

# “Sheikh Aminullah Peshawari's Approach To Contemporary Jurisprudential Issues”

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## Abstract :

*It is obvious that each scholar in his classifications and fatwas has a special approach, but there are scholars of the religion of Islam imitators of the four famous schools of jurisprudence, and with that some schools of thought unknown doctrine of phenomenology, but the owners of the schools follow in their matters a special doctrine does not come out of the rules of his doctrine in any case, and some people claim that they are the people of hadith does not follow the doctrine of<sup>1</sup> jurisprudence, but follows the legal texts of the Holy Quran and They say that the Holy Qur'an and the authentic hadiths are enough, but they never say that the schools of jurisprudence are invalid, but the owners of the schools sometimes infer from the texts, and some of their inferences from weak hadiths, or what the hadith reached them in the matter of his opinion, but the virtuous Sheikh has a special approach in issuing fatwas on contemporary jurisprudential issues, so he clarifies the approach of the Sheikh in this brief research.*

## Keywords :

*Sheikh Aminullah's approach to contemporary jurisprudential issues. The Sheikh does not follow any jurisprudential school, but rather follows the text in legal issues.*

## Introduction :

Sheikh Aminullah's approach to contemporary jurisprudential issues

## name and lineage:

Abu Muhammad Amin Allah ibn al-Hafiz Muhammad ibn al-Din Muhammad ibn al-Muhammad ibn al-Din ibn Khani ibn al-Sayyad ibn Salih Muhammad<sup>1</sup>.

## His acquisition of knowledge:

The honorable took the elementary sciences from his compassionate father, then the Sheikh went to Sheikh Sayyad Akbar in Tehkal, then due to family problems the Sheikh took the rent in the hotel but with the desire with the lessons and his passion with the knowledge, the Sheikh began the lessons - the elementary books - with work in the hotel, then he joined Dar al-Ulum Hadiqat al-Ulum in the year (1398) with Sheikh Abdul Rahim chatrali and

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read from Sheikh chatrali the elementary books: Nahumir, Sharh Ma'at Amel, Nur al-Idah, Zaradi, Zanjani and other books besides that.

Then he went to Sawabi PanjPir to participate in the interpretation course in Ramadan. After completing the course, he stayed there with Sheikh Muhammad Tahir, may God have mercy on him, and took knowledge from him. In the year (1400), Sheikh Abdul Salam Al-Rustami, may God have mercy on him, was in the Rustum region, so Sheikh Amin went to the Rustum region to take knowledge of interpretation and other sciences. He stayed with Sheikh Abdul Salam for eight years, and took knowledge in Rustum from the sheikhs.

#### **Sheikh's classifications:**

- 1 : Fatwa al din ul khalis .
- 2 : Al fawaid fi tazkyte al nafaos wa velum qulob .
- 3 ; Mustanad zikroona aw duwagani .
- 4 : Da taqleed haqeqat .
- 5 : Aqsam ul muqledin .
- 6 : Mauzoi hadesona .
- 7 : Da qiyamat alamat .
- 8 : Da musebtono elaj .
- 9 : Nikah e shighar ( da badl nikah ) .
- 10 : Da siher elaj .
- 11 : Amin ul fatawa .
- 12 : Tuhfatul manazir .
- 13 : Hikmat ul quran<sup>2</sup> .

#### **The Sheikh's Methodology in Fatwa:**

It is known to all people that every author has a method established in his book, which he follows. The Sheikh, may God Almighty preserve him, followed the method of the righteous predecessors in composing his fatwa. We have summarized the Sheikh's method in the following characteristics:

##### **The first feature:**

Providing evidence for every issue

The honorable Sheikh committed himself in the fatwas to providing evidence for every issue. He does not just answer with "yes" or "no," but rather he mentions the evidence from the Holy Quran and the Prophetic Sunnah without people's opinions on the issue according to what human beings are able to do. He says about this feature, "This is a feature that distinguishes the Sheikh's fatwa from many fatwas."

##### **The second feature:**

Taking the Noble Prophetic Hadith:

The Sheikh's method in taking the Prophetic Hadith is to mention the entire Hadith, then attribute the Hadith to his book in which he mentioned the Hadith, mentioning the volume and page, and mentioning the issue with mentioning its source and its source in the books,

to make it easy for the reader to reach it without any difficulty, or the reader wants to investigate the mentioned issue to refer to its source without precision.

Question: Paying the rent at the end of each month:

Is it permissible to increase the rent due to delaying it beyond the specified time? For example: The tenant is required to pay the rent at the end of each month, and sometimes he delays it to two months. Is it permissible for the landlord to demand an increase in this rental?

Answer:

If the tenant has an excuse, then the landlord must wait without asking for more. Allah the Most High said: "Then let there be postponement until a time of ease." If he has no excuse and delays the rent beyond the specified time, then there is hypocrisy in that and he is breaking the promise between them. He is disobeying Allah the Most High and His Messenger, may Allah bless him and grant him peace. However, it is not permissible to ask him for more, because that is usury. As for delaying payment, it is injustice. The Prophet, may Allah bless him and grant him peace, said: "The delay of a rich person is injustice, and his honor and punishment are permissible." As for the increase, it comes under usury, the usury of the Age of Ignorance<sup>3,4</sup>.

