

“THE COMPOSITION OF 'AL-FATAWA AS-SIRAJIYA”

(Continuation, Part Completed Later!)

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Abstract

Vaqf Book:1 The validity and invalidity of endowment actions, the establishment of endowments by religious scholars, the endowment of broad portions by affluent scholars, the beneficiary of endowment, the pros and cons of endowment (those who have stipulated conditions for the benefits and advantages of endowments), advocacy and witnessing in endowment matters, the granting of a thing endowed to an individual (given into possession) and the explanations of the rulings of other related issues are explained in this section, which consists of 9 chapters.

Hiba (Hadya) Book:2 In this section, items that can and cannot be gifted, circumstances where a gift entails an obligation (conditional gift), permissible and impermissible gifts, return of gifts, alms (Sadaqah), the rulings of gifts, and relevant matters are elucidated in 9 chapters."

"Book of Sales":3 The structure of the sales contract, items that can and cannot be subject to a sales contract, permissible and impermissible sales with stipulated conditions, promised sales⁴, pricing and price markers, murabaha⁵ and tawliyah⁶ transactions, optional conditions, inspection conditions, fault conditions (this section has 6 chapters), rescission (breaking a sales contract involving mutual satisfaction), divergence between parties, taking possession and delivering, agency in prior sales, sales with permission granted, greetings, istibra (a period of waiting before re-entering sexual relations to ascertain that a previous pregnancy is not continuing, to differentiate from a new pregnancy), as well as issues pertaining to the implementation of prior sales - all these matters are encompassed within this section consisting of 17 chapters and 12 sections."

"Book of Exchange (Sarf - Money Exchange):7 In this section, the practices of money exchange and related issues have been addressed. The section is organized directly and appropriately without chapters or sections.

Book of Healing (Shuf'a):8 This section, consisting of 5 chapters, covers the origination of the right of pre-emption (shuf'a), asserting the right of pre-emption, executing the right of pre-emption⁹, becoming entitled to the right of pre-emption, and resolving matters related to this subject.

Division (Taksim) Book:10 This section elaborates on the division (taksim) of shares among partners. It covers the demand for division, the essence of division, items divisible and indivisible, annulment of the division procedure, and other relevant matters. This section comprises 5 chapters.

¹ Oshii, "Fatavoi Sirojiya", pp. 392-401

² Oshii, "Fatavoi Sirojiya", pp. 402-411.

³ Oshii, "Fatavoi Sirojiya", pp. 412-449

⁴ This chapter consists of 6 chapters such as sale of slaves and concubines, sale of them, sale of cattle, sale of seeds, sale of house and real estate.

⁵ See Ibrahim Kofi Donmez, "Murobaha", Istanbul, 2006, vol. 31, p. 148.

⁶ See Ismail Jebeji, Tavliya, Istanbul, 2012, vol. 41, p. 39.

⁷ Oshii, "Fatavoi Sirojiya", pp. 450-452.

⁸ Oshii, "Fatavoi Sirojiya", pp. 453-457.

⁹ See Ibrahim Kofi Donmez, "Shufa", Istanbul, 2010, vol. 39, p. 248.

¹⁰ Oshii, "Fatavoi Sirojiya", pp. 458-461.

Lease (Ijara) Book:11 This section includes 8 chapters that encompass permissible and impermissible aspects of leasing, detestable conditions within lease contracts, payment of lease dues, annulment of leasing, disputes in leasing, liability for lease payments, and related matters."

The section about "Criminal Law Book"¹²: This section, consisting of 7 articles and 1 chapter, outlines the procedures to be followed by the judge (magistrate) in issuing judgments, principles of reliance and establishing evidence in judgment, situations where it is necessary and not necessary, communication between judges, imposing oaths, provision for the maintenance of relatives,¹³ and various issues related to this topic are explained.

The section about "Civil Law Book":¹⁴ The nature and validity of claims, matters leading to disputes between two individuals, marriage proposals, things leading to claims, situations where claims are permissible, lineage claims, and various issues related to this topic are discussed in the 7 chapters of this section.

The section about "Confession Book":¹⁵ In the 8 chapters of this section, cases of confession, both acknowledged and unacknowledged, are accounted for. It covers the understanding of things leading to confession, exceptions in confessions, retracting confessions, confession related to lineage, the confession of a dying patient, and similar matters.

Book of Testimony:¹⁶ This section, composed of 10 chapters, covers the stages of testimony (tolerance and precision),¹⁷ giving testimony in writing, purification (tazkiyah),¹⁸ individuals whose testimony is accepted and not accepted, false testimony (Ash-shahaada ala ash-shahaada),¹⁹ disagreements in testimonies, testimonies related to shares, retracting testimony, and various related issues.

