

Woman's right to work and her right to manage her own money: A jurisprudential study in light of the Quran and Sunnah (Rooting rights and duties to achieve sustainability in a sound and integrated community environment)

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Abstract:

Objectives: This study aimed to know husband's right to the money of his female guardian from the four schools of thought, by knowing the right of a sane adult woman to work, her husband's right to prevent her from working, the woman's right to her salary money or otherwise, and the right of her guardian to take her money without her consent, or preventing her from disposing it in accordance with Sharia evidence.

Methodology: This study relied on inductive and comparative approach based on collecting material from its primary sources, then analyzing it to arrive at the required analysis.

Results: The study reached results including: that the right of a sane adult woman to work and earn is detailed after her marriage; If a man marries a working woman, he should not prevent her from fulfilling what she committed to before her marriage and must be satisfied with it, but if she desires to work after her marriage, she has no right to work without her husband's permission. As for her money, her husband has no right to her money except with her permission and consent, and it is not permissible for him to harm her on her money.

Conclusion: Islam pays great attention to family relationship. Islam explains the rights and duties of each family member, and intended to preserve the rights of each of them, both materially and morally, because building relationship between them on sound foundations would preserve the Muslim family, In addition, the jurisprudential schools did not overlook clarifying the rights and duties of guardians and those under their care regarding expenses and financial rights.

Keywords: Women's work - women's money - father's right - husband's right - The four jurisprudential schools.

INTRODUCTION

Islam opened the field of work for women and allowed them to participate in building society. Islam does not deny her the ability to perform tasks that achieve specific goals, without negligence that freezes energies, or excessiveness that scatters efforts without a goal, as stated in the authentic hadith: "Women are the brothers of men" (Al-Tirmidhi, 1975: 1/189).

It must be made clear that the basic responsibilities of the wife in particular, and the woman in general, are caring for the family, raising children, and caring for the future generation. She has the right - when needed or not - to practice outside the home work that is appropriate to the nature of her physical and psychological makeup, and in a manner that is consistent with her specialty in accordance with the legally accepted customs, some of which are inside the home, and some of which are done outside the home, on the condition of adhering to religious rulings and Sharia etiquette, and taking into account her basic responsibility, without neglecting her husband, children and her family in particular, and those who have rights over her in general.

This does not prevent a sane adult woman from trading or doing what is permissible, and seeking Almighty Allah's blessings and provision. Almighty Allah does not prohibit a woman from buying and selling, or to be a doctor, a teacher, a nanny, or the like. The purpose of this study is not to encourage women and girls to do what the healthy nature rejects, but rather the aim of is to clarify their right to work from a legal standpoint, and her guardian's right to her money, whether what she earned from her work, what she inherited, or what she acquired through any legal means.

Recently, there has been a lot of confusion among Muslim families under the pretext of Islam's persecution of women, the dominance of men over them to prevent them from working, and the theft of their money, by many parties, all of which claim to care for women, and call on them to rebel against their guardians, to leave the house without restrictions, and to work in any way, any field, any place and any time; in the name of freedom and equality, as they claim.

It is not hidden from every intelligent person, let alone the researcher that these parties have agendas that aim to destroy Muslim families. Woman is the strong shield and primary custodian of the family, who watches over its care, preservation, and any imbalance in roles, in cooperation with the leader represented by the father and husband. This issue if not addressed will inevitably lead to collapse, with dire consequences for the family and society because family laws in Muslim countries are now subject to a lot of pressure from several international and internal bodies demanding that women be granted what they claim is their right, including equality with men. It has become necessary to study what is stated in these laws, and to study the legal evidence on which they are based, and the extent to which they agree or contradict Islamic law in their codifications.

