

FACILITATING FINANCIAL LICENSES IS AN AESTHETIC JURISPRUDENTIAL FEATURE

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Abstract

The Islamic Sharia came with a wonderful approach that is characterized by moderation of assignment, ease, licenses, and the removal of embarrassment and hardship from man, and the concessions in financial issues have emerged as a clear manifestation of the ease of this religion, so that it gave an aesthetic feature to the jurisprudence of money. By financial licenses, we mean: what came of facilitation and ease in matters pertaining to financial transactions; Because restricting the financial licenses excludes the licenses that pertain to acts of worship, personal status, felonies, and so on. Therefore, the difficulty facing a Muslim in something is a reason for facilitating, underestimating, and mitigating that thing, especially if it is a financial matter. This facilitation and mitigation is rooted in the Sharia of Islam by the Book and the Sunnah, and wisdom requires it, and it is part of the legal means to achieve the objectives of the Sharia. For this reason, the jurists set a number of controls for these licenses for the purpose of adopting them from them: that they are legally considered and not described as deviant sayings and that the need to take them is established, and that the soul of the licensee is reassured to take the license.

Keywords: *Islamic jurisprudence - financial licenses - jurisprudence of money and Islamic economics - fundamentals of jurisprudence*

Introduction

Praise be to God, Lord of the worlds, and the best prayer, and complete the salutation upon the one who was sent as a mercy to the worlds, our Prophet Muhammad and upon his good and pure family and companions. And the facilitator in its provisions and legislation. Therefore, Islam rejected monasticism and called on everyone to tolerate the costs and the eruption and raised the embarrassment. The Holy Qur'an came in the Almighty saying and stigmatized God, it is your money. Our Lord, and make us Muslims to You, and from our descendants a Muslim nation to You, and show us our rituals, and forgive us. Indeed, You are the Merciful (3) As for the Sunnah, it came on the authority of Aisha, may God be pleased with her, who said: "The Messenger of God, may God bless him and grant him peace, was not given a choice between two matters but that he would take the easier of them, as long as it was not sinful (4), and it came in the hadith (three groups came to the homes of the wives of the Prophet, may God bless him and grant him peace, asking about the worship of the Prophet, may God bless him and grant him peace...but I fast and break the fast, pray and sleep, and marry women. Evidence that facilitation and alleviation of embarrassment are a prominent feature that gives Islam the characteristic of beauty and perfection in moderation of costs such as prayer, fasting, zakat,

and pilgrimage for those who can afford it, and after that the individual has absolute freedom to choose what He wills from the desirable acts of worship, and this is on the one hand. On the other hand, the beauty of Islam appears when it legislates concessions, as it opens the door to exceptions and exemptions in order to mitigate the obligation, including times of travel, illness, menstruation, etc. from the civil symptoms that have become a reason for mitigation and facilitation.

Methodology

Research Aim and its Importance This research came as an attempt to prove that ease and elevation of embarrassment in the Islamic religion is a prominent feature in its approach. And fasting, zakat and Hajj? Does ease in financial costs add to Islam an aesthetic feature? Perhaps in this research we will find a sufficient and appropriate answer to these two questions. **Research methodology and plan.** The research dealt with four topics, namely: The first topic: the meaning of financial licenses. The second topic: the legality of licenses in financial transactions. The third topic: Financial licenses in the light of the purposes of Sharia. The fourth topic: Controls Adoption of financial licenses. This introduction was presented and followed by the conclusion, which dealt with some results and recommendations. God is behind the intent...

Literature review

The first topic / the meaning of financial licenses

Permission for linguists: Permission in the language is applied to several meanings, including: 1- The softness of the texture: the concession to open is called the soft thing, and the cheap: the softness of clothes (6). And God permitted it, for it is cheap (7). 3- Permission in the matter after forbidding it: It is said: I permitted him in such-and-such: I authorized him after forbidding it (8) 4- Ease and ease: which is God's license to the servant in things that He eased for him. And the concession is in the command, which is contrary to the strictness, and he was concessioned in such a concession, so he conceded it, i.e. he did not investigate (9). As for terminology: the intended meaning is not far from the linguistic concept. According to the Hanafis: Al-Sarkhasi defined it: "It is: what was based on an excuse is for the servants, and it is what makes it permissible for the excuse with the existence of the forbidden evidence." (10). (11). Third: According to the Shafi'is: Al-Subki defined it: "The concession is the ruling that changes to the easy one for an excuse with the establishment of the reason for the original ruling" (12). Fourth: According to the Hanbalis: Ibn Qudamah Al-Maqdisi defined it: "The permissibility of the forbidden, with the existence of the present" (11). 13) From the foregoing, we can define the concession: that it is the facilitation for the taxpayer when the excuse occurs by permitting the prohibited, or by mitigating the act of the commanded. As for the definition of money in the language: it is everything that a person actually acquires and possesses, whether it is in kind or a benefit, such as gold, silver, or animals. Or a plant or the benefits of a thing such as riding, clothing and housing. As for what a person does not possess, it is not called money in the language, like birds in the air, fish in the water, trees in the forests, and minerals in the ground (14).

