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Imam Al-Qudduri's Responses to the Opponents Arguments Based on the Verses of the Rulings in His Book Al-Tajreed, in the Chapters of Al Hajer and AL Wassia (A Comparative Jurisprudential Study)

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Abstract

The study aims to shed light on Imam al-Quduri's responses to the inference of violators of the verses of rulings in the chapters of Al-Hijr and Al-Wasiyyah (a comparative jurisprudential study). The verses of rulings, from which jurists derive the provisions of Sharia, hold a high rank among the Sharia sciences. This research seeks to clarify Imam al-Quduri's answers to the inference of violators of the verses of rulings in the chapters of Al-Hijr and Al-Wasiyyah. We have collected evidence from the eight major Islamic legal schools: the Hanafi, Maliki, Shafi'i, Hanbali, Zahiri, Ja'fari, Zaidi, and Ibadi schools. The research includes jurisprudential texts from the Hanafi and Shafi'i schools, despite the scarcity of scientific research on these topics, despite their abundance in the books of the two schools. We have made every effort to explain the evidence in all doctrines and to clarify the opinion of each doctrine on the most important issues where disputes occurred between them in the branches of jurisprudence, while studying the evidence and responding to the evidence of the other doctrines. This research aims to honestly express the spirit of tolerance and peaceful scientific discussion among all doctrines of jurisprudence, a hallmark of Muslim jurists. This is evident when Al-Qaduri addresses the Shafi'i and his companions, avoiding the use of violent or satirical language in response to them while recounting their evidence.

Keywords: Abstraction, Qaduri, Dissenting Inference, Inheritance, Wills, Commandment.

Introduction

Praise be to Allah Almighty. I thank Him immensely. I testify that there is no god but Allah alone, who has no partner, and I testify that Muhammad is His servant and messenger. He urged seeking knowledge, saying: "And whoever walks a path in it seeks knowledge that God has made easy for him a path to Paradise." (1). He also spoke of the virtue of scholars and students of knowledge, saying: "Whoever God wants good for, He will make him excel in religion." (2). May Allah's peace and blessings be upon His Messenger, his family, companions, and those who followed them with kindness.

Throughout the ages, Allah has provided scholars who are diligent in Islamic jurisprudence, endowed with sharp minds, strong determination, and great love for the religion of Allah. They pledged to document Islamic jurisprudence, exert effort in it, and prove it. Their inclinations varied, as did their approaches and doctrines. It is our duty towards this vast jurisprudential heritage, left to us by these noble scholars who dedicated their lives to learning and teaching, to

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work to preserve it by reviving it and facilitating ways to benefit from it, in the service of knowledge and its people, and in loyalty to these loyal scholars.

The importance of the chapters on inheritance and wills lies in the severity of people's need for them and their significant impact on Islamic societies. Therefore, writing and editing issues in these chapters is a rewarding endeavor, benefiting worshippers. My choice fell on the topic: "The answers of Imam al-Qaduri to the inference of the violators of the verses of provisions in his book of abstraction in the chapters of inheritance and wills—a comparative jurisprudential study." I found no one who had singled out this topic for research and editing, despite the abundance of classifications and writings in the chapters of inheritance and wills (3).

The Sharia rulings on inheritance and wills aim to maximize their benefit, increase their good, and ensure that those who put them in place are not placed in situations where there may be injustice or deprivation for some heirs, which can lead to significant conflict, disrupt the functioning of wills and inheritance, and even contravene the intent of Sharia. This can undermine the reward of the testator and the benefit to society.

The importance of the research and the reasons for choosing it are as follows:

1. The significance of the chapters on inheritance and wills and the great need of people for them.
2. The necessity to clarify the rules of inheritance and wills and distinguish them from similar provisions of wills and endowments.
3. Explaining Imam al-Quduri's responses to the statements made by scholars of the eight schools of thought.
4. The lack of prior research and classification on this specific topic.

Research Methodology

In this study, I followed the method adopted in academic research, which includes:

Mentioning the eight schools of jurisprudence from approved sources.

Completing the evidence for the statements.

Mentioning the discussions received.

Graduating the hadiths and monuments from their approved sources.

Indicating their degree and interpreting any strange words.

Concluding the research with the most prominent results.

Setting the index of research sources and an index of topics.

Theme (1): Life of Imam Al-Qaduri

The First Requirement: His Name, Surname, and Titles

First: His Name and Surname

"He is Aḥmad ibn Muḥammad ibn Aḥmad ibn Ja'far ibn Ḥamdān al-Qadūrī al-Baghdādī al-Ḥanafī" (4).

