

# JURISPRUDENCE OF ARBITRAGE IN THE HOLY QURAN - AN APPLIED STUDY

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## Introduction:

Praise be to God who revealed the Qur'an to his servant so that he could be a good news and a warning to the worlds, and made in his verses the judgment of budgets apparent to those who wanted to manage his revelations as a measure, and prayers and peace be upon the one who was sent as a mercy to the worlds, our master Muhammad, who was described in the Qur'an as a light and shining lamp. And may God Almighty be pleased with his family who were purified by God, and on the authority of his companions who rose to glory and rolled up to serve this religion, after that:

The Noble Qur'an is the book of God that the falsehood does not come from between his hands nor from behind it, his miracles do not expire, his oddities are not implemented, and it is not created by the large number of response, and the groups or the individual are not dispensed with it. And among the summaries of what was brought by the jurisprudence of balances, which is for the jurist the goal of goals, the interpreter has the greatest lessons, and the fundamentalist has an origin in the universal rules of Muslims, and the preacher has a broad and deep outlet to define the greatness of this religion among societies, for that I wanted to go into the depth of this complex sea of The surroundings of the Qur'an, he brought out the pearls and the beautiful jewels, and put them in the gallery of the seer so that she could enjoy seeing them with the eyes and dazzling the minds with the beauty of their splendor. My research was tagged with (The Jurisprudence of Balances in the Noble Qur'an - An Applied Study), asking the Lord the tenderness to provide me with the terms of gratitude and to make him sincere for his honorable and gracious face. This research included two topics, under each topic there are demands, as follows:

**The first topic:** Introducing the jurisprudence of budgets, its importance, and its controls, and it contains three demands:

**The first requirement:** Defining the jurisprudence of budgets in language and idiomatically.

**The second requirement:** the importance of budget jurisprudence in Islamic law.

**The third requirement:** controls on budget jurisprudence in Islamic law.

**Fourth requirement:** Qur'anic jurisprudence that is learned from the Qur'an stories.

**The second topic:** The Quranic principles of budget jurisprudence, and it contains four demands:

**The first requirement:** the Qur'an verses calling for choosing the first, the best and the right balance.

**The second requirement:** the Quranic verses urging the avoidance of wrong balances and calling for correcting them.

**The third requirement:** the verses that lay the foundations for the legal balance in dealing between people.

**Fourth requirement:** Qur'anic jurisprudence that is learned from the stories of the Qur'an.

Conclusion.

And I ask God Almighty a good end.

The first topic: Introducing the jurisprudence of budgets, its importance, and its controls, and it contains three demands:

The first requirement: Defining the jurisprudence of budgets in language and idiomatically.

Since the concept of the jurisprudence of balances is an additional complex, it was necessary to know this concept in its two parts separately:

**Jurisprudence in a language:** its jurisprudence, its jurisprudence, and its jurisprudence, also narrated by Al-Kasai, which is understanding. Al Arabi said to Isa bin Omar: "You have testified against you in jurisprudence." says from him: The man's jurisprudence by breaking. And so-and-so does not understand or refine. And I understood you. Then he singled out the knowledge of Sharia, and the one who knew it was a jurist. Capture it, if he takes it. His proficiency, if you research him in science.<sup>(1)</sup>

There are three sayings in the meaning of jurisprudence according to language: one of which is absolute understanding, the second: understanding subtle things, and the third: understanding the speaker's purpose of his speech.<sup>(2)</sup>

The difference between jurisprudence and knowledge: that jurisprudence is knowledge according to the meaning of speech on its contemplation, and this is why

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(1) See: Al-Sahhah Taj Al-Language and Sahih Al-Arabiya, Abu Nasr Ismail bin Hammad Al-Jawhari Al-Farabi (deceased: 393 AH), edited by: Ahmad Abd Al-Ghafoor Attar, Dar Al-Alam Al-Malayn - Beirut, fourth edition: 1407 AH - 1987 AD: 6/2243, Shams Science and medicine for the words of the Arabs from Al-Kulum, Nashwan bin Saeed Al-Hamiri of Yemen (deceased: 573 AH), investigator: Dr. Hussein bin Abdullah Al-Omari - Mutahhar bin Ali Al-Iryani - Dr. Youssef Muhammad Abdullah, House of Contemporary Thought (Beirut - Lebanon), Dar Al-Fikr (Damascus - Syria), first edition, 1420 AH - 1999 AD: 5235-8.

(2) See: Al-Abhaj in Explanation of the Minhaj ((Methodology for Access to the Science of Fundamentals by Al-Qadi al-Bidawi who died in the year 785 AH)), Taqi al-Din Abu al-Hasan Ali bin Abd al-Kafi bin Ali bin Tamam bin Hamid bin Yahya al-Sabki and his son Taj al-Din Abu Nasr Abd al-Wahhab, Dar al-Kutub Scientific - Beirut / 1416 AH - 1995 AD: 1/28.

it is not said that God understands it because it is not described as meditation, and it says to whom you address, understand what I say, that is to contemplate it in order to know it, and it is used only on the meaning of speech, and it is called Islamic jurisprudence because it is based on knowledge of the words<sup>(1)</sup>.

