

How to Cite:

Al-Jumaili, L. N. A. A., & Freih, S. M. (2022). Jurisprudential issues in which there are three aspects according to the Shafi'is in the book (Al-Bayan) by Al-Omrani (T.: 558 A.H.) In Al-Luqata, a comparative jurisprudential study. *International Journal of Health Sciences*, 6(S9), 2776–2785. <https://doi.org/10.53730/ijhs.v6nS9.13064>

Jurisprudential issues in which there are three aspects according to the Shafi'is in the book (Al-Bayan) by Al-Omrani (T.: 558 A.H.) In Al-Luqata, a comparative jurisprudential study

Lazem Najm Abdullah Ali Al-Jumaili

University of Fallujah/College of Islamic Sciences

Email: Lazem.Najm@uofallujah.edu.iq

Assist. Prof. Sami Mahmoud Freih

University of Fallujah/College of Islamic Sciences

Email: saljmyly513@gmail.com

Abstract---This research deals with the life of Imam Al-Omrani and his book Al-Bayan and Definition of the Faces and the most important issues in which three aspects were mentioned by the Shafi'is in Al-Bayan Al-Omrani in Al-Luqata and the foundling in Islamic jurisprudence; Because preserving the collected money is one of the priorities that the Shariah brought, so when it is lost, the Sharia put conditions and controls to preserve it, and return it to its owner.

Keywords---Jurisprudential, scientific life, statement book

Introduction

Praise be to God, Lord of the worlds, and the best prayer and peace be upon our master Muhammad and all his family and companions, as for what follows:

The preservation of money is one of the five necessities, and it is one of the means of human livelihood and the necessities of daily life. The use of money differs from one person to another, so a person strives to preserve it as much as possible, and when a person wastes his money; The Sharia set controls and conditions for those who pick it up in order to preserve it, and return it to its owner. In this research, the life of Imam Al-Omrani and his book Al-Bayan was shed light on, and what was mentioned in it on three aspects in the snapshot, so the plan required dividing the research into two sections:

The first topic: introducing Imam Al-Omrani and his book Al-Bayan, introducing the faces, and the owners of the faces mentioned in the research, and it has four demands:

The first requirement: his personal life.

The second requirement: his scientific life.

The third requirement: the definition of the statement book.

The fourth requirement: Defining the faces and the owners of the faces.

The second topic: What was stated on three sides in the clip, and it has two demands:

The first requirement: a small amount of the shot.

The second requirement: the decrease in the shot.

The first topic: the life of Imam Al-Omrani, which includes:

The first requirement: the Imam's personal life:

1. His name: Abu Al-Hussein Yahya bin Abi Al-Khair bin Salem bin Asaad bin Abdullah bin Muhammad bin Musa bin Imran, Al-Omrani Al-Yamani Al-Shafi'i 1.
2. His birth: By searching in the books of translations, I did not find a difference in the date of his birth.
3. Lineage: Imam Al-Omrani is related to Imran bin Rabi'a bin Abs4.
4. His nickname: Imam al-Omrani, may God have mercy on him, had several nicknames, including: Abu al-Hasan 5, Abu al-Khair 6, and Abu Zakaria 7.
5. His death: His death was in the village of Dhul-Saffal 8, Mabtowna, after I arrested his tongue for two nights and a day, (T. 558 AH).

