

Belonging National destination legitimate And necessity Community

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Abstract:

This research discusses an important issue among the issues presented forcefully, which is the issue of national belonging in all its forms and the status of national belonging in the legal consideration in strengthening, consolidating and empowering national belonging. This research came under the title: (National belonging is a legal goal and a human necessity).

The researcher divided this research into an introduction, six chapters, and a conclusion. The introduction included the research objectives and reasons for choosing it, the research methodology and plan. The first chapter: defining the legal objective and explaining its types. The second chapter: explaining whether national belonging is a legal objective. The third chapter: defining necessity and explaining its types. The fourth chapter: explaining whether national belonging is a human necessity. The fifth chapter: the effect of achieving national belonging in achieving the objectives of the Lawgiver.

The researcher used the analytical inductive method to explain the relationship between national belonging and achieving the objectives of Islamic law and human necessities, and to analyze this scientifically.

The researcher reached several conclusions, perhaps the most important of which are: that the means in Sharia are closely linked to the objectives of the Lawgiver, that all Sharia rulings are based on the interests of creation, and that the connection between national belonging and the achievement of human necessities and Sharia objectives is a close connection.

Keywords: National affiliation - a legitimate objective - a human necessity.

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the introduction

All praise is due to Allah. We praise Him, seek His aid, and ask for His forgiveness. We seek refuge in Allah from the evils of our own souls. He whom Allah guides, none can misguide, and he whom He misguides, none can guide. I bear witness that there is no god but Allah, alone, without partner, and I bear witness that Muhammad is His servant and Messenger.

Now then:

It is established in Sharia that the wise Lawgiver legislated His rulings for goals and purposes that He wanted to achieve through these rulings; because He, glory be to Him, did not legislate His rulings in vain, and He did not burden His servants without a goal - God is exalted above that - and achieving the preservation of society and national belonging is a Sharia goal because of the dire consequences of its failure on the stability of society; therefore, Islamic Sharia - may God preserve it - paid great attention to this aspect, and outlined the correct path for shaping the thinking of the members of society.

I preferred to name this research: **National belonging is a legitimate goal and a human necessity**) To express what I mentioned, and in this research I will shed light on the statement of the fact that national affiliation is influential in achieving the legal objectives and human necessities and needs.

First: The research problem:

The problem of this research is highlighted in answering the question: -

What is the relationship between national affiliation and the objectives of Islamic law?

What is the relationship between national belonging and human necessities?

Second: Research objectives and importance:

First: Its connection to an important topic, which is the topic of national belonging.

Second: Clarifying that national affiliation is one of the objectives of Sharia.

Third: Clarifying that belonging is one of the human necessities and needs.

Fourth: Clarifying that belonging is a complementary legitimate goal.

Fourth: Research methodology:

The researcher used the analytical inductive method to explain the relationship between national belonging and achieving the objectives of Islamic law and human necessities, and to analyze this scientifically.

Sixth: Research plan:

This research is divided into: an introduction, two chapters, and a conclusion.

the introduction:It includes: introduction, research objectives, importance, problem, methodology, and plan.

The first section: National affiliation is a legitimate objective.

The first requirement: the reality of national belonging.

The second requirement: the reality of the legal objective.

The third requirement: The divisions of the legal objective in terms of originality and dependency.

Fourth requirement: Clarifying that national affiliation is a legitimate goal.

The second topic: Explaining that national belonging is a societal necessity.

The first requirement: defining necessity and explaining its types.

The second requirement: Clarifying that national belonging is a societal necessity.

The first topic: National affiliation is a legitimate goal

The first requirement: The reality of national belonging

National belonging: is the state of a person's feeling of belonging to a group. It is a positive, personal, sensory relationship that an individual builds with other people or a group.

It is that state and feeling of joining the homeland, forming a positive relationship with the homeland, forming a strong relationship that connects us to the homeland, and reaching the highest levels of loyalty to the homeland.