**Idiomatic jurisprudence:** it refers to knowledge of the established legal rulings for the actions of those charged in particular, so that the name of the jurist is not called by virtue of custom to a speaker, philosophical, grammatical, updated, and interpreter, but rather pertains to scholars with fixed legal rulings for human actions such as the obligation, prohibition, permissibility, scarring and hatred, and the fact that the contract is valid, corrupt and invalid, and that worship is a judgment, performance and like it .<sup>(2)</sup>

And Imam al-Qarafi knew it: It is knowledge of practical legal rulings by inference.<sup>(3)</sup>

**Arbitrage language:** collection balancing weight: Weight: symbol of gravity and lightness, Laith said the weight of the weight thing with something like it, as weights of dirhams, and the like assay, I said: I saw the Arabs called the weights that weighed by dates and other settled stones Kalomina and the like: scales, One of them is a balance, and it is the weight of weight, and one of them is a weight<sup>(4)</sup>. And I have balanced the two things with balance and weights, and this balances this if it is on its weight or is adjacent to it. It is said: The giver weighed and the giver weighed<sup>(5)</sup>.

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(1) See: The Dictionary of Linguistic Differences, Abu Hilal Al-Hassan Bin Abdullah Bin Sahl Bin Said Bin Yahya Bin Mahran Al-Askari (deceased: about 395 AH), the investigator: Sheikh Baitullah Bayat, and the

Islamic Publishing Foundation, the Islamic Publishing Institution of the Teachers Group in Qom », Edition: First, 1412 AH: 1/413.

(2) See: Al-Mustasfi, Abu Hamid Muhammad bin Muhammad Al-Ghazali Al-Tusi (deceased: 505 AH), edited by: Muhammad Abd Al-Salam Abd Al-Shafi, Dar Al-Kutub Al-Alami, First Edition, 1413 AH - 1993 AD: 1/5.

(3) Explanation of revision of the chapters, Abu al-Abbas Shihab al-Din Ahmad bin Idris bin Abdul Rahman al-Maliki, famous for al-Qarafi (deceased: 684 AH), investigator: Taha Abd al-Raouf Saad, United Technical Printing Company, First Edition, 1393 AH - 1973 AD: 1/17.

(4) See: Tahdheeb Al-Lugha, Muhammad bin Ahmed bin Al-Azhari Al-Harawi, Abu Mansour (died: 370 AH), investigator: Muhammad Awad Terrif, House of Revival of Arab Heritage - Beirut, Edition: First, 2001 AD: 13/176.

(5) See: Lisan al-Arab, Muhammad bin Makram bin Ali, Abu al-Fadl, Jamal al-Din Ibn Manzur al-Ansari al-Ruweifai al-Afriqi (deceased: 711 AH), Dar Sader - Beirut, Edition: Third - 1414 AH: 13/447.

Arbitrage, idiomatically: the equation and equality between two significant and influential parties to choose one of them, or to choose a specific amount of them according to special criteria<sup>(1)</sup>

Al-Kamali defined it by saying: It is the comparison between competing and competing interests and corruption in order to advance or delay the first by offering and delaying. <sup>(2)</sup>

The definition of Dr. Al-Bayanouni is more comprehensive, and broader.

After I define the jurisprudence of balances as an additional component, I will mention the definition of scholars as a complex science.

It was defined by Al-Ezz Bin Abd Al-Salam: It is the introduction of preponderant interests over the likely interests, the provision of preventing the preponderant evils over the lesser ones in corruption, the presentation of the preponderant interests over the negative ones, and the arrangement in the collection between interests, so that the fittest and then the fittest are lost, as well as warding off the evil corruption and corruption. (3)

And Al-Dosi defined it: that it is the science of explaining the methods and steps by which to achieve the best sound scientific balance between interests or between evils, or between interests and evils when they conflict, and their implementation in reality and application. (4)

But I found that the closest definitions to being an inclusive boundary is what Dr. Omar Jabbah Ji knew when he said: It is the science of explaining the methods, steps and criteria that control the process of balancing between conflicting interests or evils, or corruption that is in conflict with interests, or between conflicting or competing legal rulings, or Between the means of legitimate interests, or between groups and persons in the transaction. (5)

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(1) The Jurisprudence of Advocacy Balances, Its Features and Regulations, Muadh Abu Al-Fath Al-Bayanouni, Dar Iqra International, 1st Edition / 2008 AD: p. 32.

(2) See: Establishing the Jurisprudence of Balances, Abdullah Al-Kamali, Dar Ibn Hazm, 1st Edition / 2000 AD: p. 49.

(3) See: The rules of rulings in the interests of the people, Abu Muhammad Izz al-Din Abd al-Aziz ibn Abd al-Salam ibn Abi al-Qasim ibn al-Hasan al-Salami al-Dimashqi, nicknamed Sultan al-Ulama (deceased: 660 AH), reviewed and commented on it: Taha Abdel Raouf Saad, Al-Azhar Colleges Library - Cairo , Edition: New Revised Controlled, 1414 AH - 1991 AD: 1 / 7-9.

(4) See: Methodology of Jurisprudence of Budgets in Islamic Law (Fundamental Study), Hassan Salem Al-Dousi, Journal of Sharia and Islamic Studies, Issue: 46, Year: 16, Kuwait University, Year: 2001 AD.

(5) See: The Jurisprudence of Balances in Islamic Law (a study of the origins of Maqasidism), Omar Muhammad Jabba Ji: p. 24.

The second requirement: the importance of budget jurisprudence in Islamic law.

The importance of the jurisprudence of budgets in Islamic law is evident in that it is one of the objectives of the glorious Sharia, based on the basis of interest and preventing corruption. The maqasid al-Sharia regarding the importance of the jurisprudence of budgets is crystallized in five points:

1- The importance of the jurisprudence of budgets in changing the reality of the nation. The nation has not reached this decline except because of their ignorance of their glorious Sharia, which is based on the purposes that serve society and the individual.

