

**RESEARCH TITLE**

**The Effect of Legitimate Politics on Preserving Necessities**

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HNSJ, 2025, 6(5); <https://doi.org/10.53796/hnsj65/37>

**Received at 07/04/2025**

**Accepted at 15/04/2025**

**Published at 01/05/2025**

**Abstract**

Sharia politics is an essential chapter of Islamic jurisprudence. It has a tremendous and vital effect on several aspects of Islamic legislation and a significant impact on enriching Islamic legislation in several jurisprudential chapters. The ambiguity of the relationship of Sharia policy with some chapters and jurisprudential investigations is due to its special nature, which is based on a kind of precise ijtiḥād in the rhythm of texts on the facts. Sharia politics has an essential effect on the chapters of wise Sharia and the need to extrapolate legislative experiences in Islamic history based on the jurisprudence of Sharia politics and present them in an appropriate scientific manner to identify the areas of accurate deduction in them.

**Key Words:** Sharia policy, necessities, effect.

## Problem and Significance of the Study

The Statement of the problem lies in several matters; the most significant is that most researchers think that the preservation of necessities is preserved by Allah's preservation of man, and legitimate politics has no role in memorizers. In addition to lacking a scientific thesis dealing with this critical aspect of Sharia politics, many researchers and scientists think this matter does not exist. The study will answer an important question about the legitimate policy of preserving necessities. Through this study, the reader and the student of knowledge learn about the legitimate policy in protecting the necessities and the maintenance of the nation's predecessor for this righteous religion and their keenness on it.

In this research, I relied on the scientific method based on taking into account the following scientific methods: Inductive approach: by following the examples and evidence received from the Companions of the Prophet (may Allah be pleased with them) and those who came after them from the scientists and jurists, reasoned by the legitimate policy. The analytical method is represented by the analysis of the effects and fatwas contained in this field, and the deductive method is manifested by taking lessons and understanding these texts and fatwas after collecting and analyzing them. Also, I answered several questions addressed to the arena of research and discussion in this study to indicate its details and the position of Sharia. According to my knowledge and the abundance of my studies, I did not find research studies that dealt with its molecules. The study included an introduction and two topics, in which I showed the definition of legitimate policy in its linguistic and terminological concept to proceed from them to its applications, as well as the study was exposed to the reasons for the ambiguity of the legitimate policy in the five necessities and its effects. The study plan is based on the following: -

Introduction

Two topics

The first topic Included definitions and reasons for ambiguity.

Section One: Definition of Sharia Policy in Language and Terminology and Definition of Effect in Terminology.

Section two: Reasons for the ambiguity of Sharia policy in Islamic jurisprudence.

The second topic explains the effects of the jurisprudence of Sharia politics on the hadiths of rulings.

Section one: The legal effect of preserving the debt from increases.

Section two: Health effects and physical safety.

Section three: Financial and Economic Effect.

Section Four: Preventing People with Infectious and Epidemic Diseases from Tawaf

Conclusion and recommendation.

### First topic: Definitions

#### Section One: Politics in Language and Terminology

##### Politics in language

Politics source SAS, Yesus, Sousa. It has several connotations in the language, and the following is its Statement:

1. Doing the matter: from which they say: The matter is a policy, i.e., he did it or orchestrated it and did his bidding<sup>1</sup>, and his example is the saying of the Prophet (peace and blessings of Allah be upon him): (The children of Israel were begged by the prophets<sup>2</sup>).

#### The meaning of politics idiomatically

Scientists have defined Sharia politics in many ways, ancient and modern, and the following is a presentation of examples of the efforts of scientists in describing it.