As for the definition of money in the terminology: the Hanafis defined it: "It is everything that can be possessed, attained, and used normally" (15). And the Shafi'is defined it: "What has value is sold with it, and if a consumer consumes it, he pays its value" (16). As for the definition of financial licenses as an additional component: it is what came from the facilitation and ease in matters pertaining to financial transactions;

Because restricting financial licenses excludes licenses that pertain to acts of worship, personal status, felonies, etc. (17). It is well known that the introduction of licenses stems from the ease of Sharia and its repelling of hardship on behalf of the taxpayer, and this is the meaning of the general rule that is considered the largest incubator of licenses. Haider Khawaja says in his explanation of *Majallat al-Ahkam: Hardship brings facilitation*” means that the difficulty faced in something is a reason to facilitate and make that thing easy, in other words: it is necessary to expand in times of distress, and the Shari’a facilities allow loan and transfer contracts, interdiction, wills and peace, and the dismissal of sale, mortgage, release, company, reconciliation, and agency, rent, sharecropping, musaqah, speculation, loan, and deposit are all based on this rule, and their permissibility has become to ward off hardship and bring facilitation, and they are called concessions” (18). Markets and financial institutions are always looking for exits for many of their dealings and solutions that are suitable for the people of a society in which cultures and beliefs prevail in that environment and that country.

The second topic / the legality of licenses in financial transactions and the wisdom behind them

There is no doubt that all the legal texts that dealt with the issue of permission in legal rulings, which are many, show us the characteristic of magnificence, beauty and taste in Islamic legislation. Therefore, there are many evidences for legal licenses, including: As for the first evidence: From the book: The many verses indicate facilitation, mitigation, and lifting embarrassment from the nation: 2- His saying, may He be glorified and exalted: {Allah wants to lighten your burden} (20). 3- His saying, Glory be to Him: “God does not burden a soul beyond its capacity” (21). Al-Razi said: “Because God Almighty made fasting obligatory as a matter of ease and ease, for He only obligated it during a short period of the year, then that little is not obligatory for the sick person. On the traveler, and all of that is taking care of the meaning of ease and ease” (22). Al-Saadi said: “God Almighty wants to facilitate for you the paths that lead to His pleasure the greatest ease, and to facilitate them the most facilitation, and for this everything that God commanded His servants to do was very easy in its origin, and if Some symptoms occurred that necessitated its heaviness, and it was facilitated by others, either by dropping it, or mitigating it with all kinds of mitigations, and this is a sentence that cannot be elaborated, because its details are all the legitimacy, and all licenses and mitigations are included in it. There is no hardship upon you in religion (24). Ibn Katheer said: “That is, he did not cost you what you could not bear, and he did not obligate you to something that would be difficult for you except that God made for you relief and a way out. Two, and in fear praying men and riders facing the qiblah and not facing it, as well as in the supererogatory prayers when traveling to the qiblah and others, and reciting M in it falls for the excuse of illness, so the sick person prays sitting, and if he is not able to, then he is on his side, in addition to other concessions and mitigations in the rest of the statutes and obligations.” (25). generally, “hardship brings ease,” and hardship was the presumed concession (). God Almighty said: {Whoever disbelieves in God after believing in Him, except for one who is compelled and whose heart is at ease with faith} (26). God Almighty said:) He has only forbidden you dead meat, blood, and the flesh of swine. And whatever is given to someone other than God, then he who is compelled does not transgress And he does not repeat it, so there is no sin on him. Indeed, Allah is Forgiving, Most Merciful (27). God Almighty said: Or on a journey, a number of other days (28). 8- The permit for the traveler to shorten his prayers. God Almighty said: That you fall short of prayer if you fear that those who disbelieve may seduce you (29)

