

Kingdom of Saudi Arabia
Ministry of Higher Education
Imam Muhammad Ibn Saud Islamic University
Higher Institute of Judiciary
Department of Comparative Jurisprudence

Othman Bin Affan (may Allah be pleased with him) Judgment
(In Sales and Marriage Jurisprudence)
A Comparison Jurisprudence Study

Supplementary Research Plan for Obtaining the Master Degree in
Comparative Jurisprudence

Prepared by
Ahmad Bin Saleeh Jaber Al-Arabi

Supervisor
Prof. Dr. / Zayd Ibn Abdul Kareem Al-Zaid

Academic year:
1430 - 1431 AH

Abstract

At the conclusion of this work, I thank God first and foremost, who helped me to complete this blessed search as I ask Him to be benefit to the others.

The following includes the most important results of this research:

First: I defined the judiciary and its elements, conditions, rule, evidences, its importance and the difference between it and the others.

Second: Othman's Biography.

Third: His judgments (may Allah be pleased with him), in the sales including that if the defect thing was used the buyer, without knowledge of the defect, the defect thing reback to its seller, as it is the viewed by the scholars.

- **As well as if anyone found his luggage with bankrupt, it is his right to take it as the Islamic texts.**

Fourth: His judgment in marriage, that can be summarized in:

- **The dowry is determined full at a legitimacy privacy.**
- **What was conditioned by the wife should be fulfilled, otherwise the marriage is annulled.**
- **The guardian may not force his daughter to marry and only, if did so her marriage is invalid.**
- **If the guardian refuses to marry who is under his guardianship, without a legitimate reason, the guardianship transported to the judge.**
- **If it is proved that the man has a defect, the provide the wife to ask divorce after finishing the period.**
- **If it is proved that the couple are brothers from infancy, it is annulled by the unanimously.**
- **The intervening husband is not permissible.**
- **The two provisions do not have the right to separate between the couple only after their authorization.**

- If the man married a woman as a free one then it is cleared that she is slave, the marriage is correct, and the husband has not choice except accepting or divorce.

Fifth: His Judgments in Divorce.

- The occurrence of the three in one, whether married or not married.
- Divorce happened of the three times and it is necessity to differentiate between the spouses.
- If the husband gave his wife the right of divorce herself, she has the right to divorce herself one divorce or more.
- The divorce is the drunken man is not considered, but if he had a rest of the mind it is done.
- The Crazy divorce does not done as the consensus of the scholar.
- The correctness of patient divorce, whether the patient was of death disease or normal illness.
- The period of widow may not remarry should be in her husband's house and may not change.
- The waiting period of the lost husband is due to the imam.
- If the lost man's wife married another husband then the first one came back the second marriage is void.

Sixth: Judgments Includes Conditioned Divorce, Entrustment and Breastfeeding.

- Permitted of the Conditional Divorce, as they agree upon whether a little or a lot.
- Stopping the husband after four months to select between divorce and return to sexual intercourse.
- The breastfeeding is proved by the testimony of two men or a man and two women.

Seventh: His Judgments in Inheritance.

- **The correct in the husband and parents inheritance, the husband takes the half and the mother takes the third and the remaining after the imposition of a husband and father to take the rest after the imposition of the husband and mother.**
- **The correct in the wife and parents inheritance, the wife takes the quarter and the mother takes the third and the remaining after the imposition of the wife and father and the rest after the imposition of a wife and mother.**
- **The grandfather stops the brothers and sisters of the inheritance, and the father takes the same status.**
- **The preponderant, the grandmother is not inherited if her son was alive.**
- **Whoever dies and has no heir, the Governor takes his money and put money in the house of Muslims.**
- **It is possible that the pregnant infant is not inherited unless with a proof.**

Eighth: His Judgments in Loyalty.

- **The scholars are agreed that the freed slave of himself, his loyalty is to be to him and inherit him if he has no heir and that the League if there is not inherited surround money.**
- **If the slaved got married after her manumission and gave birth to many children, they are free and their loyalty to their mother set free.**
- **The whole scholars agreed that loyalty can't be sale or gifted.**
- **If written fulfilled all what is required before its time, he is free.**
- **If the written is unable to fulfilled the agreed at its time, he is a slave till fulfilling the agreed on.**
- **The written does not be prevented from going out, traveling, near or far.**
- **The correct: the handler son is after managing her status.**

Thus I ask Allah for honesty in word and deed that He is able to do it.