### The third characteristic:

"Ijtihad continues until the Day of Judgment and will not be interrupted at any time." The Sheikh says that Ijtihad will not be interrupted at any time and that Ijtihad is specific to individuals. Rather, the door of Ijtihad is open, so whoever meets the conditions of Ijtihad can perform Ijtihad in matters. The Sheikh quotes the statement of Ibn Abidin: "Analogy is interrupted after the four hundredth years, so no one has the right to compare one matter to another after that." The Sheikh says about this statement, "This statement is undoubtedly false, and there is no trace of knowledge or proof for it." Rather, the Holy Qur'an, the authentic Sunnah, and sound reason indicate that the door of Ijtihad is open until the Day of Judgment. He provides evidence from the Holy Qur'an, the Sunnah, the statements of the Salaf, and sound reason:

### Evidence from the Holy Quran:

1 : (أَفَلَا يَتَذَكَّرُونَ الْفُرْقَانَ أَمْ عَلَى قُلُوبٍ أَفْقَالُهَا )<sup>5</sup>.

2 : (أَفَلَا يَتَذَكَّرُونَ الْفُرْقَانَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا )<sup>6</sup>.

These verses are an order to ponder the Qur'an, and the meaning of pondering is: looking at the consequences of something, which is extraction and deduction, and this is the concept of ijtihad, that this order, just as it is directed to the four ages, is also directed to all of mankind and jinn in any age.

### Evidence from the Sunnah:

1: The Prophet, may God bless him and grant him peace, said: "My nation is like rain. It is not known whether its beginning or its end is better"<sup>7</sup>.

2 : The Prophet, may God bless him and grant him peace, said: "May God have mercy on the man who hears my words, remembers them, and then conveys them as he heard them"<sup>8</sup>.

These hadiths indicate the existence of mujtahids in recent times as they existed in earlier times.

Abdul Karim Zaydan says: Ijtihad is not restricted to a time or place and is not specific to a person. Because the basis of ijtihad is the availability of conditions in a person, and this

matter is possible for any person and in any era, so it is not correct to restrict ijihad to a time or a person.

#### **The fourth feature**

Mentioning the degree of hadith in terms of authenticity and weakness"

The Sheikh committed himself in his fatwa to mentioning the degree of authenticity and weakness of the hadith, and he studies the chain of transmission of the hadith - mentioning the names of the narrators who narrated the hadith in each level of the hadith, without the levels that the scholars of the principles of hadith have confirmed their trustworthiness and taking from them without any doubt, and the defects mentioned in the hadith, so the Sheikh's fatwa - Fatwas of the Pure Religion - is called a scientific, jurisprudential, and hadith encyclopedia and an encyclopedia of the names of men.

Example: The issue: The Sheikh mentions in issue numbered (2850) in the eleventh volume, under the issue of determining the price (value) by the government, he cites the hadiths and then mentions the degree of the hadith, the hadith, the hadith narrated by "Abu Hurairah, may God be pleased with him, a man said, O Messenger of God, set a price for us, he said, I will call upon God," then he says about the degree of the hadith, and its chain of transmission is good, narrated by Ahmad and Abu Dawud <sup>9</sup>, and he says in the same issue about the other hadith, "Indeed, God is the Withholder, the Expander, the Provider, the Setter of prices<sup>10</sup>," and the hadith is authentic <sup>11</sup>.

#### **The fifth feature:**

Accepting the statement of the Companion and mentioning the stronger side from the "weaker side"

The Sheikh, may God Almighty preserve him, considers the statement of the Companion as one of the evidences that can be used as evidence, and he uses the statement of the Companion as evidence in the case where there is no Qur'anic verse or hadith of the Prophet in it, as is the case in the four schools of jurisprudence that are circulated among Muslims, and thus he uses the statement of the Companion as evidence.

The Sheikh was concerned in the issues with taking the saying of the companion in the case where there is no Quranic verse or hadith in the issue, then he would return to the saying of the companion. Example: The issue: Mudarabah:

In this issue, the Sheikh quotes the sayings of the Companions, may God be pleased with them: Uthman bin Affan, may God be pleased with him, gave money in a Mudarabah to Abd al-Rahman bin Yaqub on the condition that the profit would be shared between them...<sup>12</sup>, and likewise from Ali, may God be pleased with him, in the legal Mudarabah on hopes and no profit on what the two sides agreed upon, and what was narrated from Ibn Masoud, may God be pleased with them both, is that he gave money to a person on a Mudarabah basis<sup>13</sup>.

#### **The sixth feature:**

Mentioning the most valid and correct opinions on the issue.

The Sheikh committed himself to mentioning the most correct and valid opinion in the issue so that it would be easy for the reader to deduce the most correct and valid opinion in the issue, and so that the person asking the fatwa would have clear evidence in the issue. The Sheikh explains the reason for this, as many books of jurisprudence and other books do not differentiate between the valid and invalid opinions and the valid and weak opinions, and they do not know the valid opinions. Most people have chosen imitation and do their best to arrive at the evidence and always seek the valid evidence and the valid opinion in

accordance with the Shari'ah. God Almighty has mentioned in the attributes of the believers:

Example: The issue: The issue of selling shares (shares) in a factory or company to someone who owns them. Is it permissible for him to sell them or not?