Al-Qadūrī: This name is derived from the sale of pots, and it has been suggested that it could

also refer to the village of Qudūrah in Baghdad (5).

Second: His Nickname and Titles

His nickname was Abu Al-Hussein, which was widely known among the people (6). He was also known as al-Qadduri, the owner of the acronym, and al-Baghdadi, which was a title. The reason for attributing the name to pots is unclear. Some historians suggest it might be related to the sale or manufacture of pots. It has also been said that pots were a common name in Baghdad (7).

The Second Requirement: His Birth and Upbringing

First: Birth

Imam al-Qaduri was born in 362 AH, as agreed upon by his biographers. His hometown is likely Baghdad, although historians of Imam al-Qaduri did not explicitly mention this. This omission might have been an oversight, or perhaps they chose not to attribute him to Baghdad or Al-Qadr (8).

Second: Upbringing

Imam al-Qaduri grew up and lived in a house of knowledge, virtue, religion, and righteousness. His father, Sheikh Muhammad bin Ahmed, was a scholar and a contemporary (9). Under his father's care, Qaduri was raised in an environment that nurtured his intellectual and spiritual growth. He excelled in many fields, particularly in jurisprudence and hadith (10).

Ahmad al-Qaduri was blessed with a son named Muhammad Abu Bakr. Muhammad heard hadith from Abu Ali Al-Hassan bin Ahmed bin Shathan and Judge Abu Al-Qasim Al-Tanukhi. He passed away in 440 AH at a young age, before he could fully realize his potential (11). Imam al-Qaduri also compiled his famous compendium in jurisprudence for his son Muhammad (11).

The Third Requirement: His Teachers, Students, and Books

First: His Teachers

Historical records do not provide sufficient information about the scientific life of Al-Qaduri. They do not mention the sheikhs from whom he learned from the beginning of his quest for knowledge until he achieved a prominent scientific position among the scholars and jurists of his time. The records also do not elaborate on Qaduri himself.

All that has reached us is the mention of some of the prominent figures who had a significant impact on shaping his scientific personality. Among his most important teachers are:

1. Sheikh Imam Abu Abdullah Muhammad bin Yahya bin Mahdi al-Jurjani al-Hanafi, a resident of Baghdad, who likely passed away in 398 AH. He was a senior Hanafi scholar (12).
2. Sheikh Ubaidullah bin Muhammad bin Ahmed Abu Al-Hussein Al-Shaibani, known as Al-Hushbi, who died in 375 AH. He was a trusted, respectful, and honest scholar. His narrations were documented by modern scholars such as al-Khatib al-Baghdadi, al-Burqani, al-Tanukhi, and others (13).
3. Sheikh Abū Bakr Muḥammad ibn ‘Alī ibn Suwayd al-Madb (d. 381 AH) (8).

Second: His Students

Many scholars and imams are known only through their compositions and disciples. Many of

them were students of Al-Qaduri, and only the most famous among them are recorded in the books of biographies. Among those who studied under him are:

1. The jurist Abu Bakr, Abdul Rahman bin Muhammad Al-Sarkhasi, who passed away in 439 AH. He authored two books: the complete Qaduri abstraction and the abridged abridgment (14).
2. Al-Mufazzal ibn Mas'ud ibn Muhammad Yahya al-Tanukhi, a jurist, writer, and expert in grammar. He studied under Qaduri and authored several works, including "Akhbar al-Nahwiyyin" and a treatise on the necessity of washing feet. He died in 423 AH (15).
3. The jurist writer Abdul Wahid bin Ali bin Burhan Abu al-Qasim al-Akbari, a Hanafi jurist and author of several books. He studied jurisprudence under al-Qaduri and was one of the prominent scholars of Arabia and genealogy. He passed away in 456 AH (16).
4. Al-Khatib Al-Baghdadi, Abu Bakr Ahmed bin Ali bin Thabit bin Ahmed bin Mahdi Al-Baghdadi, an Imam of the Shafi'i school, jurist, modernist, and great historian. He authored many books, including the history of Baghdad. He was one of the Shafi'i scholars known for their virtue and knowledge. He died in 463 AH (17).
5. Abu Nasr, Ahmed bin Muhammad bin Muhammad al-Baghdadi, known as al-Qaqa, an Imam and Hanafi jurist. He studied jurisprudence under the doctrine of Abu Hanifa and Ali Abu al-Hussein al-Qaduri, excelling in it. He provided a detailed explanation of Mukhtasar al-Qaduri and passed away in 474 AH (8).
6. Abu Abdullah Muhammad ibn Ali ibn Muhammad ibn al-Hussein al-Makkani al-Kabir, Chief Justice, Imam, and Hanafi jurist. He was one of the most prominent Hanafi scholars in Baghdad during his time. He excelled in jurisprudence, surpassing his peers, and the leadership of the Hanafi school ended with him in his era. He died in 478 AH (8).

