

**Supplementary Research Abstract**  
**(Jurisprudential Applications for the closing pretexts Rule in the witnesses Book)**  
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**Introduction**

Praise be to Allah, I praise him as befits for his majesty and great authority, the praiseworthy guardian There is no God except him. And there isn't god deserve the worship except him.

Peace and blessings to those who sent a mercy to the worlds, science and wisdom, sent and called for the good Lord exhortations, may Allah bless him and his family and his companions, and followed them in truth until the Day of Judgement peace and recognition of a lot, and after:

The study of Fiqh and its rules and its applications is not only a statement of the depth of the legislation and sources of agreed and disputed, and in all of this evidence leading to the privilege law of Islam and the mildly and coverage and coverage of all aspects of life, it is a way to get to the facts that are looking for rights to the delight of it, as is clear from this is also clearly validity every time and place and continuity to the timeless God inherits the earth and its people. The rules and the assets underlying the law out of pretexts, and without a doubt a great asset useful disciplined in accordance with the law to achieve the interests and closure of the evils and prevent them.

Ibn al-Qayyim may God have mercy on him: "All out of the question of justice to injustice and compassion to her and interest to the corrupting and wisdom is not to tamper with the law and that made the kind of interpretation or passions." For this, Islam corruption blocked roads and ways and means, but dam was the pretext for the forbidden door leading from the gates of a great religion of Islam, so that Ibn al-Qayyim quoted a ninety-nine evidence.

I've created all of this I have determined to examine the applications of this important rule in the book of witnesss of jurisprudence, which is a very important book, and the time of a direct impact upon, summarized the points discussed below.

## **Research Abstract**

### **The position of witness**

The witness is a standard to separate the truth from the null, and block separates the true issues from the false issues. Some of them said that: the witness is the position of soul for the rights, Allah gives the life to the people by the pure spirits, and the revives the rights by the true witness.

The witness was legislated in Islam as a one way from the ways of proofing the rights, as Allah Said" You must witness with two prosecution witness from your men"

### **Definition of Witness:**

It is a truth informing to prove the right by the witness speaking in the judiciary council.

### **The definition of closing the pretexts:**

Closing the pretexts as a term takes a special juristic consideration was expressed by the jurists and legists. And their definitions may be turn around the same pivot as follows:

" The issue whose substantive is the permission, and he contacts by it to do the prohibited thing"

### **The argument of closing the pretexts**

The preference of saying by the argument of closing the pretexts and the truth of inference by it shows in strength.

So many scholars consider it one of the great rules and the strong basis on which the Sharia depends.

### **The boys witness:**

Preponderance of saying by agreeing the boys witness in specific limits and by conditions guarantee that the rights aren't lost, at that time it is must draw the attention that the scientists put some conditions which organize the acceptance this witness, a closing for the way of numerous mistakes ad the possible illusion, and Allah knows the best.

### **The witness of under-virility**

It is showed that some behaviors dispraise the person virility so his witness will refuse, some of them aren't like that.

### **The witness of the bad industries owners**

The witness of the bad industries owners is correct and accepted religiously if the terms and conditions of witness are provided in them and its prevents disappear about

them. But if the witness is dissolute because he do the grave offense. Or he insists on do minor sin like some barbers shave the beards, plucking the eyebrows, shaving for the foreign women- like many countries and societies-, so his witness will refuse due to the debauchery no due to the job.

#### **The condition of hearing the witness**

Because of the witness is based on the sense, so it is should to ascertain from the truth and trueness of this sense, whether it was heard or seeing, there is no doubt that possibility touch on the witness to the deaf person, so he may be see what it wants to witness as a matter but he informs another matter.

#### **The witness of descendants for the forefathers**

It is showed that the witness of descendant for the forefather isn't accepted, because the benefit is achieved between the son and his father, and the overlapping of the financial and non-financial benefits between the fathers and sons isn't denied. So the verification from the existing the accusation is indisputable. As the son is from his father and his nature wants that.

#### **The witness of one couple for another**

The accusation for the benefit or prevent the harm is available when one of the couple witnesses for the other couple, it should be refused to prevent falling in this accusation, it is showed that each couple tends to his companion and prefers him over other, so the person may antagonize his parents to satisfy his wife. Or the woman may take from her father money to pay for her husband, the evidence for it that each one of them considers his companion benefit is his benefit.

#### **The witness of the brother for his brother**

This issue is an object of the judge's diligence, when the accusation is verified to him, he should refuse the witness, When the issue is free from the accusation, he is still on the original, and he accepts the witness. And Allah knows the best.

#### **The witness of sovereign to his slave**

The witness of sovereign of his slave although it seems that the witness of a human for another human, its sense that the human witnesses for himself, as the slave's wealth is owned for his sovereign, so it must be refused.