The second requirement: the scientific life of the Imam

1. His request for knowledge: Imam Yahya bin Abi Al-Khair sought knowledge when he was young. He learned the Qur'an and completed its memorization by metaphysics. He read the discipline, the warning, and the statutes. He was only thirteen years old. He was well-known for his long-standing knowledge of jurisprudence, its origins, speech and grammar, and he heard hadith from a group of the people of Yemen9.
2. His sheikhs: Imam Al-Omrani learned fiqh at the hands of eminent scholars known for their knowledge, piety, and piety, so he took from them various sciences, including:
 - A- His maternal uncle Abu Al-Fotouh Othman bin Asaad bin Abdullah bin Muhammad bin Musa bin Imran Al-Amrani, he taught him (in the sufficiency of the obligatory duties) in the inheritances of Al-Sardafi 10.
 - B- Zaid bin Abdullah bin Jaafar bin Ibrahim Al-Yafa'i: His origin is from Al-Ma'afir 11, then the soldiers lived 12 (T.: 514 AH) 13.
 - C- Imam Zaid bin Al Hassan bin Muhammad bin Al Hassan bin Ahmed Al Faishi: He was born in the year (458 AH), with which Imam Yahya taught jurisprudence, (T.: 528 AH) (14).
3. His Students: Many of the students of knowledge taught him at the hands of Imam Al-Omrani, among whom we mention:
 - A- His cousin, Muhammad bin Musa bin Al Hussein bin Asaad bin Abdullah, and he is the oldest of his companions to read to him, and the highest in rank, (died: 568 AH) 15.
 - B- His son, Abi Al-Tayyib Taher bin Imam Yahya bin Abi Al-Khair Al-Omrani, was born (518 AH) with jurisprudence through his father, Imam Yahya, and succeeded him in his council (T.: 587 AH) 16.

- c- His son's uncle, brother-in-law and cousin, Othman bin Asaad bin Othman bin Saad bin Abdullah, born (469 AH), (T.: 577 AH) 17
 - d- His cousin, Muslim bin Asaad bin Othman bin Asaad, and he is a brother of Othman bin Muslim, and he has books endowed in the hands of Judge Taher bin Yahya 18.
4. His books: Imam Al-Omrani left many works of high scientific value that served Muslims. We mention some of his books: Al-Bayan 19, Supplements in the Shafi'i Branches 20, Problems of the Muhadhab 21, Victory in Refutation of Fatalism 22, Descriptions of the Scholars 23, Oddities of the Mediator by Al-Ghazali 24.
 5. Scholars' praise of him: Many scholars have praised the Imam for his virtue and knowledge. Ibn Samra Al-Ja'di mentioned Imam Al-Omrani in his layers, and he is the jurist, Imam Jamal Al-Islam, the sun of Sharia. He ordered some of his companions to study it 25.

The third requirement: introducing the statement book

All those who translated Imam Al-Omrani mentioned that the book of Al-Bayan is one of his most famous books, and it is one of the most important healing books in Yemen, in which he explained the book Al-Muhadhab by Abu Ishaq Al-Shirazi.

Fourth requirement: Defining the faces and the owners of the faces

1. Definition of faces:

- A- Wajh language: the plural of wajh, wajh and wajh meaning, and haa is a substitute for waw. It is said: This is the wajh of opinion, i.e. it is the opinion itself, and the noun is the destination by breaking the waw and its combination, and the opposite confrontation 27.
- b- Al-Wujooh, idiomatically: They are for the companions of Al-Shafi'i who are affiliated with his school, they take them out according to its foundations, and they derive them from its foundations, and they strive in some of them, even if they do not take it from its origin 28.

2. Introducing the owners of the faces

The owners of faces have great importance in the jurisprudence of Imam Shafi'i, may God Almighty have mercy on him, and the Shafi'i scholars and imams had a great role in establishing and building the school of jurisprudence of the Shafi'i school, we mention among them those whose name was mentioned in the research:

1. The judge, Abu Al-Tayyib Taher bin Abdullah bin Taher bin Omar Al-Tabari Al-Qadi Al-Faqih Al-Shafi'i, one of the campaigners of the doctrine, and settled in Baghdad, studied, and issued a fatwa, and from him the Iraqis took knowledge and carried the doctrine, (T.: 450 AH) 29.
2. Abu Hamid Al-Isfrayini: Professor Al-Allamah, Sheikh of Islam, Abu Hamid, Ahmed Ibn Abi Taher Al-Isfrayini, Sheikh of Shafi'is in Baghdad, born in the year 344 AH, (T.: 406 AH) 30.