Book of Advocacy:²⁰ This section, consisting of 5 chapters, explains the situations leading to and not leading to advocacy, the qualifications of an advocate, the responsibilities of an advocate, the termination of advocacy, and various pertinent matters.

Book of Suretyship:²¹ In this section, which has 5 chapters and 1 section, matters pertaining to individual suretyship,²² suretyship for loans and debts, the return of a debt due to a surety's intervention, making claims regarding suretyship, and related issues are elucidated.

Book of References:²³ This section encapsulates the essence of reference matters.

Book of Reconciliation:²⁴ This section deals with situations where reconciliation is possible and impossible, mediation, the reconciliation²⁵ of a father and a guardian, the acceptance of reconciliation

¹¹ Oshii, "Fatavoi Sirojiya", pp. 462-472.

¹² Oshii, "Fatavoi Sirojiya", pp. 473-483.

¹³ There is 1 season in this chapter.

¹⁴ Ushii, "Fatoi Sirojiya", pp. 491-493.

¹⁵ Oshii, "Fatoi Sirojiya", pp. 497-506.

¹⁶ See Kamal Yildiz, "Testimony in Islamic Law", Istanbul, 2005, pp. 64 and 77.

¹⁷ See Tunjay Bashkoglu, Tazkiya, Istanbul, 2012, vol. 41, p. 77.

¹⁸ Ushii, "Fatoi Sirojiya", pp. 507-513.

¹⁹ Ibid., p. 167.

²⁰ Ushii, "Fatoi Sirojiya", pp. 507-513.

²¹ Ushii, "Fatoi Sirojiya", pp. 514-518.

²² There is 1 season in this chapter.

²³ Ushii, "Fatoi Sirojiya", pp. 519-520.

²⁴ O'shii, "Fatoi Sirojiya", pp. 521-525.

by parties, the implementation of a substitute for reconciliation, and various related topics. It consists of 7 chapters.

Book of Gifts: (Rahn):²⁶This section, consisting of 6 chapters, deals with matters related to giving and receiving gifts. It covers items that can and cannot be given as gifts, the increase in the value of a gift after it is given, the obligations and responsibilities of both the giver and receiver of a gift, the transfer of ownership of a gift, and various other issues related to gifts.

Book of Partnership:²⁷ This section addresses matters²⁸ related to partnership contracts, including valid and invalid conditions for partnership, items that can be owned in a partnership, potential disputes that may arise in a partnership contract, the distribution of profits in a partnership, and other related topics. It consists of 5 chapters.

Discussion book:²⁹ In this section, matters related to sharecropping agreements are discussed. It covers items that can lead to valid or invalid sharecropping agreements, the terms and conditions of sharecropping contracts, interactions (transactions),³⁰ various issues related to sharecropping and transaction contracts, and the annulment of a sharecropping or transaction contract. These topics are presented in a total of 5 chapters.

Book of Drinks:³¹ This section discusses topics related to drinks³², their benefits ³³for health, forbidden items, and unused places associated³⁴ with drinks.³⁵ It is divided into 4 chapters.

The book of Beverages (Drinks):³⁶In this section, the essences of beverages and related issues are explained.

The book of Compulsion (Coercion):³⁷ This section contains actions done out of compulsion, both those that are done and those that are not done due to coercion, situations that demand payment under coercion and those that don't, all illustrated from two perspectives.

The book of Hajj:³⁸ In this section, regulations³⁹ pertaining to the pilgrimage are explained.

The book of Permissibility (Permission):⁴⁰ In this section, legal rulings related to a person granted permission from a legal perspective (ma'zun), and the corresponding regulations, cases where permission is considered and where it's not, matters where ownership of the person being granted permission might be possible, the scenario of a person granted permission being present in a debt dispute, the oath of a person granted permission (ma'zun), all elaborated upon in five chapters.

²⁵ See Ibrahim Kofi Donmez, "Mukhoyaa", Istanbul, 2006, volume 31, page 509.

²⁶ Oshii, "Fatavoi Sirojiya", pp. 526-530.-

²⁷ Oshii, "Fatavoi Sirojiya", pp. 530-534.

²⁸ See Oshii, Fatawai Sirojiya, p. 531.

²⁹ Oshii, "Fatavoi Sirojiya", pp. 535-539.

³⁰ See Hamdi Donduren, "Musaqot", Istanbul, 2006, volume 32, page 70.

³¹ Oshii, "Fatavoi Sirojiya", pp. 540-543.

³² See Hasan Hajak, "Partnership Rights and Related Expressions in Islamic Law", Istanbul, 1993, p.53

³³ See Salim O'git, "Harim", Istanbul, 1997, volume 16, page 188.

³⁴ See Hasan Hajak, "Partnership Rights and Related Expressions in Islamic Law", Istanbul, 1993, p.66.

³⁵ See Hamza Aktan, "Ihya", Istanbul, 2000, vol. 22, p. 7.