#### **The witness of the friend to his friend**

This issue is an object of the judge's diligence, when the accusation is verified to him, he should refuse the witness, When the issue is free from the accusation, he is still on the original, and he accepts the witness. And Allah knows the best.

**The witness of the partner to his partner**

It is clear for me, it should emphasize on the witness of the partner for his partner, and the judge must make sure in each case separately, And Allah knows the best.

**The witness of authorized agent to his client**

It is clear for me the view of majority that the witness of authorized agent to his client should be refused because of the making sue of exiting the accusation, as the authorized agent has confidence and common benefits with his client.

**The witness of worker to the employer**

It is clear for me to refuse acceptance the worker's witness for his employer and vice versa. Because the accusation is found in this case, but the strong accusation.

**The witness of the enemy on his enemy**

It should refuse the witness of the enemy on his enemy, because the nature of humankind and their spirits are formed to be affected by the enmity and few people are free from that.

**Taking the fees on the witness**

If the witness is related to the rights of humans, it is priority to prevent who takes the fees because what is result from it from immoral intents and spread perjury.

The witness of the repentant from the perjury

It is clear that it should refuse perjurer previously, so perjurer whatever his state becomes good, the accusation is still found, especially when his witness be refused, it will prevent the others to fall in the perjury which the Sharia detests and deny it strongly.

**The witness of the repentant from the defamation**

It is clear for me, the witness of the repentant will be accepted, when he repents, because the repentance means that the debauchery removed from him. As Allah knows the best.

The witness of who saw the crescent of Shawwal alone

Who saw the crescent alone, he must break the fast secretly, because he saw the crescent as it is the mark of passing the necessity of fast, but if he appears that, he will befall himself for the accusation.

**The witness of the Bedouin on the urban**

It must refuse the witness of Bedouin on the urban, because it is a mark of existing the accusation, it is random that the urban doesn't find who witness by him expect the far Bedouin about him.

### **The witness of the only woman in the breastfeeding**

It is entitled to work with the witness of the only woman in the breastfeeding, expect there are other marks in the issue that indicates to the accusation, as the witness woman has a benefit in this witness like the divorce who hates her or the intent of impairment between the two couple, As Allah knows the best.

#### **The main results:**

- Know the meaning of closing the pretexts and it is a meaning depends on three pivots.
- Know the meaning of closing the pretexts in the jurists and legists and its turn around what it will reach to the prohibited thing.
- The strength of saying with closing the pretexts unlike who makes doubt in that.
- Know the views of the famous scientists who take care of this art in dividing the pretexts.
- Know the intent of the disinfected sharia from verification in the straightness and witness and the impact of that on acceptance or refusing the witness.
- Realize the impact of closing the pretext in the judiciary and the applied aspects.
- Verification the saying to refuse the boy's witness.
- Reaching to the fact of effect the piercing the virility in the witness.
- Reaching to the range of practicing some bad industries on the witness.
- Realize the range of relationship's impact on the witness from descents, descendants and couples, The original is accepting their witness but the relationship caused its refusing and accusation is compared for them.
- Understand the impact of overlap in the benefits and harms on the witness.
- Understand the impact of the power of attorney, partnership and action on the witness.
- Understand the impact of hostility on the witness.
- Note the impact of accepting payment for the witness in trust for the witness or not.
- Know of the impact of the presence of suspicion and possibility on the witness.
- Access witness for the purposes of the book to scholars.

### **Recommendations**

- Study the judicial applications of the reality of contemporary work of the courts on the response and acceptance of witness.
- Employment these applications and limitation them in the jurisprudential for the benefit of researchers, if the order is placed by the judge to excuse a dam and to avoid falling into evil and taboo.
- Further research in this important rule in the various sections of the jurisprudence of the students met by research and investigation and applications.
  - Arrange visits to the courts for graduate students specializing in this regard to stand on the experience of the judges and their way of consideration of the witnesses and their testimony and scrutiny, in particular the return of the witnesses.
- There are scientists to bridge the pretext they stated in their jurisprudence books as Alnowi, Ibn Abidin and others, if made available to students studying bridge the pretext of scientists to review the student's diligence and his world fill the pretext and the limits it has.
- Closing the pretext in Shatby anf Quraafi, Allah give the mercy for them. I did not find that he has enough like the study of closubg the pretext of Ibn Taymiyyah and Ibn al-Qayyim.

In conclusion, I ask Almighty Allah by his grace and generosity that make us jurists in religion and make us among his righteous slaves and help us with our books and we read, and that makes this research purely for Allah's sake close to him, he is the Most Generous, praise be to Allah, Lord of the Worlds.