1. Defined by Al-Ghazali (505 AH): saying: (reclamation of creation by guiding them to the straight path saved in this world and the hereafter<sup>3</sup>). This is the most general definition given to legitimate politics by applicants and the closest to the linguistic meaning of politics. This definition was quoted by Ibn 'Abidin, who said: (This is a definition of the general policy that is sincere to all the legal rulings prescribed by Allah Almighty for his servants.<sup>4</sup>).
2. Defined by Ibn Aqeel (513 AH) and its text: (Politics: what was really with him people closer to righteousness, and farther from corruption, even if the Prophet did not put it and did not descend by revelation<sup>5</sup>).
3. Defined by Abdul Wahhab Khallaf (1956 AD), Sharia policy is: ((Managing the general affairs of the Islamic State in a way that ensures the achievement of interests and the removal of harm, which does not exceed the limits of Sharia and its total principles, even if it does not agree with the sayings of the hardworking imams), or it is (follow-up of the first predecessor in taking into account interests, and keeping pace with accidents.<sup>6</sup>).
4. Politics is the legal rulings by which state facilities are organized. The management of the nation's affairs, considering that they are by the spirit of Sharia, descending on its total principles, achieving its social purposes, even if it is not indicated by any of the partial texts in the Qur'an and Sunnah the fact that none of the texts contained in the Qur'an and Sunnah indicate the provisions of Sharia policy in detail does not harm or prevent us from calling it Sharia.<sup>7</sup>. The most crucial matter noted in this definition is that legitimate politics must be based on the purposes of Sharia, even if Sharia does not detail it.

<sup>1</sup> Ibn Manzur, Muhammad bin Makram the Egyptian African, Lisan Al-Arab, (investigated by: Abdullah Ali Al-Kabir, Muhammad Ahmed Hassab Allah, and Hashem Muhammad Al-Shazly, Article: Souss, Part 3, p. 2149, Dar Al-Maaref, Cairo.

<sup>2</sup> Al-Bukhari, Muhammad ibn Isma'il Abu 'Abd Allah al-Bukhari al-Jaafi (1987). The whole correct predicate abbreviated from

The things of the Messenger of Allah, may Allah's prayers and peace be upon him, his Sunnah and his days (investigated by Dr. Mustafa Deeb Al-Bagha), 3rd Edition, The Book of the Prophets, Chapter on what was mentioned about the Children of Israel, Hadith No. (3268), vol. 3, p. 1273, Dar Ibn Kathir, Beirut, and Muslim, Muslim bin Al-Hajjaj Abu Al-Hussein Al-Qushayri Al-Nisaburi, Sahih Muslim, (investigated by Muhammad Fouad Abdel-Baqi), 1st Edition, Kitab Al-Imarah, Chapter on the obligation to fulfill the pledge of allegiance to the first caliphs and the first, No. (1842), vol. 3, p. 1471, House of Revival of Arab Heritage, Beirut.

<sup>3</sup> Al-Ghazali, Abu Hamid Muhammad ibn Muhammad al-Tusi, (1901). Fatiha Al-Science, 1st Edition, p. 6, Egyptian Husseinia Press, Cairo.

<sup>4</sup> Ibn Abdeen, Muhammad Amin Abdeen bin Omar Abdeen bin Abdul Aziz Al-Dimashqi, known as Ibn Abdeen (1286 AH). Al-Muhtar's response to Al-Durr Al-Mukhtar, 1st Edition, Part 4, p. 15, Bulaq Press, Cairo.

<sup>5</sup> Ibn Aqeel al-Hanbali, Abi al-Wafa Ali bin Aqeel bin Muhammad bin Aqeel al-Baghdadi al-Hanbali (1987). Comments Named (Arts), p. 10, Beirut.

<sup>6</sup> Abdel Wahab Khalaf, Abdel Wahab Abdel Wahed Khallaf (1989). Legitimate politics or the system of government in Islam, 4th Edition, p. 17. Al-Resala Foundation, Beirut.

<sup>7</sup> Abdel Wahab Khalaf .(1989). Legitimate politics or the system of government in Islam, 4th Edition, p. 17. Al-Resala Foundation, Beirut.

5. Sharia policy: provisions, systems, and laws that deal with the affairs of Muslims in terms of constitutional, financial, civil, security, and all aspects of internal and external life, namely (doing what is suitable for it<sup>8</sup>).