1. Ibn al-Sabbagh: Abd al-Sayyid ibn Muhammad ibn Abd al-Wahed ibn Muhammad ibn Ahmad ibn Jaafar al-Sabbagh was taken from al-Qadi Abu al-Tayyib al-Tabari, who has a comprehensive book on jurisprudence, and it is one of the best books, the most correct of which are transmitted and proven by evidence, (T.: 477 AH) 31.

The second topic: What was mentioned on three sides in the clip, and it contains three demands:

The first requirement: a small amount of the shot

Al-Luqta language: It is "a catfish, grabbing a cat: it was taken from the ground.

Al-Luqta: what is found clamped lying down, and likewise the one who is rejected from boys is a cat." 32 .

Al-Luqta idiomatically: "Whatever is picked up from what is lying on the ground of money other than animals" 33.

The jurists unanimously agreed that a snapshot, as long as it is not something easy, trivial, or has no endurance, is known in the year 34.

The first aspect: The dinar and anything less than it is easy, and what exceeds it is much 35, and there is a saying of the Zaydiyyah 36.

Their argument: Ali bin Abi Talib, may God be pleased with him, found a dinar, so Fatimah brought it, so she asked the Messenger of God, may God bless him and grant him peace, and he said: "It is the provision of God Almighty." So the Messenger of God, may God bless him and grant him peace, ate from it, and Ali and Fatima ate it. After that, a woman came to him chanting for the dinar, and the Messenger of God, peace and blessings be upon him, said: "O Ali, pay the dinar."37

Significance: The noble hadith indicates that the dinar does not need to be defined. Because (the Prophet, may God's prayers and peace be upon him) did not order them to define it, rather he permitted them to benefit from it, but if his owner came, he would pay him 38.

The second aspect: The small amount is a dirham or less, and what exceeds it is much 39, and this is what the Malikis said 40, and the Imami Shiites 41, and the saying of the Zaydis 42.

Their argument:

1. On the authority of Aisha - (may God be pleased with her) - that she "licensed a piece of land in dirhams" 43.
2. Because he tolerates it 44.

The third aspect: that what is less than a quarter of a dinar is easy, and a quarter of a dinar and whatever exceeds it is much 45, and there is a saying of the Zaydiyyah 46.

Their argument: On the authority of the Prophet, may God's prayers and peace be upon him, he said: "The hand of a thief shall be cut off for a quarter of a dinar."47

Significance: The honorable hadith indicates that the hand of a thief is not cut off for less than a quarter of a dinar, and anything less than it is a trivial thing (48).

Weighting: After presenting the faces and evidence in this issue, what I tend to prefer is the first aspect that says: The dinar and what is below it is easy, when it was narrated from the Prophet (peace and blessings of God be upon him) that he did not order Imam Ali, may God be pleased with him, in his definition, and return it to him if he came Its owner, God Almighty knows best.

The second requirement: the decrease in the shot

If the owner of the shot comes and finds it missing in the hand of the one who picked it up, is he allowed to take from the picker what was missing?

The first aspect: He takes it and sprinkles 49 what it decreases by 50, and this is what the Hanbalis said 51, and the Dhahiriya 52, and the saying of the Imami Shiites 53, and the Ibadis 54.

Their argument: because all of them are guaranteed to the collector if they are damaged, as well as if some of them are damaged.

The second aspect: that he has the choice, between returning with the eye and taking the deficiency payment with it, and between asking for its replacement 56, and this is a saying of the Imami Shiites 57 and the Zaydis 58 .

Their argument: because its replacement is fixed in the debt of the collector, so the owner of it was entitled to claim it 59.

The third aspect: That he take it and not give him a bribe. Al-Qadi Abu al-Tayyib 60 narrated it, and with it the two companions said 61, and the Malikis 62.

Their argument:

1- Because the deficiency was in his possession 63.

2- Because it decreased after the intention to own it after its definition in the year 64.

Preference: After presenting the sayings and evidence in this matter, what I tend to favor is the first aspect that says: to take it and sprinkle what is lacking; Because the hand of the picker is his safety hand, and if it is damaged, it guarantees what was damaged in his hand, as well as if part of it is damaged, and God Almighty knows best.