Third: His Works

May Allah bless the efforts of Imam al-Qaduri and his scientific contributions. He authored many important books on the differences among jurists and their evidence, demonstrating his leadership and competence in the sciences of jurisprudence, hadith, and others. He also wrote his famous book "Mukhtasar fi al-Fiqh al-Hanafi," in which he presented the essence of Hanafi jurisprudence and its main issues, devoid of evidence. Whoever wishes to work with judgments and understand them without delving into evidence and controversy should read the "abbreviation," as it is rich and comprehensive, containing twelve thousand jurisprudential issues. Those who wish to expand on the manuals of these branches and issues should read his expanded book, which was dedicated to this purpose (18).

Among his most important works are:

1. **The Book of Abstraction:** An important book in Hanafi jurisprudence, especially in matters of disagreement between the Hanafi and Shafi'i schools. It is printed and edited in twelve volumes. Imam al-Qurashi described it by saying: "Abstraction is in seven volumes, and it contains issues of disagreement between our companions and al-Shafi'i. Its dictation began in 405 AH" (8).

2. **The Book of Approximation in Matters of Disagreement Between Abu Hanifa and His Companions:** This book is devoid of evidence and falls in one volume (19).

3. **The Second Rounding Book on the Issues of Disagreement Between Abu Hanifa and His Companions (with Evidence):** This book includes the first rounding and adds evidence for each team. It is located in several volumes (20).

4. **Explanation of Mukhtaṣar al-Karkhī:** Authored by Imam Abū al-Ḥasan ‘Ubayd Allāh ibn al-Ḥusayn al-Karkhī, the imam of the Hanafiya in his time, who died in Baghdad in 340 AH (8).

5. **A Chapter in Hadith:** From the account of his student Abu Abdullah Al-Damghani about him, and from the accounts of Al-Qaduri about his sheikh Abu Bakr Muhammad bin Ali Al-Madbid (8).

The Fourth Requirement: His Death and the Scholars' Praise for Him

First: His Death

He passed away in Baghdad after a long life dedicated to useful knowledge and good deeds. He died on the fifth Sunday of Rajab, or it was said: in the middle of it, in the year 428 AH, at the age of sixty-six. On that day, he was buried in his house in the path of Abu Khalaf. Later, he was transferred to a grave on Al-Mansour Street, where he was buried next to Imam Abu Bakr Al-Khwarizmi, Muhammad bin Musa, Imam al-Faqih al-Hanafi, who died in 403 AH (21).

Second: Praise of Scholars for Him

All those who wrote about Imam al-Qaduri as the sheikh of the Hanafi school and their imam in his time unanimously praised him, acknowledging his honesty and trustworthiness.

- His student al-Khatib al-Baghdadi (d. 463 AH) said: "He was sincere, one of the best scholars of jurisprudence for his intelligence. He took over the leadership of the Companions of Abu Hanifa in Iraq, magnifying himself among them and rising above them" (22).
- Imam Al-Qurashi (d. 775 AH) said: "Al-Qadduri was eloquent in his logic, fluent in his tongue, and frequently recited the Qur'an" (8).
- Imam Ibn Kathir (d. 774 AH) said: "He was a virtuous imam, a scholar, and a piercing scholar" (23).
- Imam Yusuf bin Taghri Bardi (d. 874 AH) said: "This Imam exceeded every limit in knowledge and asceticism" (24).

Theme (2) (His answers to the reasoning of violators in the sections of Al-Hijr and Will)

The first requirement: Ruling on the time when money is paid to the boy

First: The verses of the provisions contained in the matter with the general significance of the violators:

- The Almighty says: "And do not give the fools your wealth, which Allah has made for you a means of sustenance, and provide for them therein, and clothe them, and speak to them with kind words." (25) **Indication:** This verse indicates that he should not be given his money before the existence of two things: puberty and maturity. Even if he becomes old, as long as he does not behave well with his money, for fear of damaging or wasting it (26).