These are some of the definitions of Sharia politics, old and new, and the intention of that investigation is not to clarify but rather to explain the concept of Sharia politics, which appears to be aimed at reforming the people and their affairs in a way that achieves their interests in the two homes by the requirements of the purposes of Sharia. In its sections, the word legitimate politics was not mentioned in the ancient jurisprudence books. Jurists used it in several chapters, such as the judiciary and hudud, because its meaning is comprehensive.

As for politics at present, it cannot be confined to the definition of a collector who prevents it because of the breadth of its chapters and topics, as it enters into the organization of the affairs of the country and the state's relationship with other countries in various fields of war, agriculture, industrial, and the like, as well as interference in the selection of the guardian and who is suitable to assume positions and the like, but we can draw the following definition of politics at present: It is the management of the affairs of the state at home and abroad in a manner that achieves the interest of the people by the purposes of Sharia.

### **The meaning of effect idiomatically**

The definition of the effect varies among the people of the term depending on its intended meaning; it was defined in terms of its general meaning as what arises from the effect of the influencer.<sup>9</sup> Also, It was said that it is the occurrence of evidence of the existence of the thing and the result.<sup>10</sup> It was also said that it has three meanings: the first in the sense of the result, which is the result of the thing; the second in the mind of the sign; and the third in the sense of the news.<sup>11</sup>

As for its special meaning, al-Nawawi defined it by saying: effect: The narrator is called absolutely, whether from the Messenger of Allah (peace and blessings of Allah be upon him) or from my companion.<sup>12</sup> It was said: It is what is narrated from the Companions of the Prophet<sup>13</sup>. Thus, it includes only the suspended hadith.

### **Section two: Reasons for ambiguity**

The confusion and ambiguity that occur in identifying the relationship of legitimate policy with the Chapter of worship lie in several points, which must be paid attention to determine the nature of the relationship and lift its ambiguity. These points are:

1. The Chapter of worship is arrested, and the mayor in it are the texts: the Almighty said: "Whatever the Messenger has given you - take, and what he has forbidden you - refrain from. " Allah's Messenger (PBUH) said: "Whoever introduces into

<sup>8</sup> Dr. Fathi El-Derini, former Dean of the Faculty of Sharia in Damascus, Characteristics of Islamic Legislation in Politics, authored by Dr. Fathi El-Derini (1st Edition / Al-Resala Foundation, Beirut, 1420 AH-1982 AD): 189-190.

<sup>9</sup> Al-Kafwi, Abu Al-Baqa Ayoub bin Musa Al-Husseini (1998) Colleges A Dictionary of Terminology and Linguistic Differences, investigated by: Adnan Darwish, Muhammad Al-Masri, 1st Edition, Part 1, p. 279, Al-Resala Foundation, Beirut.

<sup>10</sup> Al-Manawi, Muhammad Abdul Raouf, (1990). Arrest on the tasks of definitions, investigated: Dr. Muhammad Radwan Al-Daya, 1st Edition, Part 1, p. 33, Dar Al-Fikr, Beirut.

<sup>11</sup> Al-Barakati, Muhammad Amim Al-Ihsan Al-Mujaddidi, (1986). Rules of Jurisprudence, 1st Edition, Part 1, p. 159, Al-Sadaf Publishers, Karachi.

<sup>12</sup> Al-Nawawi, Abu Zakaria Yahya bin Sharaf bin Mari (1929). Sahih Muslim with the explanation of Al-Nawawi - 1st Edition - Part 1 - P63. Egyptian Press at Al-Azhar.

<sup>13</sup> Al-Suyuti, Abdul Rahman bin Abi Bakr, (1996) Training the narrator in explaining the approximation of Al-Nawawi, achieved by: Abdul Wahab Abdul Latif, 1st Edition, Part 1, p. 184, Riyadh Modern Library, Riyadh.

this matter of ours (meaning Islam) something that does not belong to it shall have it rejected.<sup>14</sup>"

2. The provisions of Sharia policy shall be taken into account when the legal rulings are imposed on those charged at the time, place, and situation, and here are many examples of this matter in the act of the Rightly-Guided Caliphs and after them, as well as in the applications of jurists and their jurisprudential works, for example:

First, the hatred of reciting a surah in which there is prostration obligatory, according to the Malikis. Malik said: I do not like the Imam to recite the obligatory surah with prostration because he confuses people with their prayers.<sup>15</sup> Here, the policy in preserving people's worship from defect and confusion is shown, as is Imam Malik's thought of Imam's prostration of recitation in prayer with the Sunnah to maintain people's worship.

