

Rules not Muslims And its impact in investigation Belonging National

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Abstract:

This research deals with an important issue among the issues presented forcefully, which is the issue of national belonging in all its forms and the effect of the rulings related to the Grand Imamate in strengthening, consolidating and enabling national belonging. This research is entitled: (Rulings on Non-Muslims and Their Effect on Achieving National Belonging).

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: The status of man in Islamic law, the second chapter: Fortification, the third chapter: Equality in litigation for non-Muslims, the fourth chapter: The infallibility of non-Muslims and its impact on achieving national belonging, the fifth chapter: Involving non-Muslims in religious rulings that benefit them, and the sixth chapter: Freedom of religion and its impact on achieving national belonging. The researcher used the analytical inductive method to explain the relationship between the rulings related to the rulings of non-Muslims and their relationship to achieving national belonging.

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 rulings of non-Muslims are linked in one respect to national affiliation and its achievement..

Keywords: Rulings - Litigation - Infallibility - National affiliation.

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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: **Non-Muslim rulings and their impact on achieving national belonging**) To express what I mentioned, and in this research I will shed light - God willing - on the effect of caring for the rights of non-Muslims and its effect on achieving national belonging among members of society, and an attempt to analyze this relationship with an appropriate analysis.

First: The research problem:

The problem of this research is highlighted in answering the question: -
What is the relationship between the rulings on non-Muslims and achieving national belonging?

Second: Research objectives:

First: Clarification of the relationship between **Rulings on non-Muslims** National affiliation.

Second: Clarifying the rulings on non-Muslims that affect the achievement of national belonging.

Third: The importance of the research:

The importance of the research lies in several things: -

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

Second: Explaining the impact of the rulings of non-Muslims on achieving national belonging.

Fourth: Research methodology:

In this research, I followed the analytical inductive approach, where I inducted the rulings of non-Muslims, then I analyzed their impact on achieving national belonging.

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.

Chapter One: The Status of Man in Islamic Law

The second topic: Immunization of non-Muslims, their permissibility and partnership, and its impact on achieving national belonging

Section Three: Equality in Litigation for Non-Muslims

Chapter Four: The infallibility of non-Muslims and its impact on achieving national belonging

Fifth Section: Involving non-Muslims in religious rulings that benefit them

Chapter Six: Freedom of religion and its impact on achieving national belonging.

The first topic

The status of man in Islamic law

The first requirement

Human dignity is a religious principle.

Man is the creation of God Almighty, and he is the most honorable of God Almighty's creations. God has made him inhabit the earth, and he has been honored by virtue of being a human being, regardless of his belief and religion. God Almighty said: And We have certainly honored the children of Adam The legal texts were based on honoring him simply because he is a human being. God Almighty said: We have certainly created man in the best stature.

Among the honors is the subjugation of all creatures and everything on earth and in the heavens to man, whatever his religion, as indicated by the Almighty's saying: It is He who created for you all that is on the earth. ⁽¹⁾

Among the evidence of honoring man with his absolute humanity is God's command to the angels to prostrate to Adam, peace be upon him, as an honor to the entire human race.

Secondly: God Almighty says: When your Lord said to the angels, "Indeed, I am creating a human being from clay. So when I have proportioned him and breathed into him of My [created] soul, then fall down to him in prostration."

The Prophet depicted that. - In fact, when a funeral passed by him, he stood up and was told: It is the funeral of a Jew. He said: "Isn't it a soul?" ⁽²⁾

Jurists have applied honoring in jurisprudential deduction; as jurists have agreed on the purity of a living human being, whether Muslim or non-Muslim, based on the Almighty's saying: "And We have certainly honored the children of Adam"; and because the Prophet -The Thaqif delegation settled in the mosque.⁽³⁾ And if their bodies were impure, He would not have placed them in it, as a sign of His purity.⁽⁴⁾

The most likely opinion regarding the deceased is that he is pure, whether he is a Muslim or otherwise.⁽³⁾ Because God Almighty says: "And We have certainly honored the children of Adam." And because the human being is pure, alive and dead, because He says: □-: "The believer is not impure." Because he is human, if he becomes impure by death, he is not purified by washing like other animals that become impure. Therefore, the Muslim and the non-Muslim are the same because they are equal in humanity and in life⁽⁴⁾.