Conclusion

Praise be to God Almighty for His grace and mercy for enabling me to complete this research and it included all the important elements, as I showed the information and ideas that revolve around the subject and it has reaped many fruits, I will explain them as follows:

1. Imam Al-Omrani is considered one of the most prominent jurists of his time in Yemen, and he is credited with spreading the Shafi'i school of thought in Yemen.
2. Imam Al-Omrani (may God have mercy on him) had a scientific upbringing since his childhood. He memorized the Qur'an and recited the polite and warning of Shirazi, when he was thirteen years old.
3. The Book of Al-Bayan is the most famous of Imam Al-Omrani's jurisprudential works, and it is considered one of the comparative jurisprudence books, because it included the opinions of other schools of thought, which he arranged according to the arrangement of the book Al-Hadhb by Abu Ishaq.
4. The book Al-Bayan contains a large number of aspects that are among the most important characteristics of Shafi'i jurisprudence.
5. The jurists differed as to the small amount of the shot on three sides. The most correct one is a dinar, and less is less.
6. The jurists differed regarding the shot, if it is reduced and its owner comes, and the most correct one is that he takes it and sprinkles what is decreased.

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Margins:

- See: Tabaqat, Al-Jaadi (p. 174).
 2 Sir: A country in Yemen to the east of Al-Jund, Al-Hamwi's Dictionary of Countries (3/296).
 3 See: Tabaqat, al-Jaadi (p. 174), Tabaqat, al-Subki (7/ 336).
 4 See: the same sources.
 5 See: Layers, Al-Jaadi (174).
 6 See: Biography of the Nobles, I. Al-Risala (20/378).
 7 See: Kashf Al-Zunun, by Haji Khalifa (2/956).
 8 Dhul-Saffal: It is a village south of the turbidity in Yemen. See: Mu'jam Al-Buldan (3/296).
 9 See: Al-Suluk, by the soldier (1/294), Tabaqat, Ibn Qadi Shahba (1/328).
 10 See: Tabaqat, Al-Jaadi (p.: 174) Al-Suluk, by Al-Jundi (1/291), Tabaqat, Al-Subki (7/ 336), Mirat Al-Jinan, by Al-Yafi'i (3/243).
 11 Al-Ma'afir: It is Al-Makhlaf, which is now known as Al-Hujariah, and it is a wide area in the northwest of Aden, at a distance of two days.
 12 Al-Jund: A large, fortified city in Yemen, with many good things, with a people from Khawlan, and it is called Jund bin Shahrhan, but from Al-Ma'afir: see: Mu'jam Al-Buldan, by Al-Hamwi (2/169), Al-Rawd Al-Maatar, by Al-Hamiri (p.: 175).
 13 See: Tabaqat, al-Subki (7/76-87), Shazarat al-Dhahab, by Ibn al-Imad (6/68).
 14)) See: Tabaqat of the Jurists of Yemen, by Al-Jaadi (p. 155), Mirat Al-Jinan, by Al-Yafi'i (3/243).
 15 See: Tabaqat, al-Jaadi (p. 185), al-Suluk, al-Jundi (1/336).
 16 See: Tabaqat, Al-Jaadi (p. 186-189), Mirat Al-Jinan, by Al-Yafi'i (3/243).
 17 See: Tabaqat, al-Jaadi (p. 189), al-Suluk, al-Jundi (1/338).
 18 See: The same sources.
 19 See: Kashf al-Zunun by Haji Khalifa (1/264).
 20 See: the same source (2/ 956).
 21 See: Sources of Islamic Thought in Yemen, by Al-Habashi (p. 196).
 22 See: Tabaqat, Ibn Qadi Shahbah (1/328).
 23 Heritage Treasury - Index of Manuscripts (95/62).
 24 See: Tahdheeb Al-Asmaa, by Al-Nawawi (2/278).
 25 See: Tabaqat, Al-Jaadi (p. 159 and 174).
 26 See: Tabaqat, Al-Jaadi (p.: 165), Tabaqat, Al-Subki (7/336), Kashf Al-Dunun by Hajji, Khalifa (1/264).
 27 See: Mukhtar Al-Sahah (p.: 334).
 28 End of the requirement, by Al-Juwayni (Introduction/169), Al-Majmoo', by Al-Nawawi (1/65).
 29 See: The Deaths of Notables, by Ibn Khallikan (2/512), Tabaqat, Al-Subki (5/12).
 30 See: Tabaqat, Ibn Al-Salah (1/373), History of Baghdad (6/20).
 31 See: The Deaths of Notables, by Ibn Khallikan (3/217), Tabaqat al-Shafi'i, al-Subki (5/122-124), Tabaqat al-Shafi'i, by Ibn Qazi Shahba (1/251).
 32 Al-Ain Dictionary, by Al-Farahidi (5/100), Lisan Al-Arab, by Ibn Manzur (7/392).