Second, Put pebbles in the mosque to maintain the prayer of increases, Shatby said in the approvals: (And took into account Ziad like this in the prayers of people in the mosque of Basra and Kufa, they, if they prayed and raised from prostration, wiped their foreheads of dirt ordered to throw pebbles in the courtyard of the mosque and said I am not safe to prolong the time think the small if it arises that wiping the forehead of the effect of prostration Sunnah in prayer.<sup>16</sup>). The politics here show that Ziad did something that no one had done before him to keep prayer from increasing.

3. Jurists resort to Sharia politics when there are no detailed partial texts indicating the provisions of some incidents, so they deduce Sharia rulings according to the fundamental evidence used in the Chapter on Sharia politics, regardless of the method of inference and the term that calls it. Almost all jurists have diligence, according to the provisions of the legitimate policy, and this appeared in their jurisprudential evidence and their explanations for the provisions, but they differ in the name they call it; some of them call it: politics, and some call it the name: interest, justice, and others say: reclamation, and others call it: bridging the pretext, or under wisdom, and so on, which indicates that the jurists used the legitimate policy, and relied on it in their jurisprudence in matters that did not contain the text from the street regarding them and that they investigate the right and justice in legislation.

**Second topic: preserving religion is one of the purposes of Sharia and one of the five necessities Islam must maintain.**

**Section one: The legal effect and preservation of the debt from increase or decrease**

The legal effect and the preservation of debt from increase or decrease Imam al-Shatibi (may Allah have mercy on him) said, while talking about the purposes of Sharia: (as for the necessary, it means that it is essential in the establishment of the interests of religion and the world, so that if they are lost, the interests of the world are not carried out on integrity, but on corruption, recklessness and missing life, and in the other missed salvation and bliss, and returning with the loss shown and preserving it is by two things:

One of them is what evaluates its pillars and establishes its rules, which is its

<sup>14</sup> Al-Bukhari, Sahih Al-Bukhari, Kitab al-Solh, Chapter If they call the peace of injustice, then the peace, see: Muslim, Sahih Muslim, Kitab al-Aqdia, Chapter on the revocation of invalid rulings and the response of the hadiths of things, No. (1718), vol. 3, p. 1343.

<sup>15</sup> Imam Malik, Malik bin Anas bin Malik bin Amer Al-Asbahi Al-Madani (1994) The Great Blog, 1st Edition, Part 1, p. 199, Dar Al-Kutub Al-Ilmiyya, Beirut.

<sup>16</sup> Al-Shatibi, Approvals in the Principles of Sharia, vol. 3, p. 228.



observance from the side of existence. The second is to avoid the actual or expected imbalance in it, and that is to take it into account from the side of nothingness. The origins of worship are due to the preservation of religion from the side of existence, such as faith. Pronouncing the two testimonies, praying, Zakat, fasting, pilgrimage, and the like, the total necessities are five, namely the preservation of religion, soul, offspring, money, and reason, and they have said: It is a consideration in every sect.<sup>17</sup> Then Imam al-Shatibi spoke about rooting and detailing the five necessities, the first of which is the preservation of religion, and he said: The five necessities as rooted in the Book are detailed in the Sunnah; the preservation of religion occurs in three meanings, namely: Islam, faith, and charity, its origin in the Book, and its Statement in the Sunnah, and its complement is three things, namely: supplication to him with encouragement and intimidation, and jihad from his stubbornness or Ram corrupting him, and avoiding the emergency decrease in its origin, and the origin of these in the Book, and its Statement in the Sunnah on perfection.<sup>18</sup>