³⁶ Oshii, "Fatavoi Sirojiya", pp. 544-545

³⁷ Oshii, "Fatavoi Sirojiya", pp. 546-547.

³⁸ Oshii, "Fatavoi Sirojiya", pp. 548-549.

³⁹ Қаранг, Юнус Апайдин, «Ҳажр», Истанбул, 1996-йил, 14. Ү

⁴⁰ Oshii, "Fatavoi Sirojiya", pp. 550-553.

The book of Crimes:41 In this section, the issue of compensation for causing harm intentionally, compensation for animals that cause extensive damage and multiplication, walls claimed to be struck and damaged, highwaymen, and similar topics are covered comprehensively across five chapters.

The book of Special Cases:42 In this section, situations that require specific treatment, cases that demand the giving of blood money (diyah), cases that require retaliation, the permissibility of manslaughter, the nature of special cases⁴³, the role of special cases in influential actions ⁴⁴(this section having one chapter), the quantity⁴⁵ of blood money (also one chapter in this section), oaths and compensations, a slave's committing a crime, and other similar topics are covered comprehensively within this section, consisting of 10 chapters and 2 subsections.

The book of Wills:46 This section covers situations where a will is valid or invalid, the execution of a will, making a will in favor of more than one beneficiary, revoking a will, items that can be owned by a heir (this section having one chapter), and it comprises 7 chapters and 1 subsection.

The book of Obligations:47 The legitimacy and illegitimacy of inheritance, the shares of male heirs (this section having one chapter), the shares of female heirs, the responsibilities of executors⁴⁸, debts, children, blood relatives (this section having four chapters), vows, the proper execution of a will, the removal⁴⁹ of heirs (foreign heirs), disinheritance,⁵⁰ the court's decision, and various issues related to inheritance and marriage,⁵¹ this section encompasses 13 chapters and 5 subsections.

The book of Etiquette:52 This section pertains to matters relevant to interactions with people of the same or opposite gender.

The book of Rituals and Foreign Matters:53 This section is organized into 7 chapters, covering matters of jurisprudence (fiqh) in relation to prayer, fasting, and almsgiving (zakat), matters of marriage and divorce, matters of freeing slaves, matters of oaths, matters of endowments and charitable donations, matters of agency and suretyship, and matters of leasing, debts, and partnership, all presented in a format of jurisprudential discussions.

Mufti's Etiquette in Answering and Reprimanding Book:54 This section is considered the section related to fatwa method. It deals with matters such as the ruling on issuing a fatwa and the rules that a mufti must follow.

The book of Benefits:55 In this section, the virtues of acquiring knowledge, the lineage of our Prophet Muhammad (peace be upon him), his father, mother, birth, prophethood, demise, and burial, the caliphates of Abu Bakr, Umar, Usman, and Ali (may Allah be pleased with them), the lineage of Imam

⁴¹ Oshii, "Fatavoi Sirojiya", pp. 554-558.

⁴² Oshii, "Fatavoi Sirojiya", pp. 559-569.

⁴³ Revenge fiymaa dunan-nafs.

⁴⁴ See Ali Bardakoglu, Qasoma, Istanbul, 2001, vol. 24, p. 528.

⁴⁵ See Hamza Aktan, Akila, Istanbul, 1989, vol. 2, p. 248.

⁴⁶ Oshii, "Fatavoi Sirojiya", pp. 570-576.

⁴⁷ Oshii, "Fatavoi Sirojiya", pp. 577-589.

⁴⁸ See Hamza Aktan, Hajb, Istanbul, 1996, vol. 14, p. 424.

⁴⁹ See Hamza Aktan, Takhoruj, Istanbul, 2011, vol. 40, p. 319.

⁵⁰ See Hamza Aktan, "Rad", Istanbul, 2007, vol. 34, p. 511.

⁵¹ See Davud Yaylali, "Muhosana", Istanbul, 2006, volume 31, page 571.

⁵² Oshii, "Fatavoi Sirojiya", pp. 590-591.

⁵³ Oshii, "Fatavoi Sirojiya", pp. 592-598.

⁵⁴ Oshii, "Fatavoi Sirojiya", pp. 598-606.

⁵⁵ Oshii, "Fatavoi Sirojiya", pp. 607-612.

Abu Hanifa, the founder of the Hanafi school of jurisprudence, the companions who transmitted hadiths, the teachers and their lineages who taught jurisprudence, and their chains of transmission back to the Prophet (peace be upon him), their teaching methods, their excellence and passing away, the lineage of Imam Shafi'i, his birthdate, his teachers in acquiring knowledge, his passing away, the teachers of the reciter Imam Aasim ibn Bahdalani and his chain of transmission to the Prophet (peace be upon him), as well as brief information about other reciter imams, are provided.