Answer: The first statement: Some scholars have prohibited it and say that these shares are a check (cheque) and are not full ownership, and that the owner of the share says I gave you this and took from you such and such money, so it falls under the sale of money for money, one in cash (in hand) and the other on credit, and this sale is not permissible in the Sharia, it does not permit the sale of bank shares or their purchase, because selling money for money is not equal between them and there is no exchange between them, it is in the form of (bands)<sup>14</sup>.

The second statement: A group of scholars say that selling shares is permissible, because it clarifies the share owned in the factory and the company, and the stock in which the share was purchased by the owner, in order to dissolve the share, so the share does not return to the shareholder his share that he gave, but rather his share of the money - the furniture - present in the factory returns to him. So if the instrument is a loan, but rather he gives private money, then the gist of the statement is that whoever sells the share in the company has sold his share of the goods owned by the company, and these things are in the form of inanimate things, for example: cloth, fabric, and iron, and it may be in the form of a deferred debt and sometimes in cash, and the shareholder owns the share according to the amount of money in the aforementioned things, so selling the share in the aforementioned things is permissible in the existing things and Selling things on deferred credit and selling them for cash deposited in the company is not permissible. For this reason, the proponents of this say that the following restrictions are required in selling shares (stocks):

1: That the transaction between the company and the shareholder be in the correct manner, not in the forbidden manner.

2 : That the types should not be cash or debts.

3 : That the shareholder forbids the company from usury when they consult among themselves, that the transaction should not be usurious.

4 : That the shareholder give some of the money in charity if there is fear of usury in the transaction.

If the partnership and sale of shares from the factory and the company are under these restrictions, then there is no problem with it, and if the partnership with the company and the sale of the share from the factory and the company are without observing these principles<sup>15</sup>, then in my opinion - according to Sheikh Aminullah - the first opinion should be followed.

### **The seventh characteristic:**

Adopting custom:

Question: Public school and university teachers receive a salary during holidays. Is receiving this salary valid or not?

Answer: Most teachers take salaries for their vacation days. This issue is left to custom and habit. If it is their custom that teachers are given vacation salaries, then it is permissible, and there is nothing wrong with it, because the giver has agreed to it, and the employee does not take this salary by force. This is indicated by the Qur'anic verse, in which Allah the Most High says: "O you who believe! Fulfill your contracts." If the sitting between the director or the president and the employee is like this, then there is nothing wrong with it.

As for Fridays and the days when the employee is sick and does not attend the administration to perform his job, if the director did not see anything wrong with him, then there is nothing wrong with it. This is indicated by the good conduct of the Companions, that they would give wages and salaries to the mujahideen every year & It is known that they were not in battles throughout the year, and this is what is given to the judges, imams, and governors, although they have a day of rest, as in the story of Saeed bin Aamer, that he had a day off every month<sup>16</sup>. The worker deserves wages and salary if he works according to the regulations desired by the organization<sup>17</sup>, and the leave for a day in a month, if they agree on it among them, then there is nothing wrong with it, and complete caution from forbidden conditions<sup>18</sup>.

The representative of the common people who donate, the director's statement on this issue is the statement of the common people, the government's statement on that is the statement of the common people on this issue, and Ibn Najim al-Misri says: He says that this is permissible, under this rule "custom is decisive", and Ibn Abidin, may God have mercy on him, says: Taking wages on holidays is permissible, such as the days of the two Eids and Friday<sup>19</sup>...., and the jurist Abu al-Layth says: Taking wages from students who do not have lessons on some days, I hope that it is permissible<sup>20</sup>.

#### **The eighth characteristic:**

"The fatwa includes all issues - the issues that a Muslim needs in all aspects of his life."

The Sheikh included in his fatwas all aspects of the issues, the issues that a Muslim is forced to deal with in his life, the issues that are necessary, the issues related to belief and sects, the issues of interpretation and hadith, the important issues related to buying and selling, and the new issues, the jurisprudential issues that the jurists express as jurisprudential innovations, jurisprudential incidents.

#### **The ninth characteristic:**

The Sheikh does not follow a single school of jurisprudence in his fatwa, but rather " follows the texts in an issue."

One of the praiseworthy characteristics of the Sheikh is following the texts - the Holy Quran and the Noble Hadith - the Sheikh does not follow a specific school of thought, but rather follows the evidence, and if the evidence is with any scholar, rather the Sheikh says about this: It is obligatory upon the scholars of religion to take the evidence and to deduce religious issues from the texts, like what Imam Abu Hannifin, Malik, Anas, Al-Shafi'i, Imam Ahmad, may God Almighty have mercy on them, and other scholars of religion deduced. The purpose of this characteristic: investigation in religious issues. It is obligatory upon the scholars of religion to exert all their effort in investigating religious issues.

#### **The tenth characteristic:**

The Sheikh avoids controversial issues except for what is necessary, or if there is benefit in the issue and the Muslims are united by it .

One of the good habits of the Sheikh is not paying attention to controversial issues. This is the beautiful thing in religion, as the Prophet, may God bless him and grant him peace, says: "God is pleased with three things for you and dislikes three things for you..."<sup>21</sup> Sometimes he mentions the difference in the issue that must be mentioned, or mentioning the difference becomes a reason for the Muslims to be united or the Muslims to agree among themselves and removes the confusion that the Muslims have fallen into, and this is the main reason for which God Almighty sent the messengers.

Example:

Issue: (System quota) Workers are appointed in some areas according to the system (System quota) and they are not qualified for the job, so what is the ruling on it?

