

الجمهورية الجزائرية الديمقراطية الشعبية
وزارة التعليم العالي والبحث العلمي
جامعة الجزائر
كلية العلوم الإسلامية

مذكرة مقدمة لنيل درجة الماجستير في العلوم الإسلامية
تخصص أصول الفقه

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علي عنزوني

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إبراهيم عماري

2004 2003/ 1424 1423



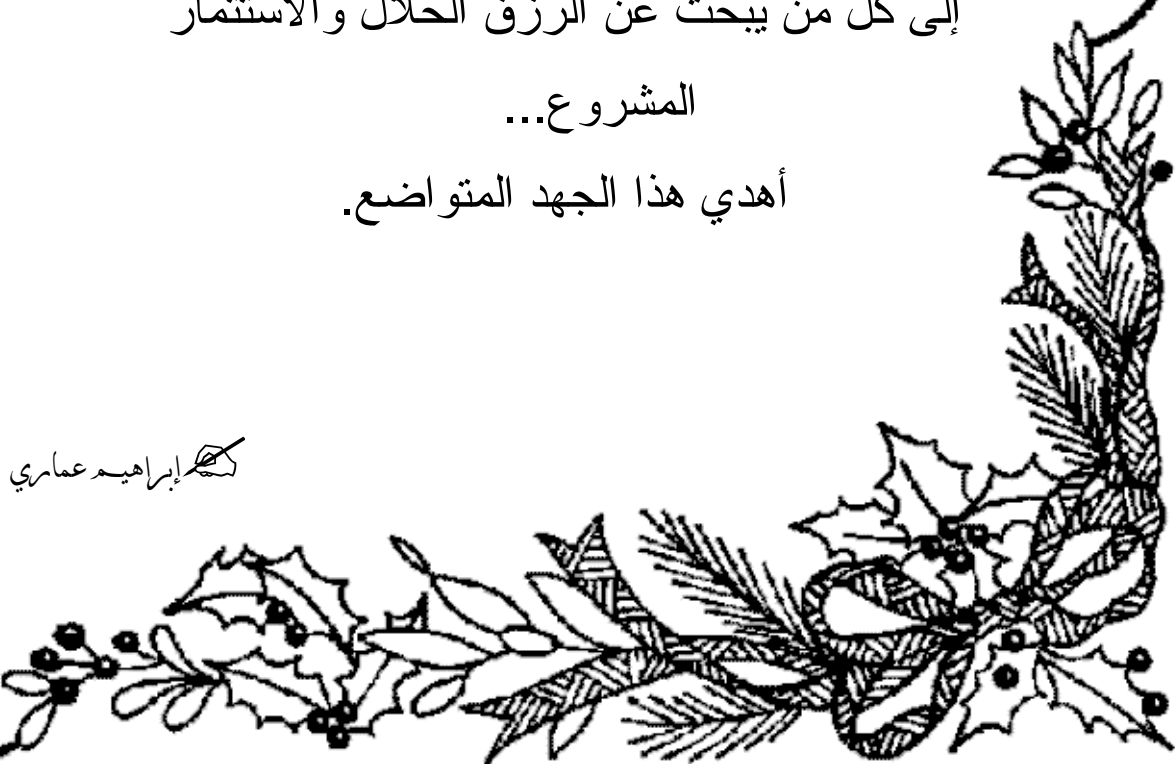
الإهداء

إلى اللذين ربّاني صغيراً ونشّاني على حب العلم الشرعي
ووجّهاني إلى سلوك سبيله والديّ الكريمين.
إلى أسرتي وعائلتي جميعاً على تشجيعهم ومؤازرتهم،
حتى خرج بحثي هذا في ثوب قشيب، ثمرة لغرسهم وحصادا
لزرعهم.

إلى كل من وقر الإيمان في قلبه وصدّقه العمل...
إلى كل تاجر يخشى الله في السرّ والعلن...
إلى كل من يبحث عن الرزق الحلال والاستثمار
المشروع...