The second evidence: From the Sunnah: The hadiths of the Prophet that indicate facilitation and ease are many,

including: 1- On the authority of Ibn Abbas, may God be pleased with them: The Messenger of God may God's prayers and peace be upon him, was asked which religions are most beloved to God? He said: "Al-Hanifiyah Al - Samih " (30), To God through it" (32). The point of evidence from the hadiths: In these hadiths, the Prophet, may God's prayers and peace be upon him, shows the tolerance and ease of this religion, and Aisha, may God be pleased with her, clarifies that the guidance of the Prophet, may God's prayers and peace be upon him, is to choose the easiest, as long as it is not sinful, and the legal concessions of forgiveness and facilitation for the servants of God. Rather, in the hadiths, there is a reference to the adoption of the legal license, because the introduction of determination in the place of the license applies in certain cases, such as one who abandons tayammum when unable to use water, and the use of water leads to the occurrence of harm (33). ; On the authority of Abu Hurairah, may God be pleased with him, he said, the Messenger of God, may God's prayers and peace be upon him, said: "If he forgets to eat and drink, then let him complete his fast, for God has fed him and given him drink" (34), It is permitted in the unclothed to be sold for its cheapness (35) measures" (36). Silk is for those who need it, on the authority of Anas, may God be pleased with him, who said: "The Prophet, may God's prayers and peace be upon him, granted licenses to al-Zubayr and Abd al-Rahman to wear silk, due to itching in them" (38). 8- On the authority of Ibn Omar, may God be pleased with him, he said: The Messenger of God, may God's prayers and peace be upon him, said: "God loves His permissions to be granted, just as He hates that His disobedience be granted" (39). And "God loves to perform what He has prescribed of concessions, and to liken that love to His hatred for committing disobedience is evidence that in abandoning performing the concession is abandoning obedience, such as abandoning obedience that results in committing disobedience." (40). The third evidence: the existing consensus from the era of the Companions to ours on the legitimacy of the concessions brought by the Sharia, without denial by any of the scholars (41).

The third topic / financial licenses in the light of the purposes of Sharia

And this is evident by extrapolating the texts. Purification concluded the verse by raising the embarrassment. The Almighty said: What God wants to make you from embarrassment, but he wants to purify you, and to fulfill his grace, he said: Al-Hanafiyyah al-Samah (44). Thus, we infer from the verses and hadiths that the concession was legislated to relieve the hardship and hardship of those who are obligated, and this is what al-Shatibi clarifies in his book al-Muwafaqat, when he said: "The legislator's intent of the legality of the concession is kindness to the taxpayer for enduring hardships, so taking it absolutely is in agreement. For his intent, unlike the other side; it is suspected of stress, affectation, and deepening that is forbidden in the verses and hadiths, such as the Almighty's saying: Say: I do not ask of you any reward for it, and I am not one of those who are charged (45), and his saying: God desires for you He is pleased and He does not desire hardship for you (46). And in committing to hardships is an assignment and hardship. It was narrated on the authority of Ibn Abbas, may God be pleased with them both, in the story of the cow of the Children of Israel: "If they had slaughtered a cow, it would have sufficed them, but be strict; So God became strict against them" (47), and in the hadith: "Those who abstain from obedience are destroyed" (48). He is not from me" (49) because of the one who resolved to fast during the day, pray at night, and seclude women, to the types of distress that were in the nations; So God made it light for them by saying: Those who follow the Messenger, the illiterate prophet whom they find written with them in the Torah and the Gospel, enjoining upon them what is right and wrong. And the good things are lawful for them The Messenger of God, may God's prayers and peace be upon

him, granted various types of concessions, such as shortening the fast and breaking the fast while traveling, and praying while sitting. When he was sick, he would pray at night in his house sitting, until when he wanted to bow, he would stand up and recite something, then bow, and his companions, may God be pleased with them, followed that path without reproach or blame, as in the hadith on the authority of Anas bin Malik, may God be pleased with him, who said: We were traveling with the Prophet Peace and blessings of God be upon him, so the fasting person did not blame the one who breaks the fast, nor the one who breaks the fast against the fasting person.” (51), and the evidence in this sense is abundant (52). Ibn al-Arabi in the interpretation of the verse (53): God does not burden a soul beyond its capacity (54), this is a great principle in religion, and a pillar of Muslim law. A ancestor from the Children of Israel, if the urine hits the garment of one of them, he cuts it with scissors, so God Almighty eased that for this nation and God Almighty lifted it from them, and in the hadith on the authority of Abu Hurairah, may God be pleased with him, on the authority of the Prophet, may God’s prayers and peace be upon him, he said: “So if I forbid you something, avoid it, and if I command you with something From him, come from him as much as you can” (55).