Second: Editing the subject matter of the dispute The scholars unanimously agreed that he is interdicted for every waste of his money, whether small or large. When he reaches the age of marriage and shows some rationality, he is paid his money (27). However, they differed in the ruling on the time when he pays money to the boy into two opinions:

The first opinion: They said that it is permissible to pay money if the boy reaches a state of rationality in managing his money, even if he is a sinner. Thus, Imam al-Qaduri (28), Hanafi (29), Maliki (31), Shafi'i (32), and Zaydi (33) said. - They inferred the following:

1. The Almighty says: "And test the orphans until they reach the age of marriage. If you find them to be of sound mind, then hand over their wealth to them, and do not consume it extravagantly." (25) **Significance:** The test is to examine his rationality and goodness in managing his money. Payment is suspended under two conditions that cannot be proven without them: puberty and maturity. If he is rational in his mind and his money, he may be paid (28). **Objection:** He only wanted one condition, that if he reached the age of marriage, he found one condition and did not pay him money (34). **Imam al-Qaduri's reply:** What is apparent requires only one rationality, because the verse addresses Muslims in their children. It is known that what is meant by rationality is a superfluous meaning over Islam, or that Islam enters into it, so that the type of puberty is established, or we have proven one puberty with puberty, which is Islam (35). **Objection:** It was narrated from Ibn Abbas (may Allah be pleased with him) that he said: "In his saying: (If you are of sound mind), he said: (If the orphan perceives with a dream, reason, and dignity) and it was narrated that Al-Hasan Al-Basri said its meaning is righteousness in his religion and preserving his money." (36). **Imam al-Qaduri's reply:** It was narrated from Ibn Abbas that he said in al-Rushd: "Goodness is in the mind and saving money." Al-Nukha'i and Mujahid said: The meaning of rationality is reason, and what they said about Ibn Abbas does not indicate Salah al-Din because the honorable Halim may commit disobedience, so the statement of Ibn Abbas is a sign for us and what they mentioned about al-Hasan corresponds to the statement of al-Nukha'i (35).

2. **Reasonable:** If he is rational in his religion, he should not be prevented from owning it because he is a reformer of his money, and because whoever is obligated to worship does not prevent his property from owning his religion (35). **Objection:** The disbeliever has guardianship over his son, and the sinner has no guardianship over his son (26). **Imam al-Qaduri's reply:** His disposition with his money is not considered his guardianship over others. Do you not see that the sinner marries himself but does not marry his daughter, and with us he is the guardian of his own money, and he is not considered a guardian of his son's money. Because it is a kind of debauchery, it does not prevent him from paying his money to him. Like disbelief (25).

The second opinion: They said that it is not permissible to pay money to the boy if he reaches an unfit religion and commits a disobedience that insults his testimony, but if he reaches a reformer of his religion and does not commit a disobedience that prevents his testimony, he pays him his money. Thus, Al-Shafi'i (26), Al-Dhahiriya (37), Al-Abadiya (38), Abu Yusuf and Muhammad from the Hanafiya (39) said - and they inferred the following:

1. The Almighty says: "And do not give the fools your possessions which Allah has appointed for you as a means of sustenance and provide for them therein, and clothe them and speak to them with kind words." (25). **Significance:** God Almighty ordered not to give the prodigal who wasted his money or corrupted his religion who does not behave well in his money, so God forbade the saints to give them their money for fear of corrupting and destroying it, and the sinner is a prodigal, so he is not free from destroying his money in corrupt and prohibited

ways, so it is obligatory not to pay his money to him (40). **Imam al-Qaduri's reply:** The appearance of the verse {and do not give the fools your money} forbids giving our money to the fools. This is the literal meaning of the verse. The Almighty says {that Allah has made you upright}, which means providing sustenance. Ibn Abbas, may Allah be pleased with him, interpreted the verse in this way, saying: "A man should not divide his wealth between his children and his family, and their children should be his children, even if the foolish woman is the most ridiculous." **Objection:** If it was intended for our money, there would be no sense in allocating it to the fools; because we may not give our money to the fools until we become dependent on them, nor to anyone but the fools (26). **Imam al-Qadrawi's reply:** The allocation of the above judgment does not necessarily require a greater benefit than the knowledge of God Almighty that righteousness in His statement is not in others, but it has a benefit, as it prevents the division of money between fools, women, and children, and it is permissible to divide money between wise people, even if they are dependent on them, because of their comfort and tranquility in managing it. And we have made this clear: that He Almighty said: "And speak to them with kind words." (42) This is said against women and children, and it is not said against the ungodly, because the ungodly must be punished, warned, and threatened, so it is known that what is meant by the verse we mentioned is that it may not be applied to the ungodly (41).