Answer: This is forbidden according to the following texts. Allah the Almighty said: “Indeed, Allah commands you to render trusts to those to whom they are due.” Allah the Almighty said: “O my father, hire him”<sup>22</sup>, Indeed, the best one you can hire is the strong and the trustworthy,<sup>23</sup> (The Prophet, may Allah bless him and grant him peace, said: Whoever employs a man from a gang among whom there is someone more pleasing to Allah than him has betrayed Allah, His Messenger, and the believers<sup>24</sup>, The Prophet, may Allah bless him and grant him peace, said: “O Abu Dharr, you are weak and it is a trust, and on the Day of Resurrection it will be a source of shame and regret<sup>25</sup>, except for the one who takes its right and fulfills what is required of him in it.” The usual evil in our regions is that positions are not given based on qualifications, rather the worker is decided according to the system. (Kota System) This is treason against the common people and Muslims. Joseph, peace be upon him, was a minister in Egypt, even though he was not one of the residents of Egypt<sup>26</sup>.

### **The eleventh characteristic:**

Avoiding in the fatwa of deficient brevity and boring verbosity“

The Sheikh avoided in the fatwas of deficient brevity and boring verbosity. The Sheikh chose the middle way between brevity and verbosity. The Sheikh says, as he indicated in the fatwas, “My intention at the beginning was to mention the issue and the sources from which I took the issue by mentioning the name of the reference, the volume and the page, but later I chose the detailed method by mentioning the sources and mentioning the complete evidence in the issue, to make it easy for the reader to take from the fatwas and to gain a complete understanding of the issue.”

Example: The issue: The ruling on forging certificates:

Question: A person wants a job but does not have a certificate and he could not succeed on the certificate, so he forges the certificate to get the job, so what is the ruling on this action?

Answer: Ibn Baz (may Allah have mercy on him) says: I see in it and from the objectives of the pure Shariah that this action is not permissible, because it is a means of lying and deception, and this is one of the forbidden and reprehensible things, and it opens the doors of evil, so those who employ people must be careful when employing the employee that the employee is trustworthy and a suitable person who performs the job in the best way<sup>27</sup>.

### **The second tenth characteristic:**

Deriving issues from the hadiths mentioned in the answer to the fatwa.” “

It was one of the characteristics of the Sheikh to extract issues from the hadiths mentioned in the answer to the question, the questioner mentioned in the hadith or indicated in the hadith or the hadith indicated it, so the Sheikh extracted the issues from the hadith.

Example:

The Sheikh, may Allah protect him, says in response to the question about the turban, “Hunting the ostrich in the hadiths about the turban.” We cite the hadiths with the extraction of the issues related to the turban<sup>28</sup>.

After mentioning the hadiths about the turban, we extract the issues from the mentioned hadiths:

The first issue:

The turban is a symbol of the Muslims in all times, it is not specific to a specific time nor is it specific to specific men - scholars and imams<sup>29</sup>.

The second issue:

The turban is anything that is wrapped and coiled around the head, so it is a turban, and there is no limit to it in the Sharia. As for the hadiths about the turban, the turban of the Prophet, may God bless him and grant him peace, was seven cubits or fourteen cubits<sup>30</sup>, so it is what was proven from the Prophet, may God bless him and grant him peace.

These are examples of the tenth characteristic of the Sheikh's fatwas.

### **The third and tenth characteristic:**

The Sheikh takes into account the objectives of Sharia in fatwas"

Taking into account the objectives of Sharia is essential, so scholars take into account the statements and explanations of the objectives of Sharia, which is the spirit of Islamic law.

### **Example:**

The Sheikh says in answer to the question about lying, know that forbidden lying is corruption among Muslims, if lying is for the benefit or the lie leads to the benefit, then lying is permissible during this time<sup>31</sup>, and he provides evidence with the hadith of the Prophet, peace and blessings be upon him: "Lying is not what reconciles people...<sup>32</sup>.

In the hadith, the Prophet, peace and blessings be upon him, permitted lying in three cases: in war.

### **The fourth and tenth characteristic:**

The Sheikh takes the sayings of the Salaf in his fatwas," and sometimes mentions the " sayings of the school of thought that is practiced.

He takes the sayings of the Salaf and the sayings and opinions of the righteous Salaf in the form that does not contradict the Qur'an and Sunnah, or the saying of the Salaf explains and clarifies the texts. If it contradicts the texts, then he does not take it and does not pay attention to it.

**Example:** The Sheikh, may God Almighty protect him, was asked about God Almighty eating, and God Almighty says, "If I were one of the sons of Adam, I would eat milk," and so is their saying, "...the man does the work of the people of Lot, may God protect him." He answered that these are superstitions and ignorance of people, for Allah the Most High is far removed from that, and this is bad manners towards Allah. "Why do you not expect for Allah reverence? (مَا لَكُمْ لَا تَرْجُونَ لِلَّهِ وَقَارًا)<sup>33</sup>, In this answer, the words of the Salaf come: The Salaf said: "It is not appropriate for His name, the Most High, to be mentioned with that which one is ashamed of, such as dogs, pigs, and filth. This is from venerating Allah, our Lord, the Most High. What they mentioned is nothing but following the traditions of the Jews." As for the meaning of "Hamy Allah," it means jealousy, because the word "Hamy" was not mentioned in the attributes of Allah. So the correct thing is to use "Yajeer Allah" from that, as is narrated in the hadith: "Indeed, Allah is jealous, and the jealousy of Allah is that a person comes..."