Second: Acting on concessions is a way to reach the love of God Almighty: It came in the hadith on the authority of Ibn Abbas, may God be pleased with them both, that he said: The Messenger of God, may God’s prayers and peace be upon him, said: “God loves His concessions to be fulfilled just as He loves His invitations to be fulfilled” (56). Al-Ghazali, may God have mercy on him, said: This he said in order to soften the hearts of the weak, so that their weakness does not end in despair and despair, so they leave what is easy for them because of their inability to reach the highest degrees, so he was only sent as mercy to all the worlds, regardless of their degrees and types.” (57) Ibn Taymiyyah said: “The licenses were only permitted by God for need Servants to it and the believers seek help from it to worship Him, for He loves to take it because the Generous One loves to accept His benevolence and grace, as He said in the hadeeth of the palace: “It is charity that God bestows upon you, so accept His charity” (58) and because it completes His worship and obedience to Him (59). On the authority of Aisha, she said: The Messenger of God, may God’s prayers and peace be upon him, said: “The most beloved deeds to God Almighty are those that are perpetual, even if they are small. ” Persistence in it without hardship or harm, so the soul is more active and the heart is open, so the worship is complete, in contrast to those who dealt with deeds that are difficult, for they are about to leave them or some of it or do it at a cost and without heartbreak, So he misses out on a great good, and God Almighty has denounced those who used to worship and then went to extremes. The Almighty said: Then We followed in their footsteps with Our Messengers. And we stand by the son of the son of Mary, and we came to him, and we made us in the hearts of those who followed him as a head, and he is a long time, and what they sponsored the right of her sponsors²⁴ So those who believed in them came from them. Persistence in work, and that a little of it that is permanent is better than a lot that is interrupted. Because in the time of little, obedience, remembrance, observance, intention, sincerity, and turnout to the Creator, Glory be to Him, and turn to the Creator, Glory be to Him, last, and the permanent little bears fruit in such a way that it increases the abundant lot many times (63). And the hatred of assignment, and regulated under this meaning is the fear of introducing corruption on him in his body, mind, money, or condition (64). The second: the fear of negligence when competing with jobs related to the slave of various types, such as standing up for his family and children to other costs that come in the way, so perhaps the incursion was In some works, distracting them and cutting off the assigned person without them, and perhaps he wanted to induce the two parties to exaggerate in the investigation, so he cut off

from them. As for the first: God put this blessed law, Haneefah, easy in it, in which he preserved their hearts for people and endeared them to them. Their deeds do not end with him. Do you not see the Almighty's saying: And know that among you is the Messenger of God? If he obeys you in much of the matter, you will be cursed. You have disbelieved you, the disbelief, the philosopher, and the disobedience^c Those are the people (65). God must persevere in the work, even if it is a little, and taking the concession helps him to persevere in the work, and this is what we understood from the words of Abdullah bin Amr, I wish I had accepted the concession of the Messenger of God, peace be upon him. Therefore, we see the magnificence and beauty of the legislative provisions, as they are based on facilitation and lifting hardship from the taxpayers.

Third: Shari'a licenses are manifestations of the mercy of God Almighty: Among the purposes of Sharia: mercy, the Almighty said: And we did not send you except as a mercy to the worlds (67). The legal licenses are clear evidence of that (68): And from that is the permission to shorten the traveler, the Almighty said: And if you travel in the land, there is no sin on you if you shorten your prayers. If you fear that the unbelievers may seduce you. Indeed, the unbelievers are an open enemy to you (69). And breaking the fast in Ramadan For the traveler and the sick, the Almighty said: And whoever is sick or on a travel, there are several days from the last days^a God wants you to make the ease, and he does not want the hardship of the hardship. In which a person can do the necessary work on him; God, Glory be to Him, has reduced these rulings and facilitated them in a way that enables him to perform them, and this is evident in the legal concessions.

