

**Kingdom of Saudi Arabia**

**Ministry of Higher Education**

**Al-Imam Muhammad bin Saud Islamic university**

**Supreme Jurisdiction Institute**

**Parallel Education**



## **Hanafi's Ex-Reasoning (Irregular) Questions**

**From the beginning of the Declaration of the Heir to the End of the Book  
of *Al- Mabsoot***

**A Supplementary research to obtain a master's degree in  
comparative jurisprudence**

**Prepared by:**

**Wafi bin Salim bin Fahd Al-Qahtani**

**Supervisor:**

**Prof. Dr. Mahmoud Saleh Jaber**

**Professor of Jurisprudence at the Higher Institute for the Judges**

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## **In the Name of God Most Merciful and Most Gracious**

Praise be to Allah and peace and blessings be upon the noblest prophets and messengers and his family and companions,

Understanding rulings of doctrinal issues enriches the scientific library for the benefit of students; however, one of the important issues that should be cared of is matters of controversy and especially those contained in the *Mabsoot* book in *Hanafi*, written by *Imam Sarkhasi*

The following are a summary of the most important research questions:

- 1) The correct definition of the measure is to compare what is a known factor with another well known factor in order to come to a conclusion whether this measure is acceptable or otherwise in a collective way to prove the rule or recipe or to denials them.
- 2) As for the matters of controversy are the ones that are contrary to *Sunan*, which is not reasonable means because it is transitive or making unreasonable means that is not transitive.
- 3) Declaration is a recognition, which should be acknowledged as a right against someone and a right in favor of other.
- 4) If a person of the heirs declares that his father recommended to another person one third of the commandment, it should be one-third of that commandment in hands of that person.
- 5) If the devisee dies after the death of legator, and devisee is not aware of the commandment, then the heirs of devisee act on behalf that devisee in acceptance or denial of the commandment.

6) It is not permissible that guardians certify that the dead recommend giving away something to someone else as their witness biased in return for gain; wherein that gain is participating the guardians with that person in having a benefit.

7) The two rivals' testimony for a debt is inadmissible as both of them share the same benefit.

8) The single grandmother or a group of grandmothers' entitlement is one-sixth only, and not a third, because she or them in a place of mother.

9) Grandmothers have a share in the inheritance, so that if they are more than one, they take one- sixth.

10) Mother's brothers and sisters share a one- third.

11) In *Hanifia*, the option of appointment is over the usual option to sell.

12) Conditioning to leave fruits, after buying them, in the possession of the seller is permissible.

13) Silence of the Lord when he sees slave trading is not permission for the slave to trade, and the lord must say verbally.

14) If the buyer takes three garments provided to choose one of them for the price and he did not specify, it is still a permissible option.

15) All spilled blood, as interpreted of the Koran, is not guaranteed, and literally interpreted.

16) Scattering almonds and coins and money in the wedding is not recommendable.

17) Ensuring *Darak* : a guarantee for the price at the sales maturity is legal and valid.

18) If a man hired two partners for building a wall, one of them worked and other got disease, the income equally divided.

In conclusion: may I ask God to make this research useful for Muslims and purely for the face of Allah, and in accordance with what it was beloved peace be upon him, Mohammed, and thanks God, Lord of the Worlds, and prayers and peace be upon the Messenger of Allah and his family and companions