### **The second example**

The Sheikh was asked about the widespread misrepresentation in our country with the role of the Holy Quran, does it have an origin in the pure Sharia? Or did the innovators and hypocrites invent it from themselves?

The Sheikh mentions in answer to this question the sayings of the scholars of the Hanafi school, Rashid Ahmad al-Janjuhi<sup>34</sup> said, “This widespread misrepresentation is pure nonsense and a lost trick with no good in it and there is no mention or trace of it in the centuries that are known for their goodness, this is its meaning, and Rashid Ahmad al-Ludhianawi said in *Ahsan al-Fatawa* : <sup>35</sup>This promoted method is forbidden and an innovation that has no mention in the Qur’an, Sunnah, and authentic books of jurisprudence, and it has no mention in the generations that are known for their goodness. Allah the Most High said: “This day I have perfected your religion for you....” And every action that the Messenger of Allah (peace and blessings of Allah be upon him) did not do, and a person thinks that it is a reward<sup>36</sup>, then he thinks that the Messenger betrayed the message and thinks that the people of this verse are wrong in their opinion. And he, peace be upon him, said: “Every innovation is misguidance.” And this trick emboldens people to commit sins, as is not hidden. Then he mentioned the statement of the author of *Al-Durr Al-Mukhtar*: “And he stated it in *Tabyeen Al-Mahram*, and he said: It is not obligatory for the guardian to do the cycle, even if the deceased has bequeathed it. And it is obligatory for the deceased to bequeath what will fulfill what he owes if it is not too little for him. If he bequeaths less and orders the cycle and leaves it, The rest of the third is for the heirs or he donates it to others, then he has sinned by abandoning what is obligatory upon him. Then he said: “And this shows the state of the wills of our time, for one of them has many prayers and other things in his possession, such as zakat, sacrifices, and oaths, and he bequeaths a small amount of dirhams for that, and he makes most of his will for reading the *Khatmah* and the *Kahlil*, which our scholars have stated are not valid as bequests. I say: Although there is no ransom in the Book, the Sunnah, or the reports of the Companions for prayers, sacrifices, and the like.

Waubay Al-Zuhayli says: “These tricks are unacceptable because prayer is a physical act of worship and it cannot be nullified by empty formalities and hollow rituals<sup>37</sup>. Sheikh Sarfaraz Khan Safdar says: “Badi’ responded to this trick and the role of the Qur’an, saying: What does it mean is that this heretical trick and heretical role did not exist during the time of the Messenger of Allah (peace and blessings of Allah be upon him), nor during the time of the Companions, nor the Followers, nor the Mujtahid Imams, nor in the books of the four schools of thought. Rather, some of the people of innovation fabricated a narration in which there are weak words, and anyone who practices the Arabic language knows the weakness of the words. Its chain of transmission is fabricated and it has no source or correct reference, and it is what they said: (Indeed, in the *Fatawa of Samarqandiyyah*: Al-Abbas bin Sufyan narrated to us, on the authority of Ibn Aliyah, on the authority of Ibn Awn, on the authority of Muhammad, on the authority of Abdullah, who said: ‘Umar said: “O believers, make the Qur’an a means of salvation for the dead, so gather around and say: O Allah, forgive this dead person by the sanctity of the Glorious Qur’an, and take turns with your hands and do...” This is what Omar did at the end of his caliphate, and it is similar in our time to a woman called Habeeba bint Arbad, the wife of Qallab, with a part of the Qur’an from “And what is it to me... that they ask about?” And the action became widespread during the caliphate of Uthman with Marwan’s stubborn denial. Al-Samarqandi said, then it became widespread during the caliphate of Harun al-Rashid without anyone objecting to the revolving of the Qur’an as a trick of omission. Its origin is proven from Omar, even if it is not well-known in the famous books of hadiths, but it is mentioned in the books of history with a strong chain of transmission, as the historian, the author of *Al-Fetch*, said: Abu Asah informed us, on the authority of Ibn Jurayj, on the authority of Ibn Shihab, on the authority of Abu Masala, on the authority of Abu Bakr, that he found the revolving of the Qur’an, Omar, and the Qur’an is an intercessor for the believers in life and after death<sup>38</sup>.

The Sheikh says about this narration:

First: “This transfer is not authentic, as the phrase is not in the *Fatawa of Samarqandiyya*, as the aforementioned Sheikh said. Second: The chain of transmission of this story is

invalid due to the ignorance of Abbas and the disconnection between him and Ibn Ulayyah.”

Second: “The author of Al-Futuh is Al-Waqidi, and he is famous for lying and falsehoods.”

Third: “In the chain of transmission of this narration, Ibn Jurayj from Al-Zuhri, and he is a mudallis, and his narration from Al-Zuhri is nothing, as Ibn Ma’in said, and with his tadlis, his narration from Al-Zuhri is nothing.”

Fourth: “Ayyub, Saad, and all of them are all unknown, as in the activity of Sheikh Muhammad Tahir, and you consider the weakness of these words, a circulation I find in the books of history, and its action became widespread during the caliphate of Uthman with Marwan’s stubborn denial, then it became famous during the caliphate of Harun al-Rashid without any denial, and the Qur’an was distorted for the sake of projection, so was it composed by an Arab, but rather some hypocrites and fanatics invented it to turn people away from their true religion<sup>39</sup>.”