2- The nation needs for its individuals and groups, but rather for its institutions, for the jurisprudence of budgets, which shows them the priorities and puts the most important on the important. These priorities can only be determined through the jurisprudence of budgets, so the attention to individual worship such as prayer and remembrance and neglecting some social acts of worship that exceed their usefulness, such as jurisprudence, reform among people and conscious jihad, And cooperation in righteousness and piety, consolation with patience and compassion, calling for justice and consultation, caring for human rights in general and the weak person in particular, as we find on the contrary: Some people care about social worship while he is neglecting his faith and the pillars of his religion, so we must have a comprehensive review of our values in light Shara religion, was narrated that Abu Hurayrah said: A man said: O Messenger of Allah, so and so little of the large number of links, and fasting, and ratified it, but they hurt their neighbors tongue, he said, is in the fire, he said: O Messenger of God, the so and so little of Her lack of fasting, her charity, and her prayer, and she gave alms to the thieves from the dead, and it does not harm her neighbors, He said: It is in Heaven.(1)

3-The need of the preachers and reformers to the jurisprudence of budgets, because with it he knows how to present the necessities over the needs, and the needs over the improvements. Upon him, and the order of priorities "(2).

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(1)The Musnad of Ahmad Bin Hanbal, Abu Abdullah Ahmad Bin Muhammad Bin Hanbal Bin Hilal Bin Asad Al-Shaibani (deceased: 241 AH), Investigator: Al-Sayyid Abu Al-Maati Al-Nuri, The World of Books - Beirut, First Edition, 1419 AH 1998 AD: 2/440 No. 9673. (2) See: The Right Approach and Its Impact on the Call to God Almighty, Hammoud bin Ahmad Al-Zuhaili: p. 193.

4. The need of the jurist, the mufti and the mujtahid for this knowledge, because Sharia is based on significant purposes in the fatwa and other things, which is called the jurisprudence of reality. Two descriptions: Understanding the purposes of the Shariah over its perfection, being able to make inferences based on his understanding of it. (1)

5- The need for the judge and the ruler to understand the budgets. The judge and the ruler must choose the best means to achieve the goal of justice and equality between the litigants, and this requires accurate and tight budgets. (2)

The third requirement: controls on budget jurisprudence in Islamic law.

In order for the world to hit the required jurisprudence of budgets, and agree with what is true in the aim of Sharia based on its esteemed objectives, it should be controlled by the following controls, namely:

1- Knowing and mastering the objectives of the Sharia Maqasid are the meanings and judgments observed for Professor Allal collected the objectives of Sharia the street in all or most cases of legislation. (3)  
- general and specific - in a concise and clear definition, in which he said: "What is meant by the objectives of the Shari'a: the purpose thereof, and the secrets laid down by the street in each of its rulings." 3 The first part, "the purpose of it," refers to the general objectives. And the rest of it is a definition of private or partial intentions. (4)  
2-His comprehensive knowledge of the priorities and jurisprudence And the jurisprudence of priorities: it is knowledge of matters for which it has been proven the right to present according to the legal evidence (5), but there are legitimate priorities, and the blessing of these legitimate priorities begins with teaching the fundamentals of the creed, then doing the obligatory duties and leaving the forbidden, then performing the Sunnahs and abandoning the abominations. (6)

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(1) See: The approvals, Ibrahim bin Musa bin Muhammad al-Lakhmi al-Gharnati, the famous Shatibi (deceased: 790 AH), the investigator: Abu Ubaidah Mashhur bin Hassan Al Salman, Dar Ibn Affan, Edition: First Edition 1417 AH / 1997 AD: 4/105.

(2) See: The jurisprudence of the balance between interests and evils and its role in promoting the Islamic call, d. Hussein Ahmad Abu Ajwa, Research presented to the Conference on the Islamic Call and Changes of the Age, in 1426 AH, 2005 CE: p. 1100.

(3) See: The Objectives of Islamic Law, Muhammad al-Taher bin Muhammad bin Muhammad al-Tahir bin Ashour al-Tunisi (died: 1393 AH), investigator: Muhammad al-Habib Ibn al-Khujah, Ministry of Endowments and Islamic Affairs, Qatar, year of publication: 1425 AH - 2004 AD: 2/221.

(4) See: The Theory of Objectives according to Imam Al-Shatibi, Ahmad Al-Raissouni, International House of Islamic Books, 2nd edition - 1412 AH - 1992 AD: 1/6.

(5) See: The Jurisprudence of Political and Economic Priorities, Dr. Nihad Ishaq: 1/37.

(6) See: Enjoining Good and Forbidding Evil in Light of the Book of God, Suleiman bin Abdul Rahman Al-Hogail: p.102.