2. **It is reasonable:** Fornication has the effect of preventing others from disposing of their property, and their guardianship over their property. So our opponent allowed him to marry off his daughter. The insane person means that he does not care about the interest of his property, so it is not permissible to hand him over to him. The reprobate cares about the interest of money as the just one (43). **Imam al-Qaduri's reply:** "This cause is invalidated by the difference of religion, because it does not prevent the disposition of the property of others, nor does it prevent the property of itself." (41).

3. **The sinner's control of money and keeping it for him is not reliable;** because the sinner follows lusts and does not believe that he will be subjected to lust that corrupts his money in it, so it was like extravagance (44). **Imam al-Qaduri's reply:** "If he stands on the interests of his money and is able to preserve it, it is not permissible to prevent him from it. It is permissible for lusts to appear on him, and justice pays him money, and if it is permissible for immorality and sodomy to occur to him, and for this reason he is not restrained from the fool with us, because he knows the interests of money, and if he does not use them, he is the projection of the truth itself." (41).

Weighting: After presenting the statements of jurists and their evidence, it seems to me that the most likely is what the people of the second opinion went to, because puberty means the salvation of religion and the world. A person may take care of his money without extravagance or waste, but he does not behave well in it.

The second requirement: Ruling on paying money to those who reach irrationality

First: Defining adulthood in language and terminology

- **Language:** Al-Rushd includes the source of rationality, that is, integrity that guides, it is rational, and it is an injury to the face of the command and the path, which is contrary to cancellation and the opposite of misguidance, that is, finding the healthiest things, regardless of religion or worldliness (45).
- **Terminology:** Rationality is termed (puberty with good disposition of money), which is the reform of money and its control and development and not to waste it, and it does not

require righteousness in religion, and rationality against the fool and the rationality that corresponds to the idiot varies from one place to another, so rationality in all locations according to him, for example, the guardian of marriage knows the efficiency and interests of marriage and rationality in money is the keepers and reform and does not include rationality in religion (46).

Second: The verdict mentioned in the matter with the general connotation of the violators:

- The Almighty said: "For verily, most surely, you are of those whom you have bribed, and most surely you are of those whom you have bribed." (25) **Significance:** God Almighty has suspended the demise of the quarantine on the young child and the permissibility of paying money to him with two things, one of which is reaching adulthood and the other maturity, that is, test from under your hands those who did not reach adulthood, so if you know and see and see their good behavior in money and reach the age of adulthood and you know from them goodness in their religion and their ability to keep their money and hand it over to them (47).

Third: Editing the subject matter of the dispute: The jurists unanimously agreed to pay money to the adult orphan and to require rationality in financial dispositions. Whoever does not prove his rationality is not entitled to dispose of his property in the sense that his disposal of it is not considered legitimate, such as selling, buying, leasing, gift, charity, endowment, or otherwise (48). But they differed in the ruling on paying money to those who reached irrationality into two sayings:

The first saying: They said: "If he reaches non-rationality, it is permissible for him to dispose of his property and not pay him until he reaches twenty-five years of age." With it, Imam al-Qadri (49) and Hanafi (50) said. They inferred the following:

1. The Almighty said: "The gifts of Allah or their gods, and do not change the evil in the good." (51) **Significance:** It means that after puberty, he is called an orphan because of his proximity to it, and because the first puberty may not leave him foolishly, considering the impact of childhood. We have estimated it at twenty-five years because it is the stage of the perfection of his mind. Omar was told that he said: "A man's mind ends when he reaches twenty-five years of age." (52)
2. The Almighty said: "And do not eat them in secret and in a forerunner that they will grow up." (25) **Significance:** This is an indication that money is not forbidden to him if he grows up and his capacity is Abu Hanifa (may God be pleased with him) this period because most likely Enas al-Rushd does not see that it is fit to be a grandfather, so this age and thus it becomes clear that if they grow up, you must pay money to them (53).
3. **Prohibiting money as a punishment.** If he reaches this age, the hope of discipline is lost, and there is no point in preventing money after that (49).
4. **Whoever may dispose of his property, it is permissible,** even if he is corrupting his property. If slander occurs and the ruler does not rule, then whoever is addressed by the book by reaching it benefits from disposing of what he owns by reaching it. And if he is obligated to pay zakat, money that no one has the right to, it is right to dispose of it (54).