أهدي هذا الجهد المتواضع.

عبد الإبراهيم عمّاري



شكر وتقدير

من باب الاعتراف بالجميل والإقرار بالواقع، أتقدم بالشكر والتقدير والعرفان لأستاذي الدكتور علي عزوز الذي تفضل بالإشراف على هذه المذكرة، وعلى ما أسداه لي من توجيه ونصيحة وتصويب وتسديد إلى أن اكتملت هذه الجهود بإخراج هذه المذكرة بهذا المظهر. فجزاه الله عني خير الجزاء، وأسأل الله أن يحفظه ويبارك جهده وعمله، وأن يمد في عمره وينفع به المسلمين.

وأجزل الشكر وأوفره للأساتذة الذين قبلوا مناقشة هذه المذكرة ولا شك أنهم سيفيضون عليّ بتوجيهاتهم القيمة وملاحظاتهم السديدة.

كما أشكر كل أساتذتي الذين غرفت من أيديهم ونهلت من منابعهم، وكل أساتذة كلية العلوم الإسلامية الأفاضل الذين لم يخلوا عليّ إذا استتصحتهم أو استشرتهم.

وكامل التقدير والعرفان لكل من مدّ لي يد العون والمساعدة بطريق مباشر أو غير مباشر.

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في الإسلام و ضوابط التداول فيه

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$\text{---} \notin \& \in \# \mid \textcircled{R} \sigma \mid \quad \bar{\epsilon} B \left(\# \theta^{\text{TM}} \left(\tau \Gamma \right) ; \tau \Gamma \notin 9 \cup \rho \text{---} \subseteq v \subset \square / B \rho \ni \in / \quad \notin \mu \square \notin \mid \diamond 7 \mid = \diamond \square / 9 \exists \# \right.$
 $\square \in \mid \quad \exists \blacklozenge B \quad / ^{\text{TM}} 3 \sigma 9 \quad \tau \square / \square \psi \square \cup \rho \quad \tau \beta \rho \textcircled{\text{C}} \square^{\text{TM}} 3 \mid \pm \sigma ? \quad \setminus / ^{\text{TM}} 3 \downarrow = \psi \setminus \sigma 9 \cup \rho$
 $\blacklozenge \beta \in) \quad 4 \mid \mu \mid Z \notin \imath B \quad \exists \Psi \setminus \square \notin H \sigma \delta \quad \cap \vee \setminus \square \Phi \{ \exists \# \quad \square \in \mid \quad \exists \tau B \cup \rho \quad \notin N \equiv \cup \theta \approx \psi \vartheta \Upsilon \Upsilon 9 \exists \#$

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$\square \omega \in) \quad \setminus N^{\text{TM}} 3 / \square v = \tau (\quad \tau \Pi \clubsuit \square \psi \mu \quad \exists \blacklozenge B \quad N^{\text{TM}} 3 \sigma 9 \quad \square \cong ' \Im \sigma \mid \square \sigma \% \cup \rho \rangle :$ -

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$\exists \leq 9 \notin B \ (\# \theta \backslash =^{\text{TM}}. \textcircled{\text{R}} \blacklozenge \exists \blacklozenge Z9 \exists \# \exists \psi \gamma \square \square \rho \Downarrow \approx \tau \square \textcircled{\text{R}}) :$

$(\# \theta \textcircled{\text{C}} \backslash \in 6 \rightarrow K \sigma? \square \omega \cup \rho \exists \Psi 7 \subseteq \eta \square \sigma \Leftrightarrow \Omega \xi \approx v = \psi \mu \cap \vee \square \Phi \{ \exists \# \square \in \rfloor$