3- Considering the purposes of the taxpayer:

The purposes of the taxpayer are: the purposes that the taxpayer intends in all of his actions, belief, word and deed, which differentiate between the validity of the act and its corruption, between what is worship and what is a transaction, between what is a religion and what is a judgment, and between what is compatible with the objectives and what is contrary to them. (1)

4- Taking into account the conditions of persons:

Allah says: [And if you side Vatehroa if you are sick or on a journey or one of you came from faeces or Amstm women did not find a good water Ftimmwa Saida] {table: 6}. The verse introduces the consideration of sickness over the necessity of purification with water, and it is a clear model in the jurisprudence of priorities in the legal rulings, the aim of which is to take into account the situation and remove the embarrassment and damage that results from the use of water, and the disease that permits tayammum is the one who is afraid with it to prolong innocence, and among the scholars of the use of ablution simply by sickness The general meaning of the verse. (2)

5- Taking into account the jurisprudence of reality:

This is done by taking into account the consideration of time, place and emergency conditions. One of the reasons for changing the fatwa is a reversal of the balance of preponderance between interests and evils, so the mufti and the mujtahid should not repeat the fatwas of the former without looking at his reality in which he lives, but rather he looks at reality as a balance between interests and evils to strike his fatwa in the jurisprudence of reality and his Sunnah according to what He wanted the street and meant it. (3)

6- Consideration of modalities in verbs:

Says Imam Shatby: consider Malate significant acts intended legitimately was the consent of acts or violation, so that industrious not judge the acts issued by charged with undertaking or refrain only after look to be construed to the act, a project for the benefit of which elicit, or evil stave off , but his fate contrary to what it meant, it may be illegal for him evil arise or interest rushing him, but his fate otherwise, if launched in the first to say legitimate, perhaps led bring it the interest

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(1) See: The Objectives of Islamic Law by Ibn Ashur: 1/71.

(2) See: Fath Al-Qadeer, Muhammad bin Ali bin Muhammad bin Abdullah Al-Shawkani of Yemen (deceased: 1250 AH), publisher: Dar Ibn Kathir, Dar Al-Khater Al-Tayyib - Damascus, Beirut, Edition: First - 1414 AH: .1/542.

(3)See: The Jurisprudence of the Balance between Interests and Evil: p.1101.

To the corrupting equal interest or increase it, so this objection from the launch to say legitimate and well if released to say in the second illegality probably led Astdvaa corrupting to the evil consequences of greater than or equal, it is true launch argue that legitimacy is an area of hard-working hard supplier, but he was tortured taste Mahmoud Debauchery, neighbor of the purposes of the Sharia. (1)

7-Getting acquainted with all kinds of pretexts, and knowledge of its jurisprudence, open and close:

Valdhiraah must also be filled must be opened and hate and scarring and there shall be the excuse is the means just as the means forbidden taboo Phusilh to be due Kalsai for Friday, Hajj and resources provisions of the two purposes which included interests and evil in themselves and means of which the roads leading up to it and ruled the ruling on what led to the prohibition and analysis but the lowest rank of purposes in its judgment and the means to the best intentions and the best means to uglier purposes uglier means and to mediate medium(2)

**The second topic:** The Quranic principles of budget jurisprudence, and it contains four demands:

Since the Noble Qur'an is the primary legislative source in Islamic law, the jurisprudence of budgets in its verses was widespread, so that a surah is almost not devoid of it. Four groups, so this study was based on four demands, which are as follows:

**The first requirement:**

**The Qur'an verses calling for choosing the first, the best, and the right balance**

The call of the Noble Qur'an to good balance and to choose what is first and most effective, you find it interspersed and diverging in the folds of the verses of the Noble Surahs. I will mention in this request some of them according to the order of the surahs in the Qur'an:

1- Almighty saying :{They ask you about wine and gambling. Say, "In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit." And they ask you what they should spend. Say, "The excess [beyond needs]." Thus Allāh makes clear to you the verses [of revelation] that you might give thought }.(3)

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(1) Approvals to Shatby: 5/178.

(2)Al-Furuq or Anwar al-Burooq fi Anwa al-Furuq (with the margins), Abu al-Abbas Shihab al-Din Ahmad bin Idris bin Abdul Rahman al-Maliki, famous for al-Qarafi (deceased: 684 AH), the investigator: Khalil al-Mansur, Dar al-Kutub al-Ilmiyya, Edition: 1418 AH - 1998 AD: 2 / 61.

(3) Surah Al Baqarah 216.

The significance of this noble verse is that the reason for the prohibition is an increase in the benefit achieved from drinking wine and playing the facilitator, so the great sin and corruption in departing the mind, from drinking wine, and the consequent abnormal behavior, is much greater than the interest of pleasure and ecstasy achieved From drinking it, as well as in playing gambling, and therefore the final ruling was to prohibit them gradually that was achieved, and if the benefit is the largest and most prevalent, then the matter is permitted and prescribed, and the little evil in it is wasted, and one of the important rules here is that warding off corruption takes precedence over bringing interest, and this is complemented by another rule. And that is: that the minor corrupt is forgiven for the sake of the great interest, the accidental corruption is forgiven for the sake of the permanent interest, and the realized interest is not left for the sake of a delusional corrupt. (1)

2- Almighty saying: { **That was a nation which has passed on. It will have [the consequence of ] what it earned, and you will have what you have earned. And you will not be asked about what they used to do** }.<sup>(2)</sup>

The significance is: for each one of the predecessors and successors is rewarded with his work, none of them benefit from the work of others in terms of the work of that other person or his person in the first, and that is that it came after explaining the religion of Abraham and recommending it to one another. And explaining their direction on it, then came after that the protest against the people who believed in them good and perfection, and that they were not on this Judaism or this Christianity that happened after them. In the penalty, she reported here what she did not report there. And for the Muslims to hold themselves accountable, rule the rule of work and the penalty between them and their predecessors, and do not be deceived by the naming if they were reasonable. (3)

3- Almighty saying: {And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous}. (4)

(1) See: Al-Shabat and Isotopes of Al-Suyuti: 1/87, Al-Shabas and Analogues by Ibn Najim: 1/76, Inoculation of Al-Attiyah Concepts by Explaining Jurisprudence Rules, Walid Bin Rashid Al-Saeedan, reviewed and commented on it: Sheikh Salman bin Fahd Al-Awdah: 3/54.