The second saying: They said: If the orphan reaches irrationality, it is not permissible to act. Thus, Malikiya (55), Shafi'i (56), Hanbali (57), Dhahiriya (58), Imamiyya (59), Zaidi (60), Abazia (61), Abu Yusuf and Muhammad ibn Hanafiya (62) said. They inferred the following:

1. The Almighty said: "For verily, you are of those whom I have bribed, whether they are

of their God or their God." (25) **Indication:** He indicated that his money is not handed over to him before puberty and maturity, and it is not permissible to pay money to him by puberty with non-maturity, because the judgment suspended on two conditions is not proven without them, so here it indicates the inadmissibility of his behavior (56). **Imam al-Qaduri's reply:** "The suspended ruling does not indicate the negation of anything else, then if we say it, it does not indicate, and now it requires preventing payment to him and we do not pay to him, but his behavior is effective in it." (54) **Reply:** "Preventing money from him does not benefit anything if his behavior is effective because he destroys his money with the influence of his behavior and approval. Then, if his behavior was effective, his money would be known to him as rational, but he prevents his money in order to preserve him. If he does not reserve the prohibition, he must be handed over to him by virtue of the original." (63) **Imam al-Qadrawi's reply:** "A man is able to destroy his own money if he has it in his hand what he cannot if he has it in the hands of others, and this is useful in prevention is not a stone, as the one we saw throwing his money into the sea for a purpose other than what we left between him and that and did not interdict him. If he behaves, it is permissible for him to dispose of his money, and if we do not hand over the money to him, he cannot give it, spend it, or sell it because people do not want to buy from him." (49)

Weighting: After presenting the statements of jurists and their evidence, what appears to me is what the people of the second opinion went to, for his benefit and benefit, and for fear of losing his money, and God Almighty knows best.

The third requirement: Quarantine the debauchery after the occurrence of debauchery on him

First: Defining the terms of the issue

- **Language:** It is to go out and disobey and abandon the command of God Almighty and to go out by the way of truth, and it was said that debauchery is to deviate from religion, and the tendency to disobedience, the deviation of Satan by the command of his Lord, that is, deviate and turn away from his obedience (64). The Arabs say: If the date comes out of its shell, the date has been dissolved from its shell. As for the mouse, it was called a mouse because it came out of its burrow against people (64).
- **Terminology:** It is everyone who acts haram or leaves a duty, it is unjust and the exit of man at the limits of Sharia and violating his laws with evil and committing taboos (65).

Second: Any provisions contained in the matter with the general connotation of the violators:

1. The Almighty said: "And if you do, then verily, it is evil for you, and fear Allah, and Allah will teach you, and Allah knows all things." (66) **Significance:** God Almighty has forbidden us to give him as long as he is a fool, and ordered us to give him if his rationality is proven, it is not permissible to give him before his rationality, because the reason for preventing money from him is nonsense, so the reason remains, whether the fool is small or large (67).

Third: The subject of the dispute, the jurists agreed that it is not to quarantine the immoral because of his immorality alone without wasting his money. For example, if he was immoral and did not sow, he was not quarantined, because the quarantine proceeded to pay extravagance and extravagance (68). But they differed in the immoral who wastes his money into two opinions:

1. **The first opinion:** They said that it is not permissible to quarantine a debauchee if he is not a prostitute because mere debauchery alone does not require quarantine, and they have the original and emergency debauchery, that is, he reached a debauchery or the occurrence of debauchery after puberty. Imam al-Qadrawi (69), Hanafi (70), Maliki (71), Shafi'i (72), Hanbali (73), Dhahiriya (74), Imami (75), Zaydi (76), and Abazi (77) said. They inferred the following:

1. The Almighty says: "And recite the orphans until they have consummated the marriage, so if you are aware of them in their righteousness, then pay their wealth to them and do not eat them extravagantly." (25) **Significance:** There is a statement in the verse that he has learned a kind of rationality, which is the reform of money, so the text included it, and because the guardianship over corruption is in money, not in religion. Had debauchery been a cause of guardianship, guardianship would have been for the disbeliever first, for disbelief is greater than debauchery (78).

2. The Almighty says: "And those who throw accusations after that and do not bring four witnesses, so they will be flogged for the price of flogging, and you will never accept a witness for them, and your people are the transgressors." (79) **Significance:** Allah, the Almighty, made it obligatory to limit slander, and He was not obligated to limit it to Himself. Likewise, the Prophet (peace and blessings of Allah be upon him) established boundaries and was not bound by them. The Companions also imposed imprisonment after him for the crime of debauchery (80).

