al-Soul, Explanation of the Methodology of Arrival*, by Abd al-Rahim bin al-Hasan bin Ali al-Esnawi al-Shafi'i, Abu Muhammad, Jamal al-Din (d.
86. *The End of the Needy to Explain the Minhaj*, by Shams al-Din Muhammad bin Abi al-Abbas Ahmad bin Hamzah Shihab al-Din al-Ramli (T .: 1004 AH), (d. TAH), Dar al-Fikr, Beirut, latest edition, 1404 AH / 1984 CE.
87. *The End in Gharib al-Hadith and Impact*, by Majd al-Din Abu al-Sa'adat al-Mubarak bin Muhammad bin Muhammad ibn Abd al-Karim al-Shaibani al-Jazari Ibn al-Atheer (d .: 606 AH), under: Taher Ahmad al-Zawy and Mahmoud Muhammad al-Tanahi, The Scientific Library - Beirut, 1399 AH - 1979 AD.
88. *Adequate and healing guidance to clarify the adequate facts of Imam Ibn Arafa. (Explanation of the limits of Ibn Arafa to the Risaa)*: by Muhammad bin Qasim al-Ansari, by Abu Abdullah, by al-Risaa al-Tunisi al-Maliki (T: 894 AH), (Dr. Tah), the Scientific Library, ed1, 1350 AH.
89. *Al-Hidayah fi Sharh Bidaya al-Mubtadi*, by Ali bin Abi Bakr bin Abd al-Jalil al-Farghani al-Marghanani, Abu al-Hasan Burhan al-Din (d .: 593 AH), translated by Talal Youssef, House of Revival of Arab Heritage - Beirut - Lebanon.