(2) Surah Al Baqarah 134.

(3) See: Interpretation of the Qur'an al-Hakim (Tafsir al-Manar), Muhammad Rashid bin Ali Reda bin Muhammad Shams al-Din bin Muhammad Baha al-Din bin Manla Ali Khalifa al-Qalamuni al-Husayni (died: 1354 AH), Egyptian General Book Authority, Publication year: 1990 AD: 1 / 404.

(4) Surah Al Baqarah 179.

In this noble verse, one of the rules of budgets, which is (preserving the whole is preceded by preserving some or part), Al-Zuhaili said in his interpretation: "The wisdom of retribution: that it helps to provide a comfortable and stable life for the group, rebukes the killer and his ilk, suppresses aggression, and reduces the commission of murder, For whoever knows that if he kills someone else he is killed with him, he refrains from killing, so he preserves the two lives: the life of the killer and the murdered, just as retribution prevents the spread of chaos, transgression and injustice in murder, and limits the crime to the narrowest possible scope, and cures the murderer's guardian, extinguishes the fire of his anger, and eradicates it From himself is the fire of evil, hatred and vengeance". (1)

4- Almighty saying:{ And do not insult those they invoke other than Allāh, lest they insult Allāh in enmity without knowledge. Thus We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do }. (2)

In this noble verse, there is a reference to one of the rules of budgets, which is (If interest leads to greater corruption, leave it) (3). Al-Qurtubi said: Glory be to God forbade believers to insult their idols, because he knew if they cursed the infidels and increased their infidelity. Ibn Abbas said: The infidels of Quraish said to Abu Talib, either that Muhammad and his companions forbade insulting and denigrating our gods, or his god and his approach, and the verse was revealed. The second - the scholars said: Its ruling will remain in this nation in any case, so when the infidel is in a state of impunity and it is feared that Islam, the Prophet, peace be upon him, or God Almighty be insulted, it is not permissible for a Muslim to insult their crosses, their religion, or

their churches, and he is not subjected to what leads to that , Because it is like resurrection to sin.(4)

5- Almighty saying: Whoever disbelieves in [i.e., denies] Allah after his belief...[716] except for one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment}.(5)

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(1)The enlightening interpretation of belief, law and methodology, Dr. Wahba bin Mustafa Al-Zuhaili, House of Contemporary Thought - Damascus, 2nd edition, 1418 AH: 2/107.

(2) Surah Al An'am : 108 .

(3)See: Jurisprudence Rules and Regulations Including Facilitation, Abd al-Rahman bin Salih al-Abd al-Latif: 1/93, 94.

(4) The Collector of Rulings of the Qur'an, Abu Abdullah Muhammad bin Ahmed bin Abi Bakr bin Farah al-Ansari al-Khazraji Shams al-Din al-Qurtubi (deceased: 671 AH), investigator: Hisham Samir al-Bukhari, Dar Alam al-Kutub, Riyadh, Saudi Arabia, Edition: 1423 AH / 2003 AD: 7/61.

(5) Surah Al Nahel: 106.

Imam al-Ezz bin Abd al-Salam says: Uttering the word of disbelief corrupts forbidden, but it is permissible to tell and coercion, if the heart of the compelled person is reassured by faith, because preserving immigration and souls completes the benefit of those who corrupt the uttering of a word that the Jinan does not believe. (1)

**The second requirement:**

**the Qur'anic verses urging us to avoid false balances and call for correcting them**

The purpose of these generous verses, which I will mention some of them, is to obey wrong balances, and to urge to correct them in light of what God Almighty wants in His Noble Book, and here are some verses that show what is required of this requirement:

2-Almighty saying:{Those are the ones who have purchased error [in exchange] for guidance, so their transaction has brought no profit, nor were they guided}. (2)

In this noble verse, Almighty truth reveals the matter of the hypocrites, as they used to attend the assemblies of the Prophet ( may God bless him and grant him peace ), and the light of truth shone among them, seeing his perceptions and realizing his outskirts, so the reasons for guidance are visible in their hands, and they hear a statement, and instinct motivates and guides them, and the truth does not hide It is hidden from it, so they have knowledge or its causes, but nevertheless they leave the guiding light into complete darkness, they leave the righteous truth, and it is in their hands, and about their faith, and their attributes, they leave that to delusion, for they have preferred blindness to guidance. (3)

2- Almighty saying : { Beautified for people is the love of that which they desire - of women and sons, heaped-up sums of gold and silver, fine branded horses, and cattle and tilled land. That is the enjoyment of worldly life, but Allāh has with Him the best return [i.e., Paradise], Say, "Shall I inform you of [something] better than that? For those who fear Allāh will be gardens in the presence of their Lord beneath which rivers flow, wherein they abide eternally, and purified spouses and approval from Allāh. And Allāh is Seeing [i.e., aware] of [His] servants}. (4)

From the two verses we can conclude an important rule, which is (presenting the interests of the hereafter on what he fancies as a worldly prayer). Rather, the Almighty mentioned the word (Beautified) in order to determine in the souls first

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(1) Rules for rulings in the interests of people: 1/99.

(2) Surah Al Baqarah 16.