The second requirement

The impact of the principle of human honor in achieving national belonging

The indisputable truth is that dealing with this principle has a clear impact on achieving societal security, achieving security and peace throughout countries, and achieving national belonging. To explain this, I say:

Firstly: The principle of human dignity and dealing with people on this basis makes society free of grudges and hatreds, which are the basis of all societal problems. National belonging is achieved on the basis of human dignity.

secondly : The principle of human dignity makes everyone equal in rights and duties, and thus achieves the principle of national belonging, because if a person sees that he is not treated as a human being with absolute humanity without discrimination, then he will not belong to this country, but on the contrary, he will try to corrupt it and harm it by every means.

Third: The principle of human honor has a clear relationship with achieving familiarity and affection among members of society, regardless of their class, circumstances and conditions. This is the basis for achieving security in society, which in turn leads to strengthening national belonging.

The second topic

Immunization of non-Muslims, their permissibility and partnership, and its impact on achieving national belonging

The first requirement

Immunization of non-Muslims and their permissibility and partnership

What is not disputed is that dealing with non-Muslims is based on their tolerance and good nature, and the prohibition of harming them by any means, including his statement: "Whoever harms a dhimmi, I will be his opponent, and whoever I am his opponent, I will be his opponent on the Day of Resurrection."⁽⁵⁾ And his saying: "Whoever kills a person with whom he has a covenant will not smell the fragrance of Paradise, even though its fragrance can be found from a distance of forty years."⁽⁶⁾ This

principle is clearly stated in his saying: “Nothing of the money and blood of the dhimmis and those under a treaty is permissible except with their consent.”⁽⁷⁾ It was decided that the soul of a non-Muslim is infallible and his money is protected from any aggression.⁽⁸⁾ There is a consensus that the property of non-Muslims is sacred, and it is not permissible to eat it unlawfully or to destroy or damage it.

Jurists agreed on the permissibility of contracting, buying, selling, and mortgaging with non-Muslims, and that the unity of religion is not a condition for its validity or perfection.⁽⁹⁾ And the Messenger of God bought from a Jew, he gave him food on credit, and he mortgaged his armor.⁽¹⁰⁾

It is also preferred by jurists The permissibility of partnership between a Muslim and a non-Muslim, because there is no legal evidence prohibiting partnership between a non-Muslim, and the absence of evidence prohibiting it is evidence of permissibility.⁽¹¹⁾

The second requirement

The impact of immunizing non-Muslims in achieving national belonging

Fortifying non-Muslims has an impact on achieving national belonging, through the following:

First: If a non-Muslim knows that his money is protected by Islamic law, and that it is not permissible to transgress against it by any means, this will make their hearts reassured towards Muslims. Rather, it will make them love their Muslim brothers and cooperate with them in preserving, protecting, and advancing society. Rather, it will make societal security and peace prevail, and societal security will spread, which is considered the first building block of national belonging.

secondly: Fortifying non-Muslims in all their diverse circumstances makes society one heart, and this is the most important thing that achieves security in society, and thus national belonging is achieved.

The third topic

Equality in litigation for non-Muslims

The right to litigation for all and equality in its mechanisms and procedures is the true guarantee of justice, and the establishment of a basis for guaranteeing rights and fulfilling them in the prescribed manner that is free of injustice; this is for all regardless of their religion, and equality in litigation and its procedures for non-Muslims, which achieves peaceful national belonging in this country.⁽¹²⁾

The first requirement

Equality in litigation procedures for non-Muslims is a religious duty.

Judiciary language: It is derived from the verb “qada”, “yaqdi”, “qada’a”, and “qadiya”, and its meaning is: ruling, and decision.⁽¹³⁾

Technically: Settling disputes between people to resolve litigation and conflict through the legal rulings received from the Qur’an and Sunnah. The definition of the judiciary indicates that it includes all litigants without distinction or religion.