Importance of the study:

Due to the large number of people calling for women's liberation, crying about their rights, and claiming to pity them if they stay at home taking care of their family, and if they go out to work, in accordance with their psychological and physical nature. It has become necessary to legitimately frame women's right to work, clarify the limits of that, and respond to those who claim that women are deprived of their rights in Islam, and that her guardian has the right to control her money and take from it whatever he wants, even without her permission. Hence, the importance of the study is based on two foundations:

1. Scientific importance:

From a scientific point of view, the importance of this study lies in demonstrating Shari'ah ruling in allowing women to work such as buying and selling, or being a doctor, a teacher, a nanny, or the like. The purpose of this study is not to encourage women and girls to do what healthy nature rejects, but rather the purpose of the matter is to clarify her right to work from a legal perspective, the right of her guardian to prevent her from working, and his right to her money; whether what she earned from her work, what she inherited, or what she acquired through any legal means, and demonstrate how the four schools of thought approach that with legal evidence from the Quran, Sunnah, and other sources.

2. Practical importance:

The practical importance appears in responding to those biased people who want to destroy Muslim families under the pretext of equality between men and women, and that women have the right to work, leave and enter as they please, without regard to the interests of the husband and children, and without regard to the right of the guardian responsible to permit and prohibit in accordance with recognized legal controls.

Problem of the Study:

The research problem is based on the lack of clarity regarding the husband's right to prevent his wife from working if it is not stipulated in the marriage contract. There is also a legal disagreement concerning the guardian's right over the property of his ward. They have the right to agree in the marriage contract or in a separate agreement about what they earn during their married life, and the disagreement becomes evident in the absence of such an agreement.

Study methodology:

In order to study the legal rulings related to a woman's right to work and her guardian's right to permit or prohibit, as well as her right to her money, her guardian's right to it, and her right to prevent him from using the money. It is necessary to extrapolate the texts and legal evidence. This requires adopting the inductive approach, and because the study is a comparison between the four schools of thought, it is necessary to rely on the comparative approach.

Study hypothesis:

This study is based on the hypothesis that: "Islam oppresses women, and that they must be equal to men in the right to work in any field without regard to their privacy as a female." It is also based on another hypothesis that says: "Women have no independent financial liability in Islam, and that men have control over their money, so they must rebel against him and take away their rights from him."

Objectives of the study:

This study aims to study the legal evidence related to women's right to work, whether it is absolute or based on certain conditions that must be met. It also aims to clarify the right of her guardian to prevent her from working from a legal perspective. It also aims to study his permission and when it is considered and when it is not considered. One of its goals is to clarify her guardian's right to her money as a guardian, and to show the extent of his right to take from her salary if she is an employee.

Study questions:

In order for this study to achieve its objectives, and to test the hypotheses based on it, it is necessary to answer:

1. What is the legal evidence related to the right of a sane adult woman to work?
2. Does the husband have the absolute right to prevent his wife from working, or are there conditions that must be met?
3. To what extent is the husband entitled to take from his wife's salary?
4. How did Islami law arrange financial rights between spouses?

Previous Studies:

There have been many studies related to a woman's work, the right of her guardian, whether to prevent her from earning, and his right to her money. Everyone presented their evidence and discussed the evidence of those who disagreed with them, but the researcher did not find anyone who studied her right to money and earnings and the right of her guardian to her money from a legal perspective.

The studies reviewed by the researcher varied between ancient and modern:

From Ancient Studies:

1. Al-Omari. Issa Saleh. (2005). Women's earnings and their provisions in Islamic jurisprudence and personal status law. Electronic guide to Arab law. Jordan. P. 38.

The researcher discussed women's earning work inside and outside the home, women's fields of work, and the authority of the guardian or husband to prevent her from working, before and after marriage, while presenting personal status laws and her opinions on the issue. With regard to the woman's earnings and the husband's right to ask the woman to participate in household expenses.

2. Abu Ghadha. Zaki Ali Al-Sayed. (2007). Women's work between religions, laws, and liberation advocates. Dar Al Wafaa for Printing and Publishing. Mansoura. 1st edition.

The researcher discussed women's work from the perspective of religions and divine scriptures, the factors that led in the current era to the need for women to go out to work, and the connection between the calls for women's liberation and the call for women to go out to work with military colonialism and intellectual invasion, the foundations on which these claims were based, and the response to them.