(3) See: Zahrat Al-Tafseer, Muhammad bin Ahmed bin Mustafa bin Ahmed, known as Abu Zahra (deceased: 1394 AH), Dar Al-Fikr Al-Arabi: 1/139.

(4) Surat Al-Imran: 14-15.

that the one who is adorned with his love is nothing but desires only, then he explains it by these races, so it is stronger to reduce it and more evidence The blame of those who venerate them and are dilapidated by them and their demand is more likely to seek what is desired by the desire, and the interests of the world are limited, represented by the abundance of women, children, money and others, and it is a bliss that ceases and perishes, as for the blessings of the Hereafter, it is not interrupted or exhausted, and in that an urge to favor the interests of the hereafter over the interests of the world. (1)

3- Almighty saying {Say, "Not equal are the evil and the good, although the abundance of evil might impress you." So fear Allāh, O you of understanding, that you may be successful}. (2) The evil and the good are in general, and under them is included the permissible and prohibited money, the good and the corrupt work, the good and bad people, the correct beliefs and their corrupt and the evil from all of this does not fit, does not love, and does not improve for him a consequence, and good, even if it is useful, is good, the consequence. (3)

4- Almighty saying : { Those who remained behind[495] rejoiced in their staying [at home] after [the departure of] the Messenger of Allāh and disliked to strive with their wealth and their lives in the cause of Allāh and said, "Do not go forth in the heat." Say, "The fire of Hell is more intense in heat" - if they would but understand }. (4)

They were overwhelmed by their happiness at their backwardness, and they did not know that their perseverance in their delay and the comfort that they had preferred to fulfill the right of God, and to go out in the company of the Messenger of God - may God bless him and grant him peace So God took comfort in what He punished them, and they would pray blazing in the hereafter with what they offered of their hypocrisy, and they will regret even when they regret, so God Almighty exchanged their happiness with sorrow, their joy with comfort, and their comfort in a way, so that they cry more in the heels as they laughed a lot in the world, and that

(1) See: The Disclosure of the Truths of the Revelation and the Eyes of the Gossip in the Objects of Interpretation, Abu al-Qasim Mahmoud bin Omar al-Zamakhshari al-Khwarizmi, Dar Revival of the Arab Heritage - Beirut, edited by: Abd al-Razzaq al-Mahdi: 1/371.

(2) Surat Al-Ma'idah: Verse 100.

(3) See: Al-Bahr Al-Muheet in Tafsir, Abu Hayyan Muhammad bin Yusuf bin Ali bin Yusuf bin Hayyan Atheer Al-Din Al-Andalusi (deceased: 745 AH), Investigator: Sidqi Muhammad Jamil, Dar Al-Fikr - Beirut, Edition: 1420 AH.

(4) Surat At-Tawbah: Verse 81.

is a reward for those who disbelieve his Lord ).(1)

#### **The third requirement:**

#### **the verses that lay the foundations for the legal balance in dealing between people.**

There is no doubt and undoubtedly that people differ in their destinies and homes according to the considerations known in high-end societies that are disciplined by the custom of Sharia, law and general custom, which indicates that it is necessary to deal with them not according to one weight. The Holy Quran explained in many of the noble verses the disciplined foundations for dealing between people, in this matter I will mention some of these verses that mention this wonderful balance, as follows:

1-Almighty saying : { And do not marry polytheistic women until they believe.[81] And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allāh invites to Paradise and to forgiveness, by His permission. And He makes clear His verses [i.e., ordinances] to the people that perhaps they may remember}. (2)

In this noble verse It highlighted the balance between people by considering faith and lack thereof, freedom and lack thereof, so His saying {And a believing slave woman is better than a polytheist, even though she might that is to say, a woman who believes in its low slavery and lack of danger, is better than a free ...) please you} polytheist on her wealth of honor of freedom and cleverness Fate, even if you admire her beauty, her wealth and

all that necessitates her desire for her, because by faith is the perfection of her religion, and with money and prestige she is the perfection of her world, and shepherding the religion is more important than shepherding the world if it is not able to combine them - that perhaps love and harmony have occurred when their union is a religion, so worldly benefits are also complemented by good The tithe, the preservation of the unseen, the control of money, the proper upbringing of the children, and the refinement of their morals so that they could be an example to others. (3)

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(1) See: Latif Al-Ishâr = Tafseer Al-Qushairy, Abdul-Karim bin Hawazen bin Abdul-Malik Al-Qushairy (deceased: 465 AH), Investigator: Ibrahim Al-Basyouni, The Egyptian General Authority for Book - Egypt, third edition: 2/50

(2) Surat Al-Baqarah: Verse 221.

(3) See: Tafsir al-Maraghi, Ahmad bin Mustafa al-Maraghi (deceased: 1371 AH), Mustafa al-Babi al-Halabi and Sons's Library and Printing Company in Egypt, First Edition, 1365 AH - 1946 CE: 2/152.

2- Almighty saying : {So is one who pursues the pleasure of Allāh like one who brings upon himself the anger of Allāh and whose refuge is Hell? And wretched is the destination}. (1)

That is, the most pious person who strives to attain the pleasure of God by doing acts of obedience, and forsaking immoral and other immoralities and evils until he refuses to describe his soul - his reward will be as a reward for whoever ends up in the wrath of God, and his great anger, by doing what he insists on from the sins of theft, immorality, plunder and murder, and forsaking what He purifies her from doing good deeds and doing good deeds, and in summary - people differ in reward with God as they differ in virtues and knowledge in the world, and the good or bad deeds that result from. (2)

3- Almighty saying : { O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous[1521] of you. Indeed, Allāh is Knowing and Aware}. (3)

That is, you will negotiate with God through piety, not by calculation, The differentiation in the balance of our true Islamic religion is based on piety (4), on the authority of Uqba bin Amer; That the Messenger of (Allah peace be upon him), said: "Your lineage is not rivile on anyone, all of you are the sons of Adam Tef Saa was not filled, no one has preferred on one only religion and piety, and enough men to be saucy miserly obscene" (5)

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(1) Surat Al-Imran: Verse 162.