Imam al-Amidi (may Allah have mercy on him) said that the five purposes that have not been free from their care are a religion of boredom or a law of laws, namely: preserving religion, soul, mind, offspring, and money, so memorizing these five purposes is one of the necessities, and it is the highest level of occasions.<sup>19</sup> Preserving the necessities is one of the greatest purposes of the Sharia. The Islamic scientists understood these purposes, and their jurisprudence was clear in protecting the necessities Islam ordered to preserve. Those who look closely at the legitimate policy find that it embodies the preservation of necessities, including religion, soul, and other necessities, in which the effect of the extreme care of the predecessors and successors to preserve the necessities from increase and decrease, including for example:

Our master Omar (may Allah be pleased with him) did in forbidding the prayer after the afternoon, it was clear from his words, may Allah be pleased with him, that he was very careful not to increase in religion, and for people to enter into what the Prophet forbade, so he led the matter to forbidding even though the matter has a capacity, but he feared that the time would be extended for people and people would come who do not understand religion as understood by the Companions of the Prophet, may Allah be pleased with them, so they increase it and decrease, so he cut off the way for them, and this was clear in his words, may Allah be pleased with him with Tamim al-Dari (may Allah be pleased with him) said: "I do not have you, O Rahat, but I am afraid that some people will come after you who pray between Asr and Maghrib so that they may pass the hour in which the Messenger of Allah (peace and blessings of Allah be upon him) forbade praying as they prayed between noon and Asr, and then they say: We have seen so-and-so praying after Asr."<sup>20</sup> This is also shown in his conversation with Zaid bin Khalid Al-Juhani (may Allah be pleased with him), where he said: (Oh, Zaid bin Khalid, if I am not afraid that people would take it as a way to pray until night, I would not have forbidden them.<sup>21</sup>

It is clear from the words of our master Omar (may Allah be pleased with him) that he is very keen on religion from excess. As evidenced by the act of our master Othman, may Allah be pleased with him, when he left the palace in Mina to preserve the religion from decrease because some of the Arabs who attended the Hajj seasons and saw the prayer palace in Mina thought that the prayer is two Rak'ahs, so our master Othman, may Allah be pleased

<sup>17</sup> Al-Shatby, Approvals, vol. 2, pp. 18-20.

<sup>18</sup> Al-Shatby, Approvals, vol. 4, p. 347.

<sup>19</sup> Al-Amidi, Al-Ihkaam fi Usul Al-Hakam, previous source, vol. 3, p. 343.

<sup>20</sup> Al-Tabarani, Al-Mu'jam Al-Kabeer, Hadith No. (1281), vol. 2, pp. 58-59.

<sup>21</sup> 'Abd al-Razzaq, al-Musannaf, Kitab al-Salat, the Chapter on the hour in which prayer is disliked, hadith no. (3972), vol. 2, p. 431.

with him, wanted to show them that the prayer is four Rak'ahs and that this matter concerns the sacred rites, he separated four to preserve the religion from a decrease in worship, and this is what Ibn Hajar quoted from Al-Zuhri that He said: (But Othman prayed with Mina four because the Arabs were many in that year, so he liked to teach them that the prayer is four Rak'ahs). He mentioned a narration from Ibn Jureij (that an Arab called him in Mina, O Commander of the Faithful, I still pray since I saw you in the year of the first two Rak'ahs.<sup>22</sup>

The incident revealed the keenness of our master Othman; may Allah be pleased with him to preserve religion. As well as from the actions of the predecessors, may Allah be pleased with them, which indicates the preservation of religion, including the placement of pebbles in the mosques of Basra and Kufa, in order not to increase the movement in prayer that people think with the passage of the Sunnah days in worship, as it came from Ziyad bin Abih where he said: I am not safe from the length of time, so the little one thinks if it arises that wiping the forehead from the effect of prostration Sunnah in prayer<sup>23</sup>. This is clear in the concern for religion from the increase. One of the issues of legitimate politics in which it is clear to preserve the religion from the increases is the dislike of fasting six days of Shawwal immediately after Ramadan so that people do not think it is Ramadan. Al-Kasani discussed the days when fasting was hated, including following Ramadan in Shawwal. As such, Abu Yusuf said they hated to follow the Ramadan fast for fear that the obligatory prayer would follow this.<sup>24</sup> The Malikis were also quoted as saying: Yahya said, and I heard Malik say in fasting six days after breaking the fast of the Ramadan that he did not see any of the people of knowledge and jurisprudence fasting and did not inform me about any of the predecessors and that the people of knowledge hate it and fear its heresy and that the people of ignorance and estrangement will follow Ramadan if they see in it a license for the people of knowledge and see them doing so<sup>25</sup>.

