- ()
ISSN 1726-6807, http://www.iugaza.edu.ps/ara/research/

ishindi@qou.edu:

Islamic Rules of Compromise in the Murder Cases

Abstract : In a comparative study, the present research aims at studying a *fiqih* topic related to rulings of compromise in the case of murdering from an Islamic jurisprudence perspective. The research is organized around seven chapters. The first is dedicated to introducing what is meant by reconciliation-(solih), and murder. The second chapter discusses the rulings of reconciliation. The third chapter reveals the cases that can be compromised – in murder and the amount. The fourth chapter discusses the reasons behind the different opinions of *fuquha*, regarding what should be paid more than the blood money. The fifth chapter reveals the position of the Islamic jurisprudence (fiqih) from reconciliation on behalf of the idiot, the young and the mad. The sixth chapter determines the one who should pay the compromise after murdering and the mechanism of payment. The seventh chapter reveals what undermines compromise and reconciliation after convention.

_ -

()

:

```
:
:()
                       :
.[ ]<sup>()</sup>
              :
                    ()
                       :
.( )...
                            ( )"...
            .[ ]:( )
.( ) - / .( )
                                    (1)
                                  /
                                    (2)
                                    (3)
             .( ) - / ( )
             .()
.()
.()
                                    (4)
                                    (5)
                                    (6)
```

.()") .() (:() .()"

(1) . /
. /
. /
. /
. /
. /
. () - /

(2)

(3)

(4)

(5)

(6)

(7)

```
.()
               ( )"
      .( )
                                         : ()
                                                    ()
                                                                ( )
             ()
                                         ()
()
       ()
                                                 ()
                                                            ( )
                                                                     (1)
                                                :
                                                                      (2)
                                               .( )
                                                                      (3)
                                                                      (4)
                                                                    /
(5)
                                                                      (6)
                                             . /
```

```
( )
                                                         (1)
. /
                                                         (2)
                                                         (3)
                                                         (4)
                                                         (5)
         :
:
.( )
                                                         (6)
                                            : .
.( )
```

() : .()

. / : . / : . . / . . / . . / . . / . . / . . / . . /

(1) (2)

. / (3) .

() : : () ":- -

":- - .^()" : (1)

. - / . - / . (2)

. / . - /

. / / : (3)

-

()

.()" .() () () .()" ·()"

.() (1)

(2)

(3) (4)

: .() /

(5)

(6)

): / .(): / : . . / . .(): / . . . : .(

():

```
( )n( )
.
               .( )
":
                                                  .( )"
                .()
                        .( )"
                            ( )
                              ( )"
                                     .( )"
                                                                              (1)
                                                       :
                                                                     :
                                                                             ) (2)
                                                                        .(
                                                                             ) (3)
                                                                     .(
                                                                               (4)
                                                                               (5)
                                                                               (6)
                                                                               (7)
                                                                              (8)
                                                                              (9)
                                                                             (10)
                                                                             (11)
```

() () () () .()" () () .()" (1) (2) / (3) (4) (5) (6) (7)

() .()" ()" ()" .()" () : () () () (1) (2)(3)(4)(5)(6) (7) (8) / (9) . /

. / ." :

```
()
                                                                                      ( )
                                                    ( )
                                                    ":
                                    ( )"
                ( )"
":
                                                  . ( )"...
.( )"
                                                           ()
                                                        .()
     .( )"_
                                                                                         (1)(2)(3)
                                                                     /
                                                                                         (4)
                                                                                         (5)
                                                                                         (6)
                                                             .( )
                                                                                         (7)
                                                                                         (8)
                                                                                         (9)
                                                                                        (10)
```

```
.( )"
              .( )
                                                          :
                                                       .( )"
                                 ( )
                                  .( )"
            ( )
                                                 _
()
             :
            :
                                      .( )"
                                              . /
/
                       . /
                                                                (1)
                                                                 (2)
                                                                (3)
              /
                                  .(
                                       ) (
                                              ):
                               .(
                                      ) ( ):
                                                                (4)
             .( )
                        /
                                                                (5)
   ):
.( )
.(
                                                      .(
                                                           ):
                                                            :
                                                                (6)
                                                                (7)
                : .
                                                              /
(8)
                    ):
.( ):
                                                   .( )
                              - /
                  .(
```

() () () : : .(): / / . : / (1)(2)(3)

(4) (5) ()

()

: : .() - /

.()"

() ()

· ()"

(1)

(2) (3)

(4)

(5)

(6) (7)