#### **The fifth and tenth characteristic:**

The Sheikh does not imitate any school of thought, but rather investigates the issue, "opposing imitation<sup>40</sup>."

It was one of the characteristics of the Sheikh, that he does not imitate any school of thought, but rather investigates the issue, and he mentioned the statements of the scholars who opposed imitation - blind imitation.

Imam Abu Hafnia, may God have mercy on him, said: "If the hadith is authentic, then it is my school of thought<sup>41</sup>."

It is not permissible for anyone to take our statement if he does not know where we took it from.

Imam Malik ibn Ansa (may Allah have mercy on him) said:

I am only a human being who makes mistakes and gets things right, so look into my “opinion. Whatever is in accordance with the Book and the Sunnah, take it, and whatever is not in accordance with the Book and the Sunnah, leave it.”

There is no one after the Prophet (peace and blessings of Allah be upon him) except that “his statement is taken and left except the Prophet (peace and blessings of Allah be upon him).”

Imam Ash-Shafi’i (may Allah have mercy on him) said:

There is no one except that a Sunnah of the Messenger of Allah (peace and blessings of “Allah be upon him) is lost to him and he is absent from it. So whatever I say or establish from a principle that there is from the Messenger of Allah (peace and blessings of Allah be upon him) something that is contrary to what I said, then the statement is what the Messenger of Allah (peace and blessings of Allah be upon him) said, and that is my statement.”

Every issue in which there is a sound report from the Messenger of God, may God bless “him and grant him peace, from the people of transmission, contrary to what I said, then I retract it during my life and after my death.”

Imam Ahmad ibn Hanbal, may Allah have mercy on him, said: "Do not imitate me, nor Malik, nor al-Shafi'i, nor al-Awza'i, nor al-Thawri, but take from where they took." The opinion of al-Awza'i, the opinion of Malik, and the opinion of Abu Hafnia are all opinions, and they are equal to me, and the proof lies in the narrations.

Examples of taking the Sunnah and abandoning the opinions of others

The first example: It was narrated from Ibn Omar, may God be pleased with him, that he was asked about enjoying Umrah, and Ibn Omar answered that it was the beautiful good. Salim said: It was said to him that your father forbade that... so he became angry.

### **The Sixth Tenth Characteristic:**

The Comprehensiveness of the Book and the Sunnah to All Things:

The Noble Qur'an and the Prophetic Sunnah are complete, there is nothing deficient in them as some people or sects believe, that there is something deficient in them and that there are not all the rulings in them, rather the opposite is true, all the rulings are in the Qur'an and the Sunnah, but the deficiency in people's minds is not perceived or is not understood in many cases on an issue.

For example: Some people ask that the Qur'an and the Sunnah do not contain a tenth - the tenth share - of the debt, but rather the rulings are in the legal analogy, so is this statement correct? And the following statement is proven by it: The share of the grandmother's inheritance is not mentioned in the Qur'an and the Sunnah .

Answer: The religion of Allah is complete, with no deficiency or shortcomings in it. Allah the Almighty and His chosen Messenger mentioned all the issues and things that people need from the matters of religion. Allah the Almighty mentioned in the Qur'an: "This day I have perfected your religion for you..." The Prophet, peace and blessings be upon him, said: "There is no good that a prophet knows except that he informs his people and his nation of it, and there is no evil that a prophet knows except that he warns his nation against it." He also <sup>42</sup>said: "O people, there is nothing that brings you closer to Paradise and distances you from the Fire except that I have commanded you to do it, and there is nothing that brings you closer to the Fire and distances you from Paradise except that I have forbidden you from it."

Analogy and ijtiḥād are commanded for those who do not find the legal ruling in the legal texts - the Qur'an and the ḥadīth - but the absence of a ruling does not indicate that it does not exist in itself, and the belief that the Qur'an and the Sunnah are not complete indicates a departure from the religion, so it is necessary for the Muslim to believe that the Qur'an and the Sunnah are complete and comprehensive and include all the rules of the events that will occur until the Day of Judgment, but whoever knows them knows them and whoever is ignorant of them is ignorant of them. As for the issue of the grandmother's inheritance, its details are as follows: 1: In the Arabic language, the word "ala" indicates the meaning and indication, sometimes explained by the method of revelation, as prayer, zakat, and fasting indicate, or it delegates the ruling and indication to custom and habit, such as the term travel and sock. Based on this aforementioned rule, we say that God Almighty has forbidden mothers by saying, "And your mothers are forbidden to you..." and the word "mothers" includes every female who has a birth right over you, so this includes the mother in religion, her mothers, her grandmothers, the father's mother, his grandmothers, and so on. And the daughter is the name of every female who has a birth right over you.

God Almighty used the name of the father for the grandfather in the Qur'an: "The religion of your father Abraham," "As He brought your fathers out of Paradise," "You and your forefathers of old," "And I followed the religion of my fathers"<sup>43</sup> Abraham and Isaac," and many ḥadīths indicate this meaning: as mentioned in the story of the Ascension: "This is your father Adam..., and this is your father Abraham," "And the Prophet, may God bless him and grant him peace, said to the Jews: Who is your father? They said: So-and-so. He said: You have lied, rather your father is so-and-so..., "Shoot, O children of Ishmael, for your father was an archer.