It is clear from their words that they are careful not to increase religion and not to inflict increases in worship. All the above indicates one of the most essential purposes of Sharia, which is to preserve religion; Allah knows best.

## Section Two: Health effects and physical safety

Islamic law considers human health and one of its purposes and necessities is to preserve the soul; therefore, retribution is legislated. Imam al-Shaatibi (may Allah have mercy on him) said: "Customs are due to the preservation of the soul and mind from the side of existence as well, such as eating food and drinks, clothing, possessions, etc."<sup>26</sup>. He also said: (that Omar led from five or seven in one man. They killed him assassination because may Allah be pleased with him, realized the point of self-preservation by retribution, and that if he did not kill the group with one, the rule of retribution did not block the killing phenomenon, and this may stand the mind without it; He was hesitant until Ali said to him, "If a group participated in a theft, would you cut them off?" He said, "Yes." He said: So here<sup>27</sup>. Ibn Amir al-Hajj said: The preservation of the soul is provided over the preservation of lineage, reason, and money to ensure religious interests because they only get worship, and their access

<sup>22</sup> Ibn Hajar al-Asqalani, Fath al-Bari with the explanation of Sahih al-Bukhari, vol. 2, p. 571.

<sup>23</sup> See: Al-Shatibi, Abu Ishaq Ibrahim bin Musa bin Muhammad Al-Lakhmi Al-Shatibi, Al-I'tisam, (investigated by Mashhour bin Hassan Al Salman), vol. 2, p. 477, Al-Tawhid Library. And Al-Shatby, Approvals in the Principles of Sharia, vol. 4, p. 112,

<sup>24</sup> Al-Kasani, Alaa Al-Din Abi Bakr bin Masoud Al-Kasani Al-Hanafi, (1986), Bada'i Al-Sana'i' fi Arranging the Laws, 2nd Edition, Vol. 2, p. 78, Dar Al-Kutub Al-Ilmiyya, Beirut.

<sup>25</sup> Malik, Al-Muwatta, vol. 1, p. 158.

<sup>26</sup> Al-Shatby, Approvals, vol. 2, p. 19.

<sup>27</sup> Al-Shatby, Approvals, vol. 3, p. 178.

depends on the survival of the soul<sup>28</sup>. One of the preservations of the soul is to consider the health of the human being and the integrity of his body. The issues mentioned in the legal policy indicate that human health must be considered, and the body and soul must be preserved. The problems mentioned indicate that including.

### Section Three: Financial and Economic Effects

Zakat has a tremendous financial and economic effect, which has a significant on the lives of Muslims, as it provides social solidarity for them and erases the character of class in the Muslim community, so the rich must give the poor the money of Allah that he has blessed him with, to spread love among Muslims. The people's economy is balanced, as no extreme poverty affects people's lives. Sheikh Qaradawi says: (It was one of the masterpieces of Islam, but one of its miracles indicating that it is the religion of Allah, that it preceded time, and exceeded the centuries, he meant - fourteen centuries ago - to treat the problem of poverty and need, and the situation of the poor and needy, without making a revolution, or demanding - or demanding them a decent human life, but without thinking they are just thinking that they have rights to society must be performed, these have been inherited over the years and centuries that the rights of others, and either the duties are on them!. Islam's attention to this matter was neither superficial nor casual, as it made it one of its foundations and the core of its assets when it imposed for the poor and those in need a fixed right to the wealth of the rich, expiating from its ignorance, and corrupting those who evaded it, and taking it by force from those who prevented it, and declaring war to fulfill it from those who refused and rebelled.