/

() .()" () .() : . / (1) (2) (3)

(4)

```
( )
                                          ()
                         ( )
                                           ()
                   ()
                                 :
            . ...
                                  .( )"
                                        .( )
                                            .( )( )"
                                .( )"
/
                     . /
                                            . /
                                                                  (1)
                                                                  (2)
                                                                  (3)
                                                                  (4)
                                                                  (5)
                                             .(
                                                                  (6)
                                              .( )
                                                                  (7)
                                             /
                                                                  (8)
                                             .( )
                                                                 (9)
                                                                 (10)
            .( ):
                                                                 (11)
                                           .( ):
                                                     /
                                               .(
                                                     ):
```

_	_			. () _{II}		".	-		
()ı	•	":			.()	":-	()	_	-
			. ()"			":-		- :	-
-		()"		-	_		".	_	
-						.()		_	
								:	-
":									
									(1)
.():			:		/	:		(2) (3)
. /	,		. /			: . . /			(4)
.()	:					. / / /			(5)
/						.():	.(١.	
						.()	• (, .	(6) (7)

()" .()" . ()u () () () () (1) .() (2) (3) (4) (5)

: .()" ()" ..." -.()" ()"... ()" ()"... / . / (1) . / (2) (3) (4) .(.(.((5) (6) : . / / (7)): .(.() .() (8) (9)

```
( )"
                                                  .( )"
               (
                            )
         .( )"
 .( )..
()
                          ()
                                                                     .( )"
                                                      .( )
                                                                               (1)
                                                                               (2)
                                                                               (3)
          .( ):
.(
                                                                       ):
                  ):
                  .(
                          ):
.(
                                 ):
                                                                               (4)
):
                                                                       ):
                                                                        .(
                                                                               (5)
                                                                               (6)
):
                                                                               (7)
                                                                        .(
):
                                                      ):
```

.() .()" .() .() .() : .(): .(/ : .(): . / : .(): / (1)(2)(3) (4) (5)

()" : ()" ()" ": .()" : () . / (1) (2) (3) . / (4) : : (()): ": :].")].

(5)

() () .()" .() (1)) (2) (3) (4) (-)

.()

() .()

.()

(1) (2) (3)

.()

):

.(

(5)

. / (6)

() () () () : () : ()" .() () : (1) / . / (2) .() (3) : (4) (5) (6) (7) / (8) . /

.

. / . (1)

. - / (2)

. / (4) (5)

. - / (6)

·

: () () -()*

. / . / (2) : : (3)

: . . .

. / : . . / . / . / . /

- - - (4) / : -

() () () ... () .() (): ... : }: (1) (2) (3) (4) (5)

- .()₁₁ ":-.() .() () .() : . ()" .()" (1) () (2) (3) (4) (5) (6) (7) (8)

(9) (10)

.()() ()

(1)

(2) (3)

() () () (1) : (2) (3)

() () () .()" () .() () . / (1) (2) (3) (4) (5) (6) (7) (8)

": .()" () ... ()

()

. / (1)(2)(3) (4) (5)

, - - -

:

-

, . .

--

· -

() .() .() ()

] http://www.al-islam.com

].

```
.(
          ] http://www.al-islam.com
                                         ].
                              ] http://www.alwarraq.com
( .)
            ].
    )
     ] http://www.al-islam.com
                                  ].
         ].
                                       ] http://www.alwarraq.com
    ] http://www.alsunnah.com
                                          ].
```

```
(
                                            )
(
   )
                                .( )
(
   )
                      .(
                        )
       ] http://www.alwarraq.com
                                   ].
           ( )
                                             .(
                                          (
                                             )
  ].
                   ]
           ( )
               .( )
                                         (
       ( )
```

```
( )
                            .( )
      ( )
                            .( )
( )
)
                    .( )
                       .( )
   ( )
                  .( )
```

.() () [] ()) .() http://www.al-islam.com]. ()

, -

```
.( )
               http://www.alwarraq.com
                                         ].
)
    ].
                               ]http://www.alwarraq.com
                                           .( )
                            .(
   http://www.al-islam.com
       ].
( )
                                         .( )
                             .( )
```

```
] http://www.al-islam.com
            ].
http://www.al-
                                               ]islam.com
             ].
   ( )
                                        .( )
                       ( )
                 ] http://www.alwarraq.com
                                                 ].
    ( )
                                .( )
```

. -

```
] http://www.al-islam.com :
.[
( ) .
( ) .
( )
] http://www.al-islam.com :
.[
```