$^2) \textcircled{\text{R}} \lfloor \rfloor \rfloor \in 7 \square B \text{A} \rho \Downarrow \square \tau \textcircled{\text{C}} \backslash \text{N}^{\text{TM}} 3 \sigma 9 \dots \rfloor \mu \Downarrow P \in) 4 \cap \bar{\approx} \sigma \Leftarrow \rfloor \square \pm 9 \exists \# \notin \text{N} \equiv \cup \theta^{\text{TM}} \Leftarrow^{\text{TM}} \zeta$

$\bar{\notin} B \ (\# \theta \backslash = \diamond 2 \ (\# \theta \textcircled{\text{C}} Z \tau B \# \cup^{\text{TM}} \square \parallel \notin \% \heartsuit ! \exists \# \exists \psi \gamma \square \square \rho \Downarrow \approx \tau \square \textcircled{\text{R}}) :$

$\beta \in) \leftarrow ! \ (\# \rho \textcircled{\text{C}} \square^{\text{TM}} 3 \rfloor \heartsuit \exists \# \cup \rho \backslash \text{N}^{\text{TM}} 3 \approx \circ \Psi \rfloor \% \psi \square \cup \square \exists \tau B \notin M \approx \tau 6 \subseteq \eta \square \sigma \Leftrightarrow$

$^{(3)} \textcircled{\text{R}} \square \chi \rho \Downarrow \square \rfloor 7 \rfloor \sigma ? \rfloor v \exists \uparrow \square \in) \int \text{O} \rfloor \Phi Z \diamond 2$

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$\exists \psi \theta \downarrow P \in$) (#) $\theta \odot \Psi \tau B \# \cup^{\text{TM}}$ $\tau \rfloor \nmid \notin \% \heartsuit ! \exists \#$ $\exists \pi \kappa \square \square \rho \ni \downarrow \approx \tau \square \gg$:

$\odot N \approx \sigma 9 / \square \Phi \{ \exists \# \cup \rho \quad \Leftrightarrow \exists \rfloor \Im P \Phi \{ \exists \# \cup \rho \quad \mid \square \oplus \leq / \square \psi 9 / 9 \exists \# \cup \rho \quad \odot \square \mid \vartheta \sigma \square / : \exists \#$
 $\mid v \theta \mid 7 \notin \perp \tau \Gamma \mid _ \exists \exists \sigma \rfloor \quad \cap \quad \approx \sigma \Leftarrow / \square \pm 9 \exists \# \quad \cup \equiv \psi \vartheta \tau \odot \quad \mid \quad \bar{\notin} \imath B \quad \odot \clubsuit \mid _ \subseteq \square$

(4) $\llcorner \tau \beta \theta \downarrow \sigma \in = / \square \setminus ? \setminus N^{\text{TM}} 3 \spadesuit = \psi \setminus \sigma 9$

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$\square \in / \square \odot \square \cup \rho$ (#40 τ / $\subset \eta \square 9 \exists \#$ ♠! $\exists \# \downarrow, \psi \sigma \mid \vartheta \tau \square$ ﴿:ﺃ

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.⁽¹⁾﴿ ? $\Lambda \mid \notin O \rho \&$ A $\square \exists / \square \xi$. ♦ $\cong^{\text{TM}}$. $\square = \oplus \sigma \odot \square \square \omega$ ♠! $\exists \# \cup \rho$ 3 $\notin M \approx \sigma \% \psi \square ' \exists 9 \exists \#$

(#0 $\diamond$) $\rightarrow ? \exists \#$ (#0 $\odot Z \tau B \# \cup^{\text{TM}}$ $\square \parallel \notin \% \heartsuit ! \exists \# \exists \psi \gamma \square \square \rho \ni \downarrow \approx \tau \square$ ﴿:ﺃ