That right was Zakat, the outstanding Islamic obligation that the Qur'an and Sunnah paid attention to and made the third pillar of Islam.<sup>29</sup> Then, Sheikh Al-Qaradawi talks about the importance of Zakat and says that this outstanding obligation - Zakat - has more than one aspect that makes it of special importance. On the one hand, it is one of the four acts of worship, such as prayer, fasting, and Hajj, and from this point of view, it is associated with the Qur'an and hadith with prayer, and then it usually comes in the books of jurisprudence in the worship section. On the other hand, it is an essential source of financial resources in the Islamic State, and this takes it away from being pure worship, as it is part of the financial and economic system in Islam.<sup>30</sup>

The state must also preserve the Zakat funds collected from Muslims, distribute them commensurate with their need, and distribute them among the available items of the eight items mentioned in the Holy Quran. One of the issues of Sharia policy in which it is clear to preserve the funds of Muslims and have a material and economic impact is the act of our master Omar (may Allah be pleased with him) in the share of the reconciled, where he stopped the share of the reconciled because he saw that Islam does not need them and that Islam has become strong. This act has a significant impact on preserving the funds of Muslims, especially Zakat funds, and spending them on the items that deserve to be disbursed and stopping them from the items that no longer exist or Islam no longer exists. Need it. As our master Omar did with the reconciled, where he said to them, the Messenger of Allah used to compose you, and Islam at that time was servile, and Allah has cherished Islam, so go and strive for your effort; I will not take care of Allah on you if you take care of you.<sup>31</sup>

<sup>28</sup> Ibn Amir al-Hajj, Abu Abdullah Shams al-Din Muhammad ibn Muhammad ibn Muhammad, known as Ibn Amir Hajj, report and inking, vol. 3, p. 307, Dar al-Fikr, Beirut.

<sup>29</sup> Al-Qaradawi, Yusuf Abdullah Al-Qaradawi, Jurisprudence of Zakat, vol. 1, p. 3.

<sup>30</sup> Al-Qaradawi, Fiqh of Zakat, vol. 1, p. 3.

<sup>31</sup> Al-Bayhaqi, Al-Sunan Al-Kubra, Book of the Department of Alms, Chapter on the Fall of the Author's Arrow Their Hearts and Leaving Their Giving When Islam Appeared and Dispensing with Familiarity with it, Hadith No. (13568), vol. 7, p. 20.



Abu Bakr al-Siddiq (may Allah be pleased with him) agreed with him because this jurisprudence of our master Omar is in the interest of preserving the wealth of Muslims and has a significant financial and economic impact on the Islamic Ummah.

#### **Section Four: Preventing People with Infectious and Epidemic Diseases from Tawaf**

The issue of infectious diseases has become an issue that worries societies because they fear the spread of infection, which will destroy many people and cause damage to the infrastructure of countries. In Islamic jurisprudence, the issue of infectious diseases was discussed, especially in the performance of worship, whether the owners of infectious diseases attend mosques, groups, and Hajj, it is the jurists who said not to attend the Friday and groups, and some of them told attend and some of them said fall from them, and there is no emplace here to mention the sayings, but we want to mention that they attend the Hajj, or not, especially since the issue of their attendance at the Hajj took an ample space in Islamic countries so that the demand sometimes reached the cancellation of the Hajj season, due to the epidemic, and even from Some jurisprudential councils, especially when bird flu, swine flu, and other infectious diseases spread, and some countries even prevented their citizens from Hajj for fear of the spread of the disease, and all this is a legitimate policy in Hajj and it was reported from our master Omar (may Allah be pleased with him) that he forbade lepers from circumambulating.