The fourth topic / controls to be taken

First of all, we must point out that talking about the license and adopting it in financial matters is extremely important. This is due to the fact that financial institutions are always looking for solutions and exits for many of their dealings, and they find in some of the sayings of the jurists this exit that we are looking for. What sometimes leads to fabrication in a complex form that is not approved by any of the jurists? In Decision No. (70), the Islamic Fiqh Academy specified six controls when available, the jurisprudential license may be taken, and they are: Of the deviant sayings. 2- That the need to take the concession arises, in order to ward off hardship, whether it is a public, private, or individual need. The adoption of concessions entails falling into the forbidden fabrication. 5- That the adoption of that saying is not a pretext to reach an unlawful purpose.

As for the overall controls on which the provisions of financial transactions are based, they are as follows:

The first rule: the principle in dealings with the solution: This is what the majority of scholars, may God have mercy on them, are upon. Indeed, there was consensus on it (72), but this consensus is subject to consideration, because it is well-known among the Dhahiriyyah that they contradict that, and the evidence for this rule is the Almighty's saying: O you who have believed, fulfill their contracts You have been resolved by the loudness of the patronage except for what is followed by you other than the locality of the good, and you are forbidden, for God rules what he wants (73) This is absolute and includes every contract Likewise, from the evidence, I mentioned some of the verses that came to limit the prohibited things, such as the Almighty's saying: Say, I do not find in what has been revealed to me anything forbidden to me. feed him unless it is dead meat, or blood poured out, or the flesh of swine, for it is an abomination, or a debauchery worthy of other than God He is with him^c Whoever is forced to be unprecedented and no return, for your Lord is forgiving, merciful (75), so it is taken from this that except for these forbidden things in it is permissible, and also the Almighty, And why should you not eat of that over which God's name has been invoked, and He has detailed for you what He has

forbidden you, except what you are compelled to do (77). Evidence for this from the Sunnah is the hadeeth of Sa'd with a chain of transmission traceable back to the Prophet (peace and blessings of Allaah be upon him). According to the Dhahiriyyah, the principle in dealings is prohibition except for what is found in the Qur'an and Sunnah, and everything else is forbidden and it is not permissible to deal with it (80), and they inferred that by the way God Almighty said: Forbidden to you is dead meat, blood and the flesh of swine (81), and they said that God Almighty has perfected the religion Except for what is found in the Book and the Sunnah, the principle is that it is forbidden. For the Almighty said: And it is not permissible for you to take anything of what you have given them unless they fear that they will not maintain the limits set by Allah. And if you fear that they will not keep the limits set by God, and then there is no blame on them for what she gave as ransom. (82) And it is answered to them: That what is meant by transgression of God's limits is the prohibition of the lawful or the permissibility of the forbidden, not Measurement and diligence, which are based on evidence of their authenticity (83).

The second rule: the principle in terms of conditions in transactions. The solution: The principle in terms of conditions is the solution, as long as it does not contradict the intent of the contract by allowing the forbidden or prohibiting the permissible that is established by text or consensus, because contracts and conditions come under the heading of normal actions, and the difference in this rule is like the difference in the one before it, so no one stipulates The contracting parties from the conditions, whether it is a condition necessitated by the contract, or it is a condition of the interest of the contract, or it is a condition describing a benefit, the principle is that solution. This is evidenced by the words of God Almighty: O you who have believed, fulfill your contracts, the animals of cattle have been made lawful for you, except what is recited to you that is not local to the hunt. And you are sacred. Indeed, God rules what He wills (84), and the order to fulfill the contract includes the order to keep its origin, description, and whoever described the condition in it (85). The place of the condition in the contract is that it be before the contract, meaning if the two contracting parties agree on this condition, such as the seller stipulating that he will benefit from the thing sold for such and such a period, or that the buyer stipulates that the price be deferred. And it will also be at the time of the two options (86). The doctrine of Imam Ahmad was distinguished that the principle in contracts and conditions is "validity", and this opens the freedom of the contracting parties to conclude contracts and conditions, based on this principle, and it continues to expand as long as it does not clash with a text, and this adherence and tendency to the legal principle: facilitation, and lifting the embarrassment (87).