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O $\mid \Phi Z^{\text{TM}}$. $\beta \in$) (##0 $\tau / \subset \eta \square 9 \exists \#$ $\zeta \notin B$ $\cup \square \oplus + \tau / \exists \tau B$ (# $\rho \otimes \square \sigma \square \cup \rho$ ♡! $\exists \#$
 $\zeta \notin \iota B$ 5 $> \square \psi \sigma \in /$ (#0 $\mid P \sigma \square \sqsupset \sigma \sqsupset$ (#0 $\backslash = \psi \sqcup \square \sigma ? \backslash N \heartsuit 9$ $\beta \in * \sigma \sqsupset \tau \sqsupset \mid \notin Z \notin B \mid \sigma \square B$
 $\otimes \blacklozenge \rho \otimes^{\text{TM}} \otimes \square \backslash N \diamond 6 \nu = \sigma \sqsupset$ (O $\mid \Phi \backslash 6 ?$ $\beta \in$) $\cup \rho$ ($\neg \notin \& \in ! \theta \downarrow \square \cup \square \cup \rho \leftrightarrow ! \exists \#$

.⁽²⁾﴿ $\square \chi \theta \downarrow \vartheta \nu = \mid \diamond \backslash ? \square \omega \cup \rho \square \chi \theta \downarrow \vartheta \in = \mid \diamond \sigma ? \square \omega \backslash N \diamond 6 \notin 9 \equiv \cup \theta / B \rho \&$

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#0\|pp&vp ﴿ :
⊗♦∃σ< (Υ⊃)/9∃∃∈/ (#0| P∈□vp |ΛTM| ⊧≠. #σ□∈) □≡/□σ3/9∃#
(2) ﴿ Ωξ□⊆ρ ⊧σ? ↓ |Υ| μρ&vp .□)□ψζ ψ7≠9≡σ□ 4 ∉Λ(⊃)τΦ (Υ↓9/9∃#

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≡|□vp ﴿ :
□v?τ© (#0TM9∃τΓ).∃# #σ□∈) τ⌋| ∉%♥!∃# τ⌋| ∉□≠ε□σ<↓9⌋⊧≠φ9
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$$(3) \quad (\exists \psi \gamma \psi \vdash \Box \odot p \quad \Box \omega \in)$$