3. **It is reasonable that every meaning that does not require guardianship without a provision does not require guardianship by virtue of, and its origin if it spends its money in other than disobedience.** (81)

2. **The second opinion:** They said that it is permissible to interdict the debauchee by reproaching him and punishing him, as in the fools, and they have the original and emergency debauchery, and with it, the intercessor (82), the henbane (83), and the Hanafi (84) said:

1. The Almighty says: "And bear witness when you are swearing allegiance and no writer or witness is harmed, and if they do, then indeed he is defiled by you, and fear Allah, and Allah will teach you, and Allah is All-Knowing of everything." (85) **Significance:** The debauchee is a wasteful fool for his money, and that the Quranic text did not allocate its fools without fools, but rather generalized the judgment on all bad fools who are wasteful and unable to maintain their money, and established guardianship over the fool and the weak who cannot bore him and ordered his guardian to dictate to him because he established him in what is indispensable for him from his money in place of him (86). **Imam al-Qaduri's reply:** "What we have shown is that it is permissible to condemn the foolish in the aforementioned state, so the verse is possible, so attachment to it has fallen." (87)

2. **It is reasonable:** that every meaning, if measured by adulthood, remains under guardianship, and if it occurs after its demise, it returns to it as if it has corrupted its property. (88) **Imam al-Quduri's reply:** "That this is not a Muslim because debauchery does not affect the pilgrimage, the judge hands over the alimony to a trust in the pilgrimage to spend it on him, and every urgent meaning does not require quarantine, so its separation does not require it if it is stuck in the permissible sanctuary and reversed by the madness." (89)

Weighting: After presenting the statements of jurists and their evidence and discussing them, which seems to me to be the weight of what the owners of the first opinion went to, because the debauchee is entitled to guardianship over himself and his children, and he is a reformer of his

money and the stone, but he began to save money, and God Almighty knows best.

The fourth requirement: Ruling on eating the guardian from the orphan's money

First: Definition of the terms of the issue:

- **Language:** A source of guardianship is said to have recommended so-and-so and recommended to him to make him a guardian to act on his command, his money and his children after his death, and it is said to have recommended to so-and-so that is, to make him a guardian to take care of their affairs (90).
- **Terminology:** "A person makes another a guardian after his death to do what is entrusted to him to consider the affairs of his children or his property or the implementation of his wills or otherwise" (91) in the sense that he appoints another to manage the affairs of his children (92).

Second: The verses of the provisions mentioned in the matter with the general connotation of the violators:

- Allah Almighty said: "And whoever is rich should take heed, and whoever is poor should eat with kindness." (25) **The point of the indication:** God Almighty wanted by abstinence not to eat anything of it, and he singled out eating by mentioning it because it is the most common and he found it beneficial, and he has the right to eat from his sufficiency by virtue (93).

Third: Editing the subject matter of the dispute. The scholars unanimously agreed that eating the orphan's money unjustly is not permissible and it is one of the biggest sins. They also agreed that whoever has guardianship over the orphan's money and was rich cannot eat from the orphan's money except what is destined for him, such as milk in the place where it has no price, and the fruit eats it (94). But they disagreed on whether it is permissible for the poor guardian to eat something of the orphans' money from the person in charge of their affairs or not, according to two opinions:

The first opinion: It is not permissible for the guardian to eat from the orphan's money at all, and there is no difference between the rich and the poor guardian, according to which Imam al-Qaduri (95), Hanafi (96), and Dhahiriya (97) said. They inferred the following:

1. The Almighty says: "And bring the orphans their wealth, and do not exchange the evil for the good, and do not eat their wealth to your wealth, for it was a great sin." (98) **Significance:** God Almighty ordered to pay the orphans' money to them if they talked or forbade to eat it and add it to their money because they were manipulating the orphans' money, so they took the best money and replaced it with malice, so beware of these actions because there is a great sin in them (99).
2. The Almighty says: "Verily, those who eat the wealth of orphans unjustly, they only eat in their bellies a fire and they will roast in fire." (100)
3. The Almighty says: "And do not approach the wealth of the orphan except in the best way so that he may reach his worst." (101) **The significance of the two verses is that these verses are explicit, from the arbitrator and present regarding the orphan's money to his guardian in the event that he is rich or poor, and that the verses commanding to eat by virtue are the guardian's eating with his own money by virtue so that he does not need the orphan's money and that they are similar and God Almighty ordered his return to the**

arbitrator, and forbade following the similar, and that these verses are copied (102).