There are many forms of belonging to the homeland, including:Maintaining the cleanliness of streets and public facilities, participating in voluntary and charitable work that serves the community, adhering to laws and codes of conduct, and discipline at work. Choosing a method of conscious dialogue in resolving problems and disputes that occur between individuals and groups. Respecting the customs, traditions, and norms of society. Commitment to national symbols, such as the national anthem, the flag, and everything that falls under these symbols. Pride in the homeland, its name, and its symbols, at home and abroad. Sharing the joys and sorrows of the nation's children.⁽¹⁾

The characteristics of belonging are: In a set of its own characteristics, which are: It is a fixed feeling, meaning that a person's belonging to something is direct, complete, and total until the concept of belonging is properly achieved. It is considered a factor in building society; when a person belongs to his society, this encourages him to preserve it, and to be keen on its growth and prosperity permanently. It reduces the spread of negative phenomena; as strengthening belonging in people's souls contributes to making them appreciate the place where they are.⁽²⁾

The second requirement

The reality of the legal purpose

First: Defining the legal purpose in the additional sense.

Objectives in language: plural of objective, and objective is taken from the verb qasada, meaning to intend, so he is qasid, and objective is: the straightness of the path, and from that is the saying of the Most High -And the intention of the path is upon Allah Moderation in something: the opposite of excess. The meaning is: It is upon God to clarify the straight path and call to it with clear arguments and proofs. Some of it is unjust, meaning: and some of it is not moderate. The path of moderation: easy and close. Moderation in something: the opposite of excess, and it is between extravagance and miserliness⁽³⁾.

Technically: It is: the goal for which the means are put in place to achieve it⁽⁴⁾It was said: It is the goal and purpose that is hoped for in righteousness, justice and moderation⁽⁵⁾.

Second: Definition of Sharia: Linguistically: It is the method, and Sharia: the religion, and Sharia is used to refer to the water source that people go to.

To ask for rain, and it was named thus because of its clarity and appearance. It is said: God has made such and such lawful: He has made it clear and evident⁽⁶⁾.

Technically: Al-Jurjani defined it as: It is the commitment to servitude⁽⁷⁾

It was said: The straight path that God has chosen for His servants and the source of the rulings that organize it⁽⁸⁾.

It is known as: the rulings that God has established for His servants through the tongue of our master Muhammad⁽⁹⁾

Second: Defining the objectives of Sharia as a science.

Al-Ghazali defined it and said: "As for the interest, it is an expression of bringing benefit or repelling harm, and we do not mean that by it, for bringing benefit and repelling harm are the purposes of creation, and the goodness of creation is in achieving their purposes, but we mean by the interest the

preservation of the purpose of the Shari'ah, and the purpose of the Shari'ah for creation is five: that it preserves their religion, their souls, their minds, their offspring, and their wealth.”⁽¹⁰⁾.

Ibn Ashur defined it as: the meanings and rulings observed by the Lawgiver in all or most of the cases of legislation, such that their observation is not limited to being in a particular type of rulings of the Shari'ah. This includes the descriptions of the Shari'ah and its general purpose, and the meanings that legislation is free from observing. This also includes meanings of rulings that are not observed in all other types of rulings, but are observed in many types of them⁽¹¹⁾.

He also defined it, saying: “It is the actions and behaviors intended for their own sake, which souls strive to attain through various efforts, or are driven to strive for in compliance.”⁽¹²⁾.

It is also known as: the meanings, wisdoms, and the like that the Lawgiver took into account in legislation in general and in particular in order to achieve the interests of the servants.

Explanation of the definition: His saying: “Meanings”: What is meant by it are the causes, and the cause here means the meaning appropriate to the law of the ruling.

His saying: “And wisdom”: the plural of wisdom, and what is meant by it is the meaning that the cause includes and makes it suitable for the ruling to be based on it, like the hardship of travel, so travel is a cause, and the hardship is the meaning that made travel suitable for the causality.

His saying: “and the like”: is a restriction in the definition to include the words that express the purpose, such as the goal, the aim, and the fruit.

His saying: “which the Lawgiver took into account in legislation”: meaning: which he intended; and in it is an indication that the rulings of God Almighty are reasoned, and that the interests that result from them were intended by the Lawgiver from the beginning.

His saying: “Generally”: refers to the general objectives of the Sharia for which evidence has been established.

His saying: “And especially”: refers to what the Lawgiver intended in every partial ruling in terms of reasons and wisdom.

His saying: “In order to achieve the interests of the servants”: is a restriction to clarify the reality; because all the legal objectives are to achieve the interests of the servants.

Servants in this world and the hereafter⁽¹³⁾.

In short: The objectives of Islamic law are the sum of what the wise Lawgiver intended of interests that result from Islamic rulings, and they include worldly and otherworldly interests⁽¹⁴⁾.