- 33 Tuhfat al-Fuqaha, by al-Samarkandi (3/351).
- 34 See: Istikhara, by Al-Qurtubi (7/244)
- 35 See: Al-Bayan, by Al-Omrani (7/518).
- 36 See: Al-Bahr Al-Zakhkhar, by Al-Sanani (12/106).
- 37 Sunan Abi Dawood, Kitab al-Luqata, chapter introducing a cat, (2/137) Hadith No. (1714), al-Sunan al-Kubra by al-Bayhaqi, al-Luqata book, chapter explaining the duration of identification (2/320), hadith number (12093), and in its chain of transmission is an unknown man. Abu Dawud also brought it out from another route on the authority of Abu Saeed and mentioned it at length, and in its chain of transmission is Musa bin Yaqoub al-Zama'i, and Ibn Mu'in trusted him.
- 38 See: Mirqat al-Maftaha, by Al-Harawi (5/2019).
- 39 See: Al-Bayan, by Al-Omrani (7/518).
- 40 See: Al Mudawwana (4/455).
- 41 See: Al-Luma' Al-Dimashqiah, (49/2), Al-Mabsout, by Al-Tusi (3/332).
- 42 See: Al-Bahr Al-Zakhkhar (12/106).
- 43 Ibn Abi Shaybah's workbook: The Book of Sales and Judgments: The Chapter on What Permits from Al-Laqta (4/415) Hadith No. (21650).
- 44 See: Al-Bahr Al-Zakhkhar, by Al-San'ani (12/106).
- 45 See: Al-Bayan, by Al-Omrani (7/518).
- 46 See: Al-Bahr Al-Zakhkhar, by Al-Sana'ani (12/106).
- 47 Sahih al-Bukhari: The Book of Hoodood: Chapter: The thief and the thief said God Almighty (8/160) Hadith No. 6789.
- 48 Umdat al-Qari, Explanation of Sahih al-Bukhari (23/272).
- 49 Al-Arsh: He has surgeries. He is called Arsha, because one of the causes of the conflict is: The Crown of the Bride (7/63).
- 50 See: Al-Bayan, by Al-Omrani (7/535).
- 51 See: Al-Kafi fi Fiqh of Imam Ahmad (2/199).
- 52 See: Al-Muhalla Athar (7/110).
- 53 See: Al-Mabsout, by Al-Tusi (3/331).
- 54 See: Explanation of the Nile, Lutfeesh (23/111).
- 55 Al-Bayan, by Al-Omrani (7/535).
- 56 See: Al-Bayan, by Al-Omrani (7/535).
- 57 See: Al-Mabsout, by Al-Tusi (3/331).
- 58 See: Al Taj Al Madhhab, by Ahmed Bin Yahya (6/21).
- 59 Al-Bayan, by Al-Omrani (7/535).
- 60 See: Al-Bayan, by Al-Omrani (7/535).
- 62 See: Badaa' al-Sana'i, by al-Kasani (6/201).
- 63 See: Al-Sharh Al-Kabeer by Sheikh Al-Dardar and Haashiyat Al-Desouqi (4/124).
- 63 Al-Bayan, by Al-Omrani (7/535).
- 64 Al-Sharh al-Kabeer by Sheikh al-Dardar and Hashiyat al-Desouqi (4/124).