In Islamic jurisprudence, it is preferable to establish equality between the two parties, regardless of their religion, in accordance with the generality of the Almighty’s saying: And when you judge between people, judge with justice. The word “people” includes everyone, Muslim and non-Muslim, and the first step of justice is equality in litigation procedures between Muslims and non-Muslims. Therefore, equality between litigants, regardless of their religion, is obligatory⁽¹⁴⁾.

The second requirement

A model of justice with non-Muslims

Some may think that justice for non-Muslims is not achieved in the Muslim community, so here we present an example of absolute justice in litigation between Muslims and

non-Muslims. This example is narrated by Al-Bayhaqi, who said: “Ali ibn Abi Talib, may God be pleased with him, went out to the market, and there he saw a Christian selling a shield. He said: Ali, may God be pleased with him, recognized the shield and said: This is my shield, between me and you is the judge of the Muslims. He said: The judge of the Muslims was Shuraih, and Ali, may God be pleased with him, had appointed him as a judge. He said: When Shuraih saw the Commander of the Faithful, he rose from the judiciary seat, and seated Ali, may God be pleased with him, in his seat, and Shuraih sat in front of him next to the Christian, ... and said: Judge between me and him, Shuraih. Shuraih said: You say, O Commander of the Faithful. Ali, may God be pleased with him, said: This is my shield, it has been gone from me for a long time. Shuraih said: What do you say, O Christian? The Christian said: How lying is the Commander of the Faithful, the shield is my shield. Shuraih said: I do not think that it will leave his hand, so is there any evidence? Ali, may God be pleased with him, said: Shuraih said: The Christian said: As for me, I bear witness that these are the rulings of the prophets. The Commander of the Faithful comes to his judge, and his judge rules against him. By God, O Commander of the Faithful, it is your armor. I followed you from the army and it had slipped off your white camel, so I took it. I bear witness that there is no god but God and that Muhammad is the Messenger of God. He said: Ali, may God be pleased with him, said: As for if you become Muslim, it is...

For you, and carry him on an old horse⁽¹⁵⁾.

This is a dazzling, pure, and radiant image that we boast about to the world so that people may know the extent of the fairness that non-Muslims enjoy under Islamic law.

The third requirement

The impact of equality in litigation for non-Muslims in achieving national belonging

Equality in judicial rulings and what is related to them, and equality in rights and duties between Muslims and others, is considered one of the most important things that achieve national belonging; this is because the judiciary, with its rulings and what is related to it, is the title of justice and the way for every person with a right to reach his right. When feeling equality in what is related to it, the souls of non-Muslims are reassured that they will definitely obtain their right, and they are guaranteed that their rights will not be wronged or oppressed, and this in turn achieves several things:

First: The spread of love and harmony among the people of one nation, based on everyone's certainty that their rights are preserved, and they do not fear the injustice of an unjust person, nor the encroachment of an encroacher under any slogan or cover, especially non-Muslims who live among Muslims. It also achieves constructive cooperation among the people of one nation, regardless of their beliefs, in building the nation, its safety, and defending it. This is the basis of national belonging and the spread of security and stability desired by law and reason.

Second: The feeling of preserving rights and equality and not fearing injustice or unfairness achieves a sincere sense of belonging to the homeland and ensures the achievement of national belonging in the souls of the nation's children.

The fourth topic

The infallibility of non-Muslims and its impact on achieving national belonging

The first requirement

Inviolability of the souls and money of non-Muslims

The legal texts have come together to achieve the principle of the infallibility of non-Muslims in their lives and their money, whether it is for perpetuity⁽¹⁶⁾ It has been unanimously agreed that the lives and property of non-Muslims are inviolable by the inviolability of the Sharia. Islam gives the non-Muslim complete security for his blood and property according to Islamic law. It is not a favor from anyone, nor a gift, but

rather one of the duties of Islam imposed by God Almighty. A Muslim does not complete his Islam except by acting in accordance with that. Whoever does not do so... He becomes a disobedient person to God Almighty and His Messenger, may God bless him and grant him peace, and deserving of punishment⁽¹⁷⁾

The second requirement

The impact of the infallibility of non-Muslims in achieving national belonging.