The third requirement

Sections of the legal objective Considering originality and dependency.

The objectives of Islamic law are divided into original and initial objectives, and dependent and complementary objectives into original objectives and dependent objectives.

First: The original objectives:

Original objectives: are the objectives that the Lawgiver intended originally, initially, and fundamentally, i.e. he intended them with the first, primary intention, and they are the first objectives and highest goals of the rulings. It was said: they are the necessities in which the person responsible has no share, meaning that he is obligated to do them and preserve them, whether he likes them or not, by choice or compulsion.

Examples: The original purpose of marriage: procreation and populating the universe, and the original purpose of seeking knowledge: worship, obedience, clarification, education and preaching.

Second: Subordinate or dependent purposes:

Subordinate objectives are the objectives and wisdoms that the Lawgiver intended as a consequence of, complementary to, and completion of the original objectives. They are legitimate.

With the second intention subordinate to the original intention, and with the intention of completion and completion.

Examples include:

1- The purpose of marriage is to enjoy one's wife, to be intimate with one's children, to obtain affection, peace, mercy, and to beautify oneself with the woman's money, and other things.

2- The objectives of seeking knowledge are to achieve academic honor, influence of speech, and to attract respect, good virtues, and good deeds.

3- The purpose of prayer is to achieve purity, cover the private parts, face the Qiblah, announce the call to prayer, and display the rituals of Islam.

Al-Shatibi said: “Likewise, all other acts of worship have otherworldly benefits, which are general, and worldly benefits, and they are all subordinate to the original benefit, which is submission and obedience to God.”⁽¹⁵⁾.

The fourth requirement

Statement that national affiliation is a legitimate goal.

The objectives of Islamic law were previously divided into original objectives and subsidiary objectives. This clearly indicates that the apparent objectives, such as necessities, are not the only

objective of the Lawgiver in reality. Rather, everything that achieves the original objectives is also an objective of the Lawgiver, as these are introductions and complements to the original objectives, and are called subsidiary objectives.

Al-Shatibi said: "Likewise, all other acts of worship have otherworldly benefits, which are general, and worldly benefits, and they are all subordinate to the original benefit, which is submission and obedience to God."⁽¹⁶⁾ .

In this section, I will show whether national affiliation is one of the objectives of the Lawgiver, either one of the original objectives or one of the subsidiary objectives, as follows:

First: Clarifying that belonging is an original goal.

National belonging is a necessary goal because it is a fundamental pillar in preserving the five necessary Sharia objectives, and the details of that are as follows:

First: The relationship between national belonging and preserving the purpose of religion. This is evident in the fact that the homeland is the cradle of the establishment of religion and the various Islamic rulings. If the homeland is safe and the hearts of its sons rally around it, the homeland will remain safe from its enemies and free from those who plot against it. If the homeland is safe, the rulings and laws of Islam will be established in the homeland, such as establishing Friday prayers and all other rulings of Islam.

Second: The relationship between national belonging and preserving the purpose of the soul. This is evident through the prevalence of security in the country if the sons of the nation are committed to belonging to it and fear for it from the sources of evil. There is no strife, war, or fighting among them for any reason, because they are all united by national belonging. Thus, it preserves souls and limbs from what would lead to destruction and ruin. It is considered the most important means of preserving the purpose of preserving the soul, as well as preserving the purpose of preserving the lineage.

Third: The relationship between national belonging and preserving the purpose of reason. This is evident from the fact that when belonging becomes entrenched in the souls of the sons of the nation, they protect it from what would cause harm to their youth and the sons of their nation, such as protection from drugs and everything else that would destroy the mind.

Fourth: The relationship between national belonging and preserving the purpose of money. This is evident in the fact that national belonging drives citizens to purely preserve the nation's money and resources, which is the state's capital, from which it spends on all facilities and the conduct of state affairs. Preserving it is a legitimate purpose, as is preserving private money, because it is part of public money in achieving the public benefit for the individual and society.

The second topic

Statement that national belonging is a societal necessity.

The first requirement

The reality of societal necessity.

Necessity: a noun derived from compulsion, which is extreme need, hardship, and unavoidable severity⁽¹⁷⁾.

It is said: The compelling situation that pushes towards something unpleasant. You say: Necessity forced me to do such and such⁽¹⁸⁾Necessity is called a driving need. It is what a person needs for his survival and is called the rights of the soul⁽¹⁹⁾.