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$$\begin{aligned} & 3\exists\Psi7/\Box\psi/\text{TM}\heartsuit\setminus N(\delta\%\sigma\{\rho\&\Box|\tau|\mid\Box\tau B\Box v<\epsilon\})\upsilon\rho\text{)}: \\ & >\mu\approx\sigma9\epsilon)\mid\bar{\neq}_1B\ N\Diamond6\sigma9\ \exists\tau B\ \heartsuit! \exists\#(\#p\Downarrow\Box\mid7\mid\odot\exists\#\supset\Theta)\theta\sigma)\approx\tau\ \tau A\exists\sigma\% \\ & (\setminus N\Diamond6\in v/\clubsuit\Box\ \bar{\neq}_1B\cdot\pi_0\Psi\supset\Box\tau/\ N\Diamond6/?\upsilon^{\text{TM}}!\exists\psi_ \mid\Box\sigma\%(\ldots\mid v\mid\Box)\Box\xi\mid \\ & (\#0\Uparrow\Upsilon\psi\Box)\gamma\sigma? \Box\omega\upsilon\rho\ \Box\chi\#\upsilon\Box\Box\notin9/9\exists\#\upsilon\rho\ \Box\cong/\Box\xi6/9\exists\#(\#0\setminus\mid\rho\rho\exists\sigma\mid \\ & \psi\Box\setminus\tau/\cap\vee)\Box\Phi\{\exists\#\Box\in\setminus\}(\#p\Downarrow\Box\oplus\Upsilon\Box\setminus\Box\omega\upsilon\rho\setminus N(\delta\upsilon^{\text{TM}}!\exists\upsilon\Box\mid\heartsuit\rho\&\}\blacklozenge\exists\blacklozenge\Psi9\exists\# \\ & O\mid\Phi Z\Diamond2\ \beta\in)\setminus N^{\text{TM}}3\heartsuit9\cdot\Box\Box\psi\zeta\setminus N\Diamond6\notin9\equiv\sigma\Box\ 4\ \exists\psi\gamma\oplus\sigma\approx v=\mid\neq\epsilon) \\ & \hspace{15cm} (5)\text{)}\Box\Box\notin Z\in B\mid\sigma\Box B \end{aligned}$$
$$\tau \vdash \tau \mid \mid \Box \tau B \quad \Box v < \epsilon) \nu \rho \rangle :$$
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$\exists \tau B \heartsuit ! \exists \# (\# \rho \downarrow \square | 7 | \odot \exists \# \supset \Theta \setminus \theta \sigma) \approx \tau \square \tau A \exists \sigma \% 4 \exists \Psi 6 / \square \psi \setminus ^{\text{TM}} \heartsuit \int O \setminus \delta \% \sigma \{ \rho \&$
 $\tau A \exists \square \int 6 \neq 9 / 9 \exists \# (\# \theta \uparrow \mathfrak{Z} \diamond) Z \sigma? \square \omega \text{ur} (\dots | v | \square) \square \xi \setminus > \mu \approx \sigma 9 \in) \mid \bar{\neq} \iota B N \diamond 6 \sigma 9$
 $\int \square \in o T \in) \text{ur} \ 9 \square \square \sigma \square \lrcorner 2 \ N \diamond 6 1 \text{u} \square \rho \& \int \square \in o T \in) \ 4 \ \tau \beta \# \text{u} \square \square \neq 9 / 9 \exists \# \text{ur}$
 $\neq \Theta \setminus \theta \sigma) \approx \tau \square \text{ur} \ 7 \uparrow \square \neq \tau \square X \ 5 \Theta \setminus \theta \tau \square \ \zeta > \# \xi \square \tau \odot \setminus N \diamond 6 / \square v = \tau (\downarrow \exists \% \sigma \{ \rho \&$
 $\square \omega \text{ur} (\oplus \uparrow (\Upsilon \supset) / 9 \exists \exists \in / \square \chi \# \text{u} \square \square \neq 9 / 9 \exists \# \text{ur} \ \tau A \exists \square \int 6 \neq 9 / 9 \exists \# (\# \theta \setminus \int \rho \rho \&$
 $\square \in \rfloor (\# \setminus \theta \sigma \Omega \setminus \sigma? \square \omega \text{ur} \setminus N \setminus \delta \text{u}^{\text{TM}} ! \exists \square \mid \heartsuit \rho \& \} \diamond \exists \diamond Z 9 \exists \# (\# \theta \uparrow \Upsilon \psi \square \setminus 7 \sigma?$
 $\text{.}^{(1)} \langle \tau \rfloor \neq \square \oplus \Upsilon / \square \odot B \cap v \setminus \square \Phi \{ \exists \#$

$\zeta \bar{\neq} B (\# \theta \mid P \theta^{\text{TM}} 3 \sigma? \square \omega \text{ur} \square \cong / \square \sigma 3 / 9 \exists \# \# \theta \setminus \int \rho \rho \& \rangle :$

$\neq \Lambda (\supset) \tau \Phi (\Upsilon \downarrow 9 / 9 \exists \# \otimes \diamond \exists \sigma \leftarrow (\Upsilon \supset) / 9 \exists \exists \in / (\# \theta \mid P \in \square \text{ur} \ \zeta \ \bar{\square} \in \square \oplus \leq \square \downarrow 9 / 9 \exists \#$
 $(\# \setminus \theta \sigma \Omega \setminus \sigma? \square \omega \text{ur} \int O \setminus \delta \text{u}^{\text{TM}} ! \exists \square \mid \heartsuit \rho \& \} \diamond \exists \diamond Z 9 \exists \# (\# \theta \uparrow \Upsilon \psi \square \setminus 7 \sigma? \square \omega \text{ur}$
 $\text{.}^{(2)} \langle \tau \rfloor \neq \square \oplus \Upsilon / \square \odot B \cap v \setminus \square \Phi \{ \exists \# \square \in \rfloor$