The effect of the infallibility of non-Muslims in achieving national belonging is evident through the following:

Firstly: Emphasizing the inviolability of the lives and property of non-Muslims instills in the souls of the members of society that they are one soul, that the responsibilities are shared, and that the homeland contains everyone, and this is the basis for achieving national belonging.

secondly: The prohibition of attacking non-Muslims means the prohibition of harming them by any means. The establishment of the prohibition makes the Muslim refrain from that as an act of worship, not as a custom or a law, and makes non-Muslims feel reassured, because their safety is a religion that must be followed, thus strengthening national belonging.

Third: The legitimacy of enacting laws that achieve the infallibility of non-Muslims by enacting laws that achieve the interests of society, and the duty of the members of society to adhere to them in order to achieve their intended purpose according to Sharia, and adherence to them certainly achieves peaceful coexistence in society, and it is the basis for national belonging.

Chapter Five

Involving non-Muslims in religious rulings that benefit them

The first requirement

The permissibility of giving expiations to non-Muslims.

What is more likely in Islamic jurisprudence is the permissibility of giving to poor non-Muslims as expiations and vows.⁽¹⁸⁾ Because God Almighty says: "Then its expiation is the feeding of ten needy people from the average of that with which you feed your families, or clothing them, or the freeing of a slave."⁽¹⁹⁾ The noble verse did not differentiate between those who deserve it based on their religion. Rather, Muslims and non-Muslims are equal in the permissibility of taking expiation⁽²⁰⁾.

Because Feeding a non-Muslim as an expiation for a Muslim is only to relieve poverty, and poverty exists in the needy non-Muslim, so it is permissible to give charity to them just as it is permissible to give it to a Muslim, but it is even more so⁽²¹⁾

The second requirement

The effect of paying expiations to non-Muslims in establishing citizenship.

The effect of paying expiations to non-Muslims in strengthening national belonging is evident in the following: -

Firstly: The statement of Islamic Sharia's care for all members of society, regardless of their religion, strengthens the bonds between members of society and makes them one heart, interconnected, without any doubt or suspicion of the unity of their ranks, the cohesion of their relationship, and the benefit of each other. This is a rule for achieving national belonging.

secondly: Establishing the principle that non-Muslims are considered by Islamic law to be one of the pillars of society, and that meeting their desires and fulfilling their needs is a priority of Islamic law, just like Muslims. This is a rule upon which sincere belonging and true love are built among members of society, regardless of their beliefs.

Third: Giving expiations to non-Muslims fulfills the needs of the needy in society, and fulfilling the needs of society is one of the most important starting points for national belonging among members of society. And God knows best.

Chapter Six

Freedom of religion and its impact on achieving national belonging.

Freedom of belief is a fundamental principle of Islamic law, as God Almighty says: There is no compulsion in religion ⁽²²⁾So, negation is in the sense of prohibition, meaning: Do not force anyone in religion⁽²³⁾And the Almighty said: “Would you then compel the people in order that they become believers”⁽²⁴⁾God Almighty has returned faith and other things to the will of the person, because it is a matter of absolute freedoms that God Almighty has given to His creation. If God had wanted to guide everyone, it would have happened. This indicates that the will to believe or not to believe is the choice of creation. There has been consensus on the impermissibility of coercion into religion⁽²⁵⁾.

The principle of freedom of religion is considered one of the most important principles that achieve national belonging. Societies that are dominated by coercion and oppression, especially in religion, are never free from disagreement, disputes and disturbances that plague them at any time. Rather, this society is considered an easy target for its enemies who plot against it, as they can ignite the fire of sedition in it whenever they want.

In short: Freedom of belief guaranteed by Islamic law is the starting point for the safety of societies and safe coexistence among their members on the basis of mutual respect and agreement on commonalities that serve the interests of all. Not once has coercion affected conversion to Islam in the history of Islam, and perhaps this is part of the intrinsic strength of Islam that has increased its spread to all parts of the world.