The third rule: preventing injustice: and injustice is putting something in its wrong place in transgression, and this rule is one of what all the laws agreed upon. Justice is a divine demand, and the demand of all people. Among them is the Almighty's saying: So give full measure and balance (88), and among them is His saying, may He be glorified and exalted: And do not eat up your wealth among yourselves unjustly (89), and among them is the hadith of Abu Bakra, may God be pleased with him, that the Prophet, may God bless him and grant him peace: (Indeed, your blood, your wealth, and your honor) is forbidden for you) (90) Therefore, the Prophet, peace and blessings of Allah be upon him, forbade the sale of money, the sale of money, the selling of a Muslim over the sale of his Muslim brother, the purchase over his purchase, and the bargaining of his sum due to the injustice and transgression that it entails (91).

The Fourth Control: Preventing Gharar: Gharar in the language refers to meanings, including: imperfection,

exposure to destruction, and ignorance (92). As for the terminology, it is what was concealed as a consequence, or what hesitated between safety and failure, or what was doubted about the occurrence of one of its replacements, and what is meant by it mostly (93). He said: "The Messenger of God, may God's prayers and peace be upon him, forbade the sale of pebbles, and the sale of deception" (94). Likewise, among the evidences, is what has been reported of the prohibition of selling the lamb of the lamb, and what is meant by it is the sale of the offspring of the she-camel, as well as the sale of the contents, and what is meant by it is what is in the bellies of the camel of fetuses, as well as the sale of vaccinated animals, which are what is in the loins of stallions. "He forbade vaccinators, contents, and the rope of the rope" (95). All of these indicate this rule, and that it prevents deception in transactions, as well as the prohibition of contact sales (96) and Al-Munabadhah (97), and the sale of the one who is incapacitated. All of this indicates the control of preventing deception (98).

The fifth rule: the prevention of usury: every transaction involving usury is corrupt, and usury is forbidden in the Book of God and in the Sunnah of His Prophet, may God's prayers and peace be upon him, and the texts are clear and clear, and this prohibition does not allow some of them to say that usury takes place by mutual consent between the two parties, as consent does not make usury lawful, and does not affect It is a solution to deal with it, but God Almighty has forbidden usury, as it was widespread among people in the Jahiliyyah, and it was taking place among them by mutual consent. The jurists differed in the reason for usury, and Abu Hanifa said: The reason for usury is the amount and the gender means by the measure the measure in the measure and the weight in the weighed (99). A group of the Companions said that usury is specific to the female, so differentiation is not prohibited (100). And the Malikis went to that it is saving and rationing. Khalil said in his summary: "The reason for eating usury: rationing and saving" (101). As for al-Shafi'i, the act of usury is in gold and silver, being of the same kind as the price, or of the value of the waste, often (102). As for the reason for the prohibition of usury in wheat, barley, dates and raisins, according to the new saying of al-Shafi'i, it is that it is grafted, so the usury takes place in fresh water and fats more correctly, and he said in the old that it is grafted, measured or weighed (103). And on the authority of Ahmed two novels, one of them is like the saying of Al-Shafi'i and the second is like the saying of Abu Hanifa, and Rabia said everything on which zakat is due is usurious, so it is not permissible to sell a camel for two camels, and the people of the phenomenon said usury is not justified and it is specific to what is stipulated only (104).

The Sixth Control: Preventing the Facilitator: And the facilitator in the language is called easy and rich, and it is called obligatory, so it is said: Make something easy for me if it is obligatory (105). As for the terminology, it is every transaction in which a person enters, either gaining or losing (106). The prohibition of gambling is agreed upon, and the evidence for it is clear from the Qur'an, Sunnah, and consensus. As for the Qur'an, the Almighty says: O you who have believed, intoxicants, gambling, monuments, and arrows are only an abomination from the work of Satan, so avoid it that you may You will be successful (107). And from the Sunnah is what is proven in Sahih Al-Bukhari that the Prophet, may God's prayers and peace be upon him, said: "Whoever says to his companion, 'Come with your money, let him give alms' (108). The fact that the Prophet, may God's prayers and peace be upon him, commanded him to give alms as an expiation for saying this indicates that he called for something forbidden, and the consensus is based on its prohibition. The facilitator (109). Among the examples of forbidden gambling is what we see with some itinerant salesmen when dealing with its image: that the customer is told to buy this commodity and we give you a closed envelope

in which you may find perfume, or you may find a watch in it, or you may not find anything, so one buys a commodity at an exorbitant price and he does not He wants it originally, hoping to obtain what is in these circumstances. This is the same as the forbidden gambling.