It was narrated from Ibn Abi Malika: (( Omar ibn al-Khattab passed by a leper woman while she was circumambulating in Ka'aba, and he said to her: Oh' Nation of Allah, do not harm people, if you sit in your house, and sit down, and a man passed by her after that, and he said to her: the one who had exhausted is dead, so I am out, and she said what I would have obeyed alive, and disobey him dead<sup>32</sup>. Al-Zarqani said: (Omar ibn al-Khattab passed by a leper woman) who was infected with leprosy, cut the flesh and dropped it (while she was circumambulating in Ka'aba, and he said to her, Oh nation of Allah, do not harm people with the wind of leprosy (if you sat in your house) it was good for you, or, if to wish, there is no answer to her (so she sat down and a man passed by) he did not name (after that, he said to her that the one who has perished has died, teak out) Perhaps he is ignorant, or a bad man, or to verify it, Abu Abdul Malik said (she said what I would have obeyed alive, and disobey him dead) because it is a matter of truth, Abu Omar said, in which it is forbidden between the leper, and contact with people, because of the harm, which is not permissible and if he prevented the eater of garlic from the mosque, and he was probably taken out to Al-Baqi' in the era of the Prophet, what do you think of leprosy, which is when some people infected, and when all of them hurt,

Omar ibn al-Khattab did well for a woman to say after he told her that she hurt because he did not come to her and her womb for the affliction that she had. He knew from him that he believed that something did not infect. He was sitting with Ma'iqiba Al-Dosi, eating and drinking with him and perhaps putting his mouth on the place of his mouth. He was on the house of his money, and maybe he knew from her mind and religion that she was satisfied with his reference, so he did not need to end it. Did not you see that he did not mistake his physiognomy in it, so she obeyed him alive and dead?<sup>33</sup>.

Sharia policy in the matter

It is clear from the act of our master Omar - may Allah be pleased with him - that he prevented the leper from circumambulating in Ka'aba for the benefit of people in order not to

<sup>32</sup> Imam Malik, Al-Muwatta, al-Hajj book, Bab Jami' al-Hajj, Hadith No. (1603), vol. 3, p. 625.

<sup>33</sup> Al-Zarqani, Sharh Al-Zarqani on the Muwatta of Imam Malik, Kitab Al-Hajj, Chapter of the Al-Hajj Mosque, vol. 2, p. 283

harm them with her disease, which may infect, but it harms its smell and shape, affecting their worship, although there is no text in either the Qur'an or in the Sunnah to prevent the patient with a contagious disease from Hajj and our master Omar did a clear policy to protect pilgrims and Umrah performers from the harm they may be exposed to from the person who carries the disease, and on this matter, countries proceeded to prevent people with infectious diseases from going to Hajj, Perhaps those who control the hadiths contained in avoiding mixing with people with contagious diseases have inferred from preventing them from Hajj, and this is not Muslim, because our master Omar did not tell the leper woman that the Prophet (peace and blessings of Allah be upon him) ordered that she not mix with people, but asked her not to circumambulate gently, even if it was based on a text for her order is binding, and this is what our master Omar was known to commitment by what the Messenger of Allah (peace and blessings of Allah be upon him) commanded, and through his request, it turns out that he asked her to do so. As a legitimate policy that achieves people's interests, Allah knows best.

After completing the study entitled The Effect of Sharia Policy in Worship, I ask Allah to fulfill the scientific purpose for which it was written, make it for Allah's sake, and benefit Muslims. In this study, I have reached some results and recommendations that mention as follows:

### Results

1. Sharia politics is an essential chapter of Islamic jurisprudence that has a significant and vital impact on several aspects of Islamic legislation, and it also has a substantial effect on enriching Islamic legislation in several jurisprudential chapters.
2. The ambiguity of the relationship of Sharia politics with some chapters and jurisprudential investigations is due to their special nature based on precise diligence in the rhythm of texts on the facts.
3. Sharia policy has an essential impact on the chapters of Islamic jurisprudence, with some complementary and explanatory rulings, not direct originality.

### Recommendations

1. Giving appropriate attention to applied Sharia policy studies due to their impact on the manifestation of some hidden aspects of Islamic legislation and their Statement of the details of some Sharia rulings with special connotations.
2. Expanding scientific studies in Sharia politics in the legislative aspects not previously researched.
3. The a need to extrapolate legislative experiences in Islamic history based on the jurisprudence of Sharia politics and present them in an appropriate scientific manner to identify the areas of accurate deduction in them.

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