Continuation: Peace is the principle of Islam

The basis of a Muslim’s relationship in all his dealings is peace and harmony, as God Almighty says: O you who have believed, enter into Islam completely. ⁽²⁶⁾In it, he calls on all believers to be peaceful with everyone, so that societal security is achieved.⁽²⁷⁾And the Almighty said: Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly. ⁽²⁸⁾.

It indicates righteousness and kindness to non-Muslims. If we return to the generality of the wording, we find that the verse is explicit and comprehensive of everyone who does not show hostility to Muslims and does not show them any harm. It is closer to non-Muslims than to Muslims because kindness to the weak among Muslims is known by the legal necessity. This verse also contains a call to good treatment and to bring hearts together by being kind to those who are kind to them and not being hostile to those who are not hostile to them. Based on this, one of the requirements of not being hostile is to establish the relationship between us and them on the basis of peace, not on the basis of war, in order to achieve a general principle of the principles of religion⁽²⁹⁾

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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⁽¹³⁾ See: Tahdhib al-Lughah by Muhammad ibn Ahmad ibn al-Azhari al-Harawi.9/170

(¹⁴) See: Settlement between opponents in the Judicial Council, Dr. Asmaa Ahmed Al-Awis - Assistant Professor of Jurisprudence and its Principles, p.8 - College of Islamic and Arabic Studies - Dubai - 1st edition, 1427 AH - 2006 AD

(¹⁵) The Great Sunan of Al-Bayhaqi by Al-Hafiz Abu Bakr Ahmad bin Al-Hussein bin Ali Al-Bayhaqi 20/230 – No.: (20465) – Ed. Hijr Center for Arab and Islamic Research and Studies – First Edition, 1432 AH - 2011 AD

(¹⁶) See: Al-Tajreed by Al-Qudduri by Ahmad bin Muhammad bin Ahmad Abi Al-Hussein Al-Qudduri 12/6264- T: Prof. Dr. Muhammad Ahmad Siraj - Prof. Dr. Ali Juma Muhammad - Dar Al-Salam Publishing House - Cairo - Second Edition, 1427 AH - 2006 AD, Al-Mughni by Ibn Qudamah 9/337.

(¹⁷) See: Bada'i' Al-Sana'i' 7/110, Al-Bayan fi Madhhab Al-Shafi'i 12/273, Al-Kafi fi Fiqh Al-Imam Ahmad 4/170.

(¹⁸) See: Al-Mabsoot 4/102, The Wonders of Crafts 5/104.

(¹⁹) From the verse 89: From Surat Al-Ma'idah.

(20) See: Explanation of Sunan Abi Dawood by Abu Muhammad Mahmoud bin Ahmad bin Musa bin Ahmad bin Hussein Al-Ghitabi Al-Hanafi 6/422- T: Abu Al-Mundhir Khalid bin Ibrahim Al-Masry - T. Al-Rashd Library - Riyadh - Edition: First, 1420 AH - 1999 AD.

(21) See: Bada'i' Al-Sana'i' 5/104

(22) From verse number (256) From Surat Al-Baqarah

(23) See: Anwar al-Tanzil wa Asrar al-Ta'wil by Nasir al-Din Abu Sa'id Abdullah bin Omar bin Muhammad al-Shirazi al-Baydawi. 1/154- T: Muhammad Abd al-Rahman al-Marashli- Published by Dar Ihya' al-Turath al-Arabi - Beirut- First Edition - 1418 AH

(24) From verse number (99) Surah Yunus.

(25) See: Al-Mughni by Ibn Qudamah: 9/30 - Cairo Library Edition.

(26) Verse No. 208) Surah Al-Baqarah.

(²⁷) See: The Concise Editor in the Interpretation of the Noble Book by Abu Muhammad Abd al-Haqq ibn Ghalib ibn Abd al-Rahman ibn Tamam ibn Atiyah 1/282 - T: Abdul Salam Abdul Shafi Muhammad - Published by Dar Al-Kutub Al-Ilmiyyah - Beirut - First Edition - 1422 AH

(²⁸) From verse number (8) Surah Al-Mumtahanah

(²⁹) Statement Lights: 8/92