4. The Almighty says: "And recite the orphans even when they have consummated the marriage, for indeed, if you are of the right mind, they will benefit their wealth, and you will not eat them extravagantly and in vain, that they should grow old, and whoever is rich, then let him who is not chaste, and whoever is poor, then let him eat in full knowledge, so that when you pay them their wealth, they will bear witness to them, and they will be afflicted with the sufficiency of Allah." (25) **The meaning of the meaning:** "This verse of the similarity bears several faces, so the first thing in it is to force it on the approval of the verse of the courts, which is that the guardian eats the money of himself by virtue, lest he need an orphan's money, because God Almighty ordered us to return the similarity to the arbitrator and forbade following the similarity without returning it to the arbitrator." (103)

The second opinion: "It is not permissible for the guardian to eat the property of the orphan if he is rich, and it is permissible for the guardian to eat the good if he is poor," according to which the Maliki (104), the Shafi'i (105), the Hanbali (106), the Imam (107), the Zaidi and the Ibadi (108), and Abu Yusuf and Muhammad from the Hanafiya (109) said. They seized the following:

1. "And whoever is rich, let him take heed; and whoever is poor, let him eat with kindness, for behold, you have paid their possessions to them, so bear witness against them, and suffice by Allah as a reckoner." (25) **Significance:** God Almighty commanded the rich guardian to spare the money of the orphan, and for the poor, and to eat with kindness, and that the guardian of the orphan, if he has enough, so that he dispenses with taking from the money of the orphan, so that nothing is taken from him, or a wage in exchange for doing his affairs (110). **Imam al-Qaduri's reply:** "We said about Al-Dhahak that it is copied, and it is one of the two narrations, about Ibn Abbas (may God be pleased with him): He eats from it and does not wear it, this verse is possible faces and the verses we mentioned are court and God has ordered to carry the similar to the arbitrator and return it to him." (111)

2. It is not narrated that a man came to the Messenger of Allah (may Allah's peace and blessings be upon him) saying: "I am poor and I have nothing for an orphan guardian." He said: "Every orphan's wealth is not extravagant, proactive, or homogeneous." (112) (113) **Significance:** Talking about it is an indication that it is permissible for the guardian to eat the orphan's money for what he deserves from working in it and reclaiming it for him and to take from him the favor as much as his work (114).

Weighting: After presenting the statements of jurists and their evidence, which seems to me to be the likelihood of what the authors of the second opinion went to, because of the strength of what they have inferred and because permissibility is limited to eating only, it is a precaution for the orphan and discharged the dhimma and paid off the greed of the saints in the orphans' money.

Conclusion

Praise be to Allah, the first without the first before it, and the other without the last after it. The eyes of the beholders are unable to see it, and the imaginations of the prescribers are unable to describe it. Creation began with His power, and He invented it by His will. Praise be to Him for every blessing He has bestowed on us and on all His servants, their ancient and modern, the number of what surrounded His knowledge of everything. Hamd has no end, no number, no limit, and no end to his duration. A positive praise for his obedience and forgiveness. He is the benign guardian.

Based on what we have covered in this research, we have come up with a set of results, which we present as follows:

1. The orphan shall not be given his money before the fulfillment of the two conditions: puberty and maturity, even if he grows up. This is the opinion of most scholars, who considered the sowing of his money incompetent, small or large.
2. His property shall not be given to him for lack of rationality, so his act and his declaration are invalid, like a boy and a madman. Likewise, if his act and his declaration were effective, his money was lost, and it did not benefit to prevent him from it. Likewise, if his act was effective, his money was given to him, such as the adult who prevents his money only for preservation, and if it is not preserved with his prevention, it must be given to him on the original face.
3. If the person reaches, his capacity is complete, guardianship is lifted, and his money is given by agreement of jurists. If he attains majority and is not sane, his capacity is complete, and guardianship is lifted, except that his property is not given to him, but remains in the hands of his guardian or trustee until he reaches his majority or reaches twenty-five years of age. If he reaches this age, his money is given to him, even if he is extravagant, he does not manage his money well.
4. Doctrines agreed that the immoral is not given to him merely for immorality without wasting his money. For example, if a fool commits obscenity and does not waste it - that is, if he manages his money well after puberty - he is not given credit for it. This is because the reprobate is entitled to guardianship over himself and his children, because the guardianship is legislated to prevent extravagance and waste, which is a way to improve money. The first Muslims were not forbidden to sinners.
5. The poor guardian must not guarantee what he has eaten of orphan money if he is rich, nor compensate him for it. "This is because if he had to, if he sang, his obligation would have been before wealth, because wealth is not a reason for necessity, and if he did not respond for the sake of eating, he did not respond after it, and this is unlike the needy, then penance is obligatory and obligatory on him, because he did not eat it with mosquitoes, which is the opposite of that."

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