(2) See: Al-Maraghi interpretation: 4/121.

(3) Surat Al-Hujurat: Verse 13.

(4) See: Interpretation of the Great Qur'an, Abu al-Fida 'Ismail bin Omar bin Kathir al-Qurashi al-Basri, then al-Dimashqi (deceased: 774 AH), Investigator: Sami bin Muhammad Salama, Dar Taibah for Publishing and Distribution, 2nd edition: 1420 AH - 1999 AD: 7/387.

(5) Musnad of Imam Ahmad bin Hanbal, Abu Abdullah Ahmad bin Muhammad bin Hanbal bin Hilal bin Asad al-Shaibani (deceased: 241 AH), investigator: Shuaib al-Arna`ut - Adel Murshid, and others, supervised by: Dr. Abdullah bin Abdul Mohsen al-Turki, Foundation for the message, Edition: First Edition, 1421 AH - 2001 AD: 28/650, No. 17446. Sheikh Shuaib Al-Arna`ut said: A good hadith.

**Fourth requirement:**

**Qur’anic jurisprudence that is learned from the stories of the Qur’an**

In the stories of the Qur’an the jurisprudence of balances is clearly evident. In this requirement, I will mention three stories from which we derive this jurisprudence, so that we can consider them and be guided, and these three stories are:

1- The Prophet Joseph, peace be upon him, and his request from the Pharaoh of Egypt to place him on the coffers of the earth, even though the Pharaoh of Egypt at that time was an infidel. The Almighty said: { [Yousif ] said, "Appoint me over the storehouses of the land. Indeed, I will be a knowing guardian." }(1)

Some scholars said: In this verse, what is permissible for a virtuous man to work for the immoral man and the unbelieving ruler, on the condition that he knows that he is delegated to him in an act that he does not oppose, so he can do whatever he wants. But if his action is according to the choice of the ungodly and his desires and immorality, that is not permissible. Some people said: This was for Joseph in particular, and this day is not permissible. The first is first if it is on the condition that we have mentioned (2).

Al-Zamakhshari said: “And if the Prophet or the scholar knew that there was no way to judge by the command of God and prevent injustice except by empowering the infidel or immoral king, So he may be aware of it, and it was said: The king used to issue his opinion and did not object to it in everything he saw, so it was in the rule of his subordinate and obedient.” (3)

We find that al-Ezz bin Abd al-Salam has expanded in that, and he made clear that this guardianship is part of the mercy of the Sharia, lest the public interests be disrupted, and in disrupting them from the systemic evils that afflict society, so he, may God have mercy on him, says: “And if the infidels seize a great region, give the judiciary to those who carry out the public interests of Muslims. What appears to be the implementation of all of this is to bring about public interests and push for

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(1) Surat Yusuf: Verse 55

(2) See: the brief editor in the interpretation of the dear book, Abu Muhammad Abdul-Haq bin Ghaleb bin Abdul Rahman bin Tamam bin Attiyah Al-Andalusi Al-Muharribi (deceased: 542 AH), the investigator: Abd al-Salam Abdul Shafi Muhammad, Dar Al-Kutub Al-Ilmiyya - Beirut, edition: first - 1422 AH: 3/256, The Whole to .Ahkam al-Qur’an: 9/215.

(3) Exposing the truths of revelation and the eyes of the hearsay in the faces of interpretation: 2/455.

comprehensive evils, as it is far from the mercy of the Shariah and caring for the interests of his worshipers, disrupting public interests and bearing comprehensive evils, because of the lack of perfection in the one who takes charge of those who are qualified for it, and that is a remote possibility". (1)

Imam Al-Shawkani, may God have mercy on him, said: “And there is evidence that it is permissible for a person who has confidence in himself, if he enters into one of the matters of the Sultan, to raise the illumination of truth and destroy what he can of falsehood, so he requested that for himself.” (2)

In conclusion, it has become evident to us that whoever finds in himself the ability to establish the interests of the servants and to pass the judgment of God without being opposed by the immoral ruler or the infidel, and there is no one to take his place in this matter, then he must undertake this matter whether it is at his request or by employing He made the matter to him, lest the interests of the servants be disrupted, and in obstruction of them a great corruption, and this is what is deduced from the jurisprudence of Qur’anic balances in the stories of the Qur’an.

2-The story of Moses and Aaron in dealing with the worshipers of the calf, after Moses went to meet his Lord, the Almighty says: [Aaron] said, "O son of my mother, do not seize [me] by my beard or by my head. Indeed, I feared that you would say, 'You caused division among the Children of Israel, and you did not observe [or await] my word.'"(3) In this verse, the vision of the Prophet Aaron, peace be upon him, in dealing

with two great evils, the first being the worship of the calf, and the second separating the children of Israel and their difference, is shown in this verse. The second is most likely, and this is his own diligence in the nation's policy, as two interests in him contradicted the interest of preserving the creed and the interest of preserving the university from fanfare, and during it the preservation of souls, money and brotherhood among the nation. Rather, he favored it because he saw it Edom, because the interest in preserving the belief is reminding its temporary loss by the return of Moses and his nullification of the worship of the calf, as they changed their minds on the calf with the return of Moses, in contrast to the interest of preserving souls and money and the meeting of the word if it became untidely difficult to remedy it, and this included his saying that I feared that you say I separated the children of Israel and did not anticipate Say, and his diligence was likely because

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(1) The rules of rulings in the interests of people: 1/86.