### **References:**

- <sup>1</sup> : Qari shuaib tauheedi , Taruf e jamia talim ul quran wa sunna masjid Hamza ,gung peshawer ,( maktba muhammdia , beroon gung gete ,mangal market ,peshawer ) , taruf e shikh Amin ullah , 10 .
- <sup>2</sup> : Qari shuaib, Taruf e jamia talim ul quran wa sunna, taruf e shikh Amin ullah ,15 .
- <sup>3</sup> : Fatawa al lajnat al daima ,15:115.
- <sup>4</sup> : Al shikh Amin ullah al beshawri, fatawa al din ul khalis, farst eadition, (peshawer , Pakistan , miraj kutub khana, 1995 ) , 11:80 .
- <sup>5</sup> : Al quran ul karim , 47:24 .
- <sup>6</sup> : Al quran ul karim , 04:82 .
- <sup>7</sup> : أنا أبو محمد التجيبي، نا أحمد بن إبراهيم بن جامع، نا علي بن عبد العزيز، نا مسلم بن إبراهيم، نا حماد بن يحيى، نا ثابت، عن أنس، قال: قال رسول الله صلى الله عليه وسلم: «مثل أمتي مثل المطر لا يدرى أوله خير أو آخره»، Abu Abdullah bin salama bin bin jafar bin ally bin hakmoon al quzaee, al misri , musnad al shihab, second eadition, ( moasisa tu rissala , 1976) , bab u masalu ummate masal ul matar , hadeth nu ( 1352)
- <sup>8</sup> : حدثنا عبد الله بن أحمد بن حنبل، ثنا أبي ومحمد بن عبد الله بن نمير، قالنا ثنا محمد بن فضيل، ثنا ليث بن أبي سليم، عن يحيى بن عباد، عن أبيه، عن زيد بن ثابت قال: قال رسول الله صلى الله عليه وسلم: «رحم الله امرأ سمع مقالتي فبلغها، فرب حامل فقه غير فقيه، ورب حامل فقه إلى من هو أفقه منه»، Suliman bin ahmad bin ahu ، bin mutter al lakhmi al shami , abu ul qasim al tibrani , al mujam ul kabeer , second eadition , ( al riyath , dar sumaiee , 1994) , hadeth nu (4924) .
- <sup>9</sup> : Amin ullah , al din ul khalis , 11:125 .
- <sup>10</sup> : حدثنا عبد الواحد، حدثنا حماد بن سلمة، عن قتادة، وثابت، وحميد، عن أنس، قال: غلا السعر على عهد رسول الله صلى الله عليه وسلم فقالوا يا رسول الله: سعر لنا، فقال: «إن الله هو القابض، الباسط، المسعر الرازق، وإني لأرجو أن ألقى الله وليس أحد منكم يطلبني بمظلمة في نفس ولا مال» , Abu yala ahmad bin ali bin al musanna bin yahya bin esa bin hilal al tamimi , al kusli , usnad e abu yala , hadith nu ( 2861) .
- <sup>11</sup> : Amin ullah , al din ul khalis , 11:125 .
- <sup>12</sup> : Amin ullah , al din ul khalis , 11:220 .
- <sup>13</sup> : Amin ullah , al din ul khalis , 11:220 .
- <sup>14</sup> : Ibni baz , al fatawa al islamia , 2:363 .
- <sup>15</sup> : ala u din abu bakar bin miso Al kasani , dadae al Sanai fe tare e sharae , farst eadition , ( misar , maktaba al elmiya be miser) , 6:144 .
- <sup>16</sup> : Fatawa al lajna tu al daima , 15:116 .
- <sup>17</sup> : Fatawa al lajna tu al daima , 15:116 .
- <sup>18</sup> : Fatawa al lajna tu al daima , 15:116 .
- <sup>19</sup> : Muhammad amin al Shaheed be ibni ul abidin , rad ul muhtar, second eadition , ( miser, maktaba mustfa al babi al halbi , 1966 ) , 2:38 .
- <sup>20</sup> : Muhammad bin ahmad bin abi sahal shams ul al aayima Al sarkhasi , al mabsot le sarkhasi, ( beroot , labnan , dar ul marifa ) , 15:162 .
- <sup>21</sup> : حدثني زهير بن حرب، حدثنا جرير، عن سهيل، عن أبيه، عن أبي هريرة، قال: قال رسول الله صلى الله عليه وسلم: " إن الله يرضى لكم ثلاثاً، ويكره لكم ثلاثاً، فيرضى لكم: أن تعبدوه، ولا تشركوا به شيئاً، وأن تعتصموا بحبل الله جميعاً ولا تفرقوا، ويكره لكم: قيل وقال، وكثرة السؤال، وإضاعة المال " ، Muslim bin ala hajaj al qushairi , sahih ul muslim , bab u al nahi an swal al nnas , hadeth nu ( 1715 ) .
- <sup>22</sup> : Al quran ulkarim , 4:58 .
- <sup>23</sup> : Al quran ul karim , 26:28 .
- <sup>24</sup> : أخبرني عبد الله بن محمد بن موسى العدل ، ثنا محمد بن أيوب ، أنبأ يزيد بن عبد العزيز الطيالسي ، ثنا خالد بن عبد الله الواسطي ، عن حسين بن قيس الرحبي ، عن عكرمة ، عن ابن عباس ، رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم: " من استعمل رجلاً من عصابة وفي تلك العصابة من هو أرضى لله منه فقد خان الله وخان الله عليه وسلم: " من استعمل رجلاً من عصابة وفي تلك العصابة من هو أرضى لله منه فقد خان الله وخان الله عليه وسلم: " ، Abu abdulla al hakim Muhammad bin abd ullah bin Muhammad bin hamdvih bin nuaim fk al hakam al dabi al tahmani al nisaburi al maroof bibni al bae , al mustadrak ala al sahehaen , ( miser , al qahira , dar ul harmain , 1997) , babu man istmal rajuln min isabatn , hadeth nu ( 7102) .