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		.102/5		:	(4)
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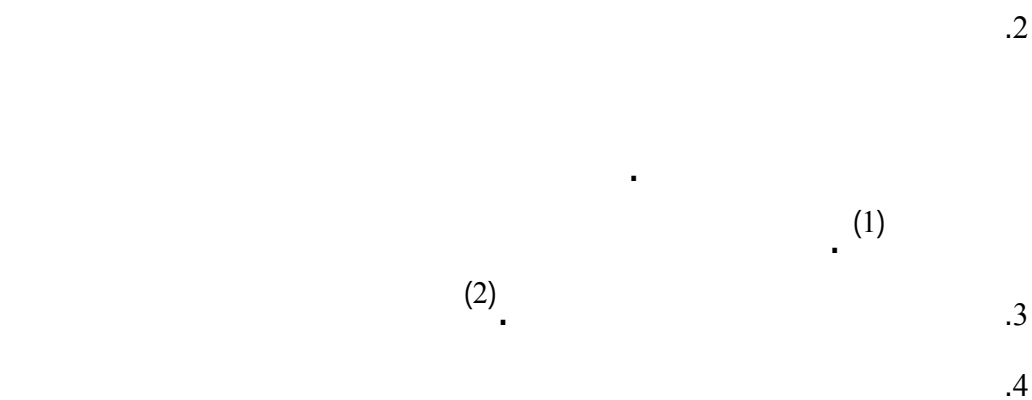
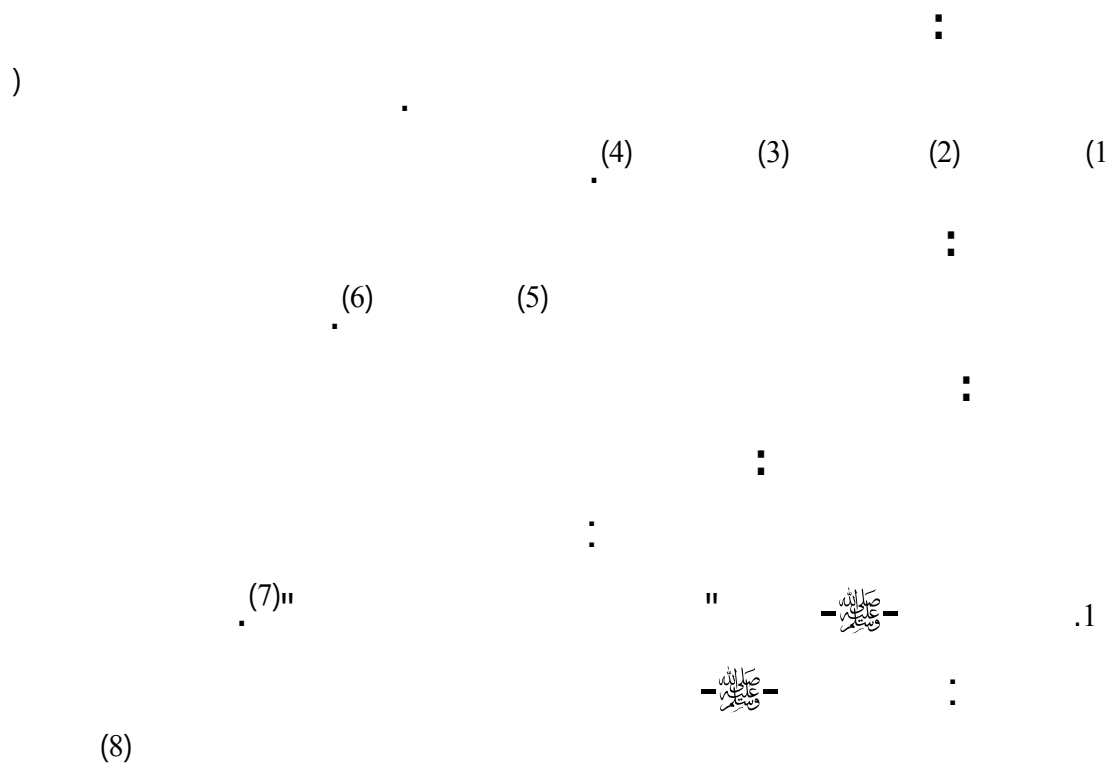
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$\backslash N^{\text{TM}}3 \square \notin \rfloor (\# \theta \mid 7 \backslash \%) \square \tau \square \square \omega \backslash N \diamond 6 \rfloor \square v = \tau ((\# \rho \odot \square \psi \gamma \mid \diamond \tau \square \beta \in) \cup \rho \# \rfloor \square \square 2 \rangle$
 $\backslash N^{\text{TM}}3 \rfloor \square v = \tau (\tau \beta \% \xi . \heartsuit ! \exists \# \beta \in) \rangle :$ (2) $\langle Z \pi \blacklozenge B \notin \square \square \omega \cup \rho \sim \omega \in)$
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$(\# \theta \backslash = \oplus \square) \square \odot B \exists \downarrow P \in) \rangle :$