(2) Fatah al-Qadeer, Muhammad bin Ali bin Muhammad bin Abdullah al-Shawkani al-Yamani (deceased: 1250 AH), Dar Ibn Kathir, Dar al-Kutayb al-Tayyib - Damascus, Beirut, Edition: First - 1414 AH: 3/42.

(3) Surah Taha: Verse 94.

preserving the original principle of the Sharia is more important than preserving the principles that branch out to it, because the interest of the righteousness of belief is the mother of interests in which the goodness of the meeting."(1)

Moses, peace be upon him, looked at the consequences, because underestimating the matter of the creed leads to the breaking of the matter and the disintegration of the nation. As for Aaron, peace be upon him, he looked at the reality and feared strife among his people, and reluctantly kept silent on what his people had made. (2)

3-The Queen of Sheba presents a letter that she received from Solomon, peace be upon him, in which he asks the Queen and her people to enter Islam, so the Queen looks to the Shura Council to see their rational opinions, and let us let the Qur'an tell us about that story, and how he dealt with in this story a kind of jurisprudence of balances. The tongue of the Queen of Sheba, God Almighty says: { She said, "O eminent ones, indeed, to me has been delivered a noble letter. Indeed, it is from Solomon, and indeed, it is [i.e., reads]: 'In the name of Allāh, the Entirely Merciful, the Especially Merciful, Be not haughty with me but come to me in submission [as Muslims].'" She said, "O eminent ones, advise me in my affair. I would not decide a matter until you witness [for] me." They said, "We are men of strength and of great military might, but the command is yours, so see what you will command." She said, "Indeed kings - when they enter a city, they ruin it and render the honored of its people humbled. And thus do they do.}. (3) Ibn Ashur says: "I expressed to them her opinion, preferring the side of peace over the side of war, and beware of entering under the authority of Solomon by choice, because the end of the war has the possibility that Solomon will triumph and become the kingdom of Sheba to him. In entering under the authority of Solomon he cast the kingdom at his disposal, and in both cases it happens a new king acted in her city, so I learned by measuring the evidence of history and with the experience of the nature of kings. If they act in the kingdom of others, to turn its system in line with their interests and reassure their souls of the overthrowing of the nation that is defeated in the chances of weakness or the regulations of working with important accidents, then the first thing they do is to exclude those who were in power because the danger is expected from their side where their authority is removed by the new sultan, then they change the laws And the systems that the state used to follow, but if they were taken by force, the taking was not without sabotage, captivity and spoils, and that was more corrupt. The two cases were

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(1) See: Al-Tahrir and Enlightenment - Tunisian Edition, Muhammad al-Taher bin Muhammad bin Muhammad al-Taher bin Ashour al-Tunisi (died: 1393 AH), Sahnoun House for Publishing and Distribution - Tunis - 1997 AD: 16/239.

(2) See: Rulings of Muslim minorities in the Islamic jurisprudential heritage, Dr. Abd al-Fattah bin al-Yamani al-Zwaini, Dar al-Kutub al-Ilmiyya: 1/861

(3) Surah An-Naml: verses 29-34.

included in her saying that if they enter a village, they spoil it and make its dear people humiliated."(1)

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She decided to pay the greatest of two evils with the lightest of them, so she sent a gift to the Prophet of God Solomon, peace be upon him, to find out whether he was a prophetic king who loved money and power, and after it became clear to her the sincerity of Solomon, she and her people entered Islam, avoiding the evils of devastation, destruction and humiliation, and the result of the interest of peace and safety, and greater than all of that The interest of guidance for the religion of truth that was fulfilled for her and her people on the day they obeyed Solomon, peace be upon him, and she led her people to the good of this world and the hereafter.

### **Conclusion**

In conclusion, I draw the most important results that I reached in this research, and put it in points, which are:

- 1- The jurisprudence of balances is one of the necessities of this Shari'a, so that the jurist understands the jurisprudence of reality, the fundamentalist method of deduction, the interpreter of the meanings of the verses, and the advocate of the method of calling to the religion of God with insight.
- 2- The most important source of the Sharia, but rather the first source of Sharia, which is the Qur'an, did not call this jurisprudence a negligence. Rather, the verses of the Qur'an were charged with it, so you do not find a surah from its chapters to refer to it, whether explicitly or hinting.
- 3- The jurisprudence of arbitrage, as is necessary to understand Sharia, has controls and conditions that I mentioned in the first topic. These controls must be taken into account, and work on budget jurisprudence should not be done in a random and uncontrolled manner.
- 4- The Noble Qur'an urges the jurisprudence of balances. Its verses call out false balances and urge them to be corrected.
- 5- The verses of the Noble Qur'an called for balance in dealing with people of various scientific, intellectual and ideological levels on disciplined foundations, and that not everyone is equal in the manner of dealing.
- 6- The stories of the Great Qur'an had the greatest and greatest aspect of understanding the jurisprudence of budgets, arranging priorities, and choosing the best and most complete decisions.

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(1)Al-Tahrir and Enlightenment): 19/266.

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