Fasd al-dari'i means preventing means that appear to be permissible and lead to forbidden (110). It is divided into three sections: First: pretexts unanimously agreed upon by the scholars, which are the pretexts that lead to corruption and imbalance in matters of religion and the world. Like drinking alcohol, it is a pretext for drunkenness that leads to a disorder of the mind, and likewise fornication, for it is a pretext for mixing and losing lineages, and like digging wells in the roads of Muslims, it is a means for their destruction, and insulting idols for those who know of their condition that they insult God Almighty when they are insulted, Blocking it (111). Secondly, the scholars are unanimously agreed on pretexts not to block it, such as growing grapes so that they do not produce wine. The scholars are unanimous that growing grapes is permissible, even if some of these grapes are pressed into wine, and like preventing women from neighboring houses for fear of fornication. Nevertheless, the scholars are unanimous that this Pretext does not block (112). Third: Pretexts, over which scholars differed, are they obstructed or not? Like selling on deferred terms, like someone who sold a commodity for ten dirhams to a month and then bought it for five before the month, then Malik says: He took out five from his hand now and took ten at the end of the month. It is permissible (113). Therefore, consideration must be given to blocking the pretexts in financial transactions and their consequences, so the pretext leading to the forbidden transaction must be blocked, whatever this pretext is, especially with the large number of means that people use to reach their goals. The majority of the licenses that pertain to financial matters are of this type Permissibility, which is called by the jurists, is that it came against analogy, and they represented that with peace, the loan, the loan, the musaqah, the rent, the money, and the like, which are permissible for the people's need (114).

Conclusion

After examining the most important contents of the research, the most important results can be summarized as follows:

- 1- Islam came with a great approach based on facilitation and mitigation in legal issues, including financial issues, and it is based on moderation in commissioning and authorization in issues related to money, as well as the individual has absolute freedom to choose what he wants from the desirable financial acts of worship, so that the civil symptoms became a legitimate motive and reason for easing.
- 2- By financial licenses, we mean what came from the facilitation and ease in matters related to financial transactions exclusively without worship, personal status, felonies, and others.
- 3- Reducing and facilitating is rooted in the Sharia of Islam in the Book and the Sunnah, and wisdom requires that.
- 4- The facilities available in financial transactions work towards establishing the purposes and objectives of the Sharia, so that the continuity of dilution has become a permanent aesthetic feature in the jurisprudence of money.
- 5- The jurists set a number of controls for the financial licenses in order to work with them, and among these controls is that they are legally considered and not described as deviant sayings, and that there is a need to take them in and that the soul of the licensee is reassured to take the license.

In light of these results, we find it necessary to recommend the following **recommendations**:

- 1- Inviting researchers to continue scientific efforts towards tastes and what draws attention to the aesthetics of Islamic jurisprudence, its breadth and flexibility, which opens new horizons for new issues in the jurisprudence of transactions.
- 2- Participation in scientific lectures, seminars and conferences that are concerned with contemporary jurisprudential issues, and there is no objection to using satellite channels and social media in order to support that.
- 3- Considering the jurisprudence of reality and trying to adapt the developments and calamities according to the jurisprudential controls, the rules of Islamic jurisprudence and the purposes of Sharia, and the employment of scientific activities in universities, colleges, and scientific and cultural institutions related to everything that shows Islamic legislation in the appearance of the best, most appropriate and appropriate legislation for the life of the individual and society.

Margins

- 1- Surat Al-Hajj: From verse: 78.
- 2- Surat Al-Nisa: Verse 28.
- 3- Surah Al-Baqarah: From verse 128.
- 4- Al-Jami' al-Musnad al-Sahih Abbreviated from the affairs of the Messenger of God, may God's prayers and peace be upon him, his Sunnah and his days = Sahih al-Bukhari: Muhammad bin Ismail Abu Abdullah al-Bukhari al-Jaafi, Muhammad Zuhair bin Nasser al-Nasser, Dar Touq al-Najat, I: 1, 1422 AH, Chapter: What the Prophet, may God's prayers and peace be upon him, said: "Be easy and do not be difficult.", 8/ 30, No. (6126); Sahih Muslim: The chapter on his, may God's prayers and peace be upon him, keeping away from sins and choosing from the permissible ones, the easiest, and taking revenge on God when violating His sanctities, 4/1813, No.: (2327).
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- 29- Surah Al-Baqarah: Verse 173.
- 30- Surah Al-Baqarah: Verse 184.
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