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 $|\Lambda^{\text{TM}}| Z^{\text{TM}}. \quad \exists \tau B \quad \tau \beta \mid \rho \tau \square \mid \gamma \lceil B \quad \tau \Pi \setminus \theta \cup \square \mid 9 \exists \# \quad \exists \pi \kappa \cup : \approx \tau \Gamma \notin. \quad 4 \square v < \epsilon) \quad \# \odot \tau \mid \mid \square \setminus ?$
 $4 \cup \delta, \psi \sigma \mid 9 \exists \exists \in / N^{\text{TM}} 3 \mid \square v = \tau \mid \Downarrow, \notin \Leftarrow Z \tau \square \quad \exists \circ \Psi \mid 6 \approx \tau \Phi \notin. \quad \# \xi \square \approx \psi \delta \quad \tau \beta \theta \setminus = \psi \vartheta \setminus \sigma ?$
 $(1) \langle \tau \beta \theta \setminus = \psi \vartheta \setminus \sigma ? \mid O \mid \Phi Z^{\text{TM}}. \exists \tau B \quad \odot \square \oplus \Upsilon \Psi \tau \Gamma \mid \Upsilon \vee \Sigma \quad \exists \blacklozenge Z^{\text{TM}}. \exists \downarrow P \in)$
 $\# \xi \square \approx \psi \delta \quad \supset A \exists \tau B \quad \exists \circ \Psi \tau \Gamma v = \mid \square \cup \theta \approx \tau \square \quad \beta \theta^{\text{TM}} 9 \theta \diamond) \tau \square \cup \rho \rangle$:
 $H \omega \in) \quad \div \circ \cup \square \square \in 7 \xi. \quad \square \omega \cup \rho \quad Z \circ \cup \square \square \supset \mid \neq \quad \textcircled{\square} \square \notin \square \exists \tau \mid \odot \square \quad \square \omega \quad \supset = \approx \tau \Gamma \oplus 6 \mid 9 \exists \#$