25 : عن أبي ذر الغفاري يا رسول الله ألا تستعملني أي في منصب قال: فضرب بيده على منكبي ثم قال: يا أبا ذر إنك ضعيف و إنما أمانة إنها يوم القيامة خزي و ندامة إلا من أخذها بحقها و أدى الذي عليه فيها و ، Subhi mahmod , al muhit til al ahadees al nabaviya wa sunan , babul imara , hadeth nu , (4) .

26 : Amin ullah , al din ul khalis , 11:112 .

27 : Amin ullah , Al din ulkhalis , 11:110 .

28 : Amin ullah , al din ul khalis , 1: 138 .

29 : Amin ullah , al din ul khalis , 1:330 .

30 : Amin ullah , al din ul khalis , 1:331 .

31 : Amin ullah , al din ul khalis , 1:278 .

32 : حدثنا أبو حاتم، رضي الله عنه، قال: أخبرنا عمر بن محمد الهمداني، قال: حدثنا عبد الملك بن شعيب بن الليث، قال: حدثني أبي، عن جدي، عن يحيى بن أيوب، عن مالك بن أنس، عن ابن شهاب، عن حميد بن عبد الرحمن بن عوف، عن أمه أم كلثوم بنت عقبة، أنها سمعت رسول الله صلى الله عليه وسلم يقول: «ليس الكذاب الذي يصلح بين فاعهد إلينا بعهد، فقال: «عليكم بتقوى الله، والسمع والطاعة، وإن عبدا حبشيا، وسترون من بعدي اختلافا شديدا، فعليكم بسنتي، وسنة الخلفاء الراشدين المهديين، عضوا عليها بالنواجذ، وإياكم والأموال المحذات، فإن كل بدعة ضلالة»، ، Ibn maja al qazwini , sunsn ibne maja , babau itbae sunat ul khulafa al rashdin , hadeth nu (42) .

33 : Al quran ul karim , 71:14 .

34 : Rashid ahmad al janjohi , Al rashidiya , 260 .

35 : Rashid ahmad ludyarvi , Ahsan ul fatawa , 1:348 .

36 : حدثنا عبد الله بن أحمد بن بشير بن ذكوان الدمشقي حدثنا الوليد بن مسلم قال: حدثنا عبد الله بن العلاء يعني ابن زبر قال: حدثني يحيى بن أبي المطاع، قال: سمعت العرياض بن سارية، يقول: قام فينا رسول الله صلى الله عليه وسلم ذات يوم، فوعظنا موعظة بليغة، وجلت منها القلوب، وذرفت منها العيون، فقبل يا رسول الله: وعظتنا موعظة مودع، فاعهد إلينا بعهد، فقال: «عليكم بتقوى الله، والسمع والطاعة، وإن عبدا حبشيا، وسترون من بعدي اختلافا شديدا، فعليكم بسنتي، وسنة الخلفاء الراشدين المهديين، عضوا عليها بالنواجذ، وإياكم والأموال المحذات، فإن كل بدعة ضلالة»، ، Ibn maja al qazwini , sunsn ibne maja , babau itbae sunat ul khulafa al rashdin , hadeth nu (42) .

37 : Wahbatu zuhali , al fiqh ul islami , 2:153 .

38 : Amin ullah , al din ul khalis , 1:303 .

39 : Amin Allah , al din ul khakis , 1:304 .

40 : This is what Al-Tahawi , may God have mercy on him, meant when he said, only a fanatic or an idiot imitates.

41 : قال الألباني: أقوال الأئمة في اتباع السنة وترك أقوالهم المخالفة لها: أبو حنيفة رحمه الله: فأولهم الإمام أبو حنيفة النعمان بن ثابت رحمه الله، وقد روى عنه أصحابه أقوالا شتى، وعبارات متنوعة؛ كلها تؤدي إلى شيء واحد وهو: وجوب الأخذ بالحديث، وترك تقليد آراء الأئمة المخالفة له: "إذا صح الحديث؛ فهو مذهبي"، "لا يحل لأحد أن يأخذ بقولنا؛ ما لم يعلم من أين أخذناه". وفي رواية: "حرام على من لم يعرف دليلي أن يقتني بكلامي". زاد في رواية: "فإننا بشر؛ نقول القول اليوم، ونرجع عنه غدا"، وفي أخرى: "ويحك يا يعقوب! - وهو أبو يوسف - لا تكتب كل ما تسمع مني؛ فإني قد أرى الرأي اليوم، وأتركه غدا، وأرى الرأي غدا، وأتركه بعد غد"، "إذا قلت قولاً يخالف كتاب الله تعالى، وخير الرسول صلى الله عليه وسلم؛ فاتركوا قولي"، Saif al kabi , al salam , 2:195 .