Necessity: is derived from harm, which is something that cannot be prevented. It is used to describe an action that is necessary. Necessary: is used to describe what one is forced to do and what necessity calls for with a strong call⁽²⁰⁾.

Therefore, necessities are: everything that must be done to achieve interests absolutely, otherwise there will be imbalance and corruption that cannot be tolerated or remedied⁽²¹⁾.

Community and humanity are synonymous in meaning, as humanity (Humanity: Humanity in the language is an artificial source of the word human, and it is the meaning upon which the essence of man is based, and it is what distinguishes man from characteristics and qualities, which in turn make him different from the rest of the types of living beings, and it can be said that humanity is what is the opposite of bestiality or animality⁽²²⁾It also refers to some of the characteristics that distinguish humans⁽²³⁾.

Technically: a characteristic that unites all members of the human race, and it may also indicate the characteristics that distinguish humans from other creatures⁽²⁴⁾.

Human necessity can be defined as a term: Any matter that, if it occurs, results in the realization of human interests, and if it is not fulfilled, results in the corruption of their lives and the occurrence of damages that cannot be remedied.

Community is related to society, which is: a social fabric made by man, and consists of a set of systems and laws that determine the social standards that are imposed on the individuals of this society. In addition, society depends on its individuals to remain cohesive. Without individuals, societies collapse and disappear, and the individual is affected by society as society is affected by the individual. For

example, if society suffers from the spread of unemployment, a high level of crime, and overcrowding of students in schools, the individuals of this society will be negatively affected as a result of these factors⁽²⁵⁾.

The second requirement

Statement that national belonging is a societal necessity

I have already shown that necessity Everything must be done to achieve interests absolutely, otherwise there will be imbalance and corruption that cannot be tolerated or remedied, It is derived from the damage that has occurred and cannot be prevented.

Here I show that the value of national belonging and its realization in the societal reality is a human necessity for the benefit of this society and the nation, through the following:

First: National belonging achieves societal security, because when national security is achieved, citizens seek by all means to secure their homelands, and work on that with official bodies, and people are united by national belonging, and they rally around it, so no quarrels or disputes occur between them, and societal security prevails.

Second: National belonging achieves political stability in homelands. When national belonging is deepened and strengthened in the hearts of citizens, citizens in this case are the first and strongest wall of defense against any infiltration or attempt to destabilize the political stability of the country. In this case, the homeland whose sons are saturated with belonging to it will not be a place of chaos or a place for the spread of rumors and malicious statements, but rather it will be safe and politically stable.

Third: National belonging achieves economic security, because when national belonging is widespread and political stability is achieved - as I mentioned in the previous paragraph - economic security is achieved due to political stability on the one hand, and on the other hand, the economy flourishes and advances in this case, and all citizens who own capital participate in the economic development of their country; due to their belonging to it, and in pursuit of its economic and civilizational progress.

Fourth: National belonging is the most important means of civilizational progress. When citizens strengthen their national belonging in their souls, they seek to advance their country in civilization and present it in the most beautiful image before the world.

Fifth: National belonging achieves environmental security, by keeping the environment clean from pollutants or dirt, and keeping the streets and squares clean and beautiful. This only happens when national belonging is stable and even entrenched in the souls of citizens.

In short: From all of the above, it becomes clear and obvious that national belonging is a human necessity, because it is a means to all of the previous matters, which fall within the framework of societal and human necessities.

Conclusion

Praise be to God, by whose grace good deeds are accomplished. May blessings and peace be upon the most honorable of prophets and master of messengers, and upon his family and companions and those who follow his example until the Day of Judgment. Now then:

In conclusion of this research, I mention the most important results I reached, which are as follows:

Firstly: Islamic law has the means to remain eternal and perpetuate its objectives and means, and is suitable for all times and places.

secondly: The wise Lawgiver did not legislate His rulings in vain - God is far above that - but rather they were legislated for the purposes and objectives He intended from His legislation and rulings.

Third: All the provisions of Sharia law only serve the interests of those responsible in this world and the hereafter.

Fourth: Taking care of the rulings of non-Muslims has the greatest impact in achieving, deepening, consolidating and strengthening national belonging.

This is what God knows best, and our final supplication is: Praise be to God, Lord of the Worlds, and may God's prayers and peace be upon our Prophet Muhammad, his family, his companions, and those who follow his guidance until the Day of Judgment.

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