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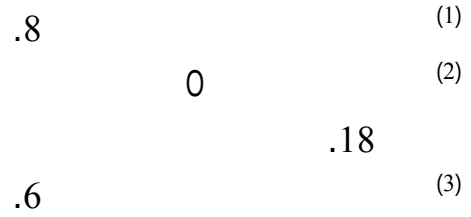
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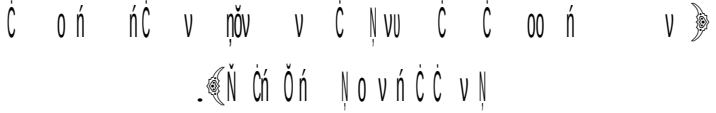
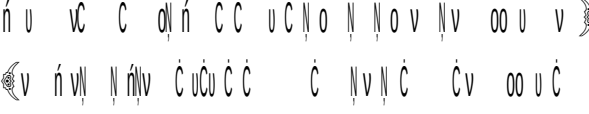
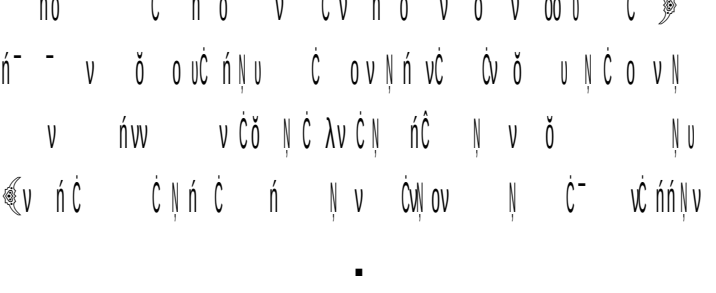
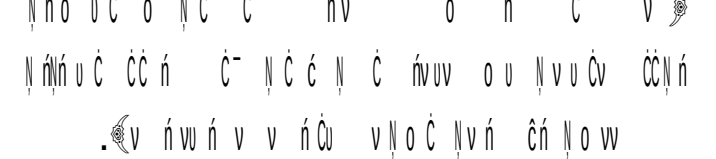
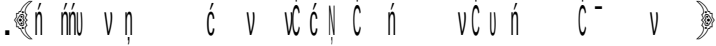
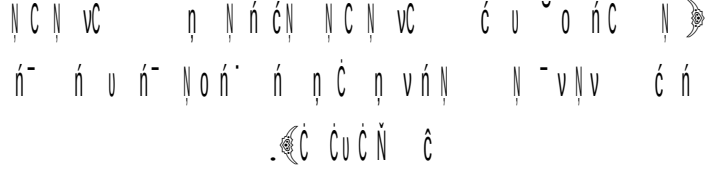
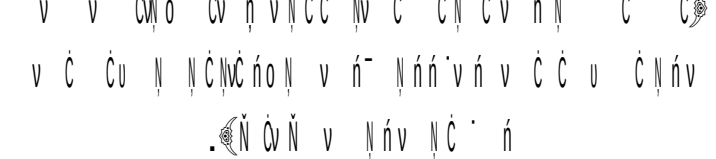
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137	173	.Ć Ć u N Ć h- h N o v		
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136	6	.N Ć Ć- Ć v v		
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86	161	.Ć N v v Ć Ć v u h u v N o h h u - Ć		
174	02	.Ć Ć u Ć Ć v N v N Ć Ć u v h N h h N v Ć N Ć N v		4
77	03	.Ć N h u Ć u Ć v h v u Ć Ć v u Ć Ć- v		
78	90	.v h Ć u h N o- v h h Ć N v Ć v N Ć N Ć N Ć		
84-63	119	.Ć N Ć N h N Ć o N Ć N o N v N o v v v N v		
98	152	.N h Ć N u h v h v	Щ	6
98	85	Ć v N Ć N o v - h h N Ć N v v v N h N h v N v Ć		
146	157	... v Ć u v N v u o h v v N o Ć N Ć λ Ć N o N Ć N v h h N		
130	08	.Ć v r Ć N o Ć h o N v N o N v h u u Ć N v		7

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132	-27 28	v N N h N u Ć Ć v N h Ć o ~ o Ć Ć o ~ o D Ć N o Ć ō u Ć N o N v h Ć h Ć v v o N N h o . v o N N h o		
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20	10	Ć Ć N v N Ć h N Ć N v u Ć h Ć v o v N Ć o v Ō . v h Ō h N o ~ v h Ō ~ h o u		20
159	16	. N h v N ~ o v	Ш	21
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