3. Al-Rifai. Rdina Ibrahim. And Al-Rifai. Jamila Abdel Qader. (2009). Requiring husband's permission for a woman to work and the provisions that result from it (a comparative jurisprudential study). Studies, Sharia sciences and law. Jordan. Volume 36 (Supplement).

The two researchers examined the comparative jurisprudential study of husband's permission requirement for a woman to work, his right to prevent her from working, right to support her, and the extent of husband's entitlement to woman's salary or part of it.

4. Al-Kholi. Hind. (2011). Women's work, its controls - its rulings - its fruits (a comparative jurisprudential study). Al-Farabi House of Knowledge. Damascus. 1st edition.

The researcher dealt with women going out to work from a legal perspective, comparing the Islamic system and different social systems, and talked about its controls, provisions, and consequences.

Among recent studies:

1. Saleh, Wadha Aliwi. (2015). Controls for women's work in Islamic legislation and its impact on societal peace. Conference of the College of Education for Girls/University of Baghdad, Iraq.

The researcher discussed the concept of societal peace, the virtue of earning and working, the legitimacy of women's work, its controls, and its impact on societal peace.

2. Imad, Mohammed Kareem. (2016). Women's work between right and duty in Islamic jurisprudence. Garmian University. Kurdistan. P1. No. 10.

The researcher discussed the nature of women's work from a legal perspective, explained Islam's honor for women, the ruling on their work and its rooting in Islam, its legal classification, and an explanation of what is related to it.

3. Al-Ansari, Ahmed Jaafar Sadiq. (2021). Women in the Islamic social structure (Analytical study). University of Kufa. Damascus. January. P. 45.

The researcher dealt with the comparative analytical study of the role of women that complements the role of men within Muslim society, and the corresponding roles that they play within other societies, and explained what Islam gave to women, and what they were deprived of in other societies.

The first topic: The right of a sane adult woman to work, its evidence and the permission considered in it:

Scholars differed regarding the best incomes. Some said: trade, some said: craftsmanship by hand, and some said: agriculture. (Al-Nawawi, 1392: 10/213). The work that a woman performs does not deviate from these three, and regarding an adult, sane woman being occupied with something that benefits her with great goodness, Ibn Hajar, may God Almighty have mercy on him, said: "Among the virtues of working with the hand is engaging in permissible work rather than idleness, amusement, and breaking one's soul thereby, and abstaining from the humiliation of asking and needing others." (1379: 4/304).

The first requirement: Sharia evidence about the right of a sane adult woman to own property:

Many legal evidences have shown the right of a sane adult woman to work, including:

A- From the Qur'an:

- God Almighty says: "And do not covet that which God has favored some of you over others. Men will have a share of what they have earned, and women will have a share of what they have earned, and they asked God of His bounty. Indeed, God is All-Knowing of all things. [An-Nisa: 32].

The interpretation of the verse, as stated by scholars of interpretation, is that each group of men and women has their own share of the reward resulting from their work. Men have a reward for the deeds that suit them, and women have a reward for the deeds that suit them. Women should not wish for the exclusive reward of men, and should ask from the treasures of God Almighty's mercy what is appropriate for their situation (Abu Al-Saud, D.T.: 2/172).

B- From the Sunnah:

- The hadith of Umm Mubashir al-Ansariyya, may God be pleased with her: The Prophet, may God bless her and her family, went to see her palm trees, and the Prophet, may God bless him and grant him peace, said to her: "Who planted these palm trees? Is he a Muslim or an infidel?" She said: Rather, a Muslim, and he said: "A Muslim does not plant a tree or sow crops, and a person, animal, or anything eats from it, but it is charity for him" (Muslim, d.d.: 3/1188). It is clear that the palm trees are hers, may

God be pleased with them, and that the Prophet, may God bless him and grant him peace, urged them to continue farming.

C- From Al-Athar:

Among the women of the ancestors who were engaged in trade was Khadija, may God be pleased with her. She was of honor with a lot of money, and a merchant who would send a caravan of camels with their loads to the Levant, like the caravans of Quraysh, and she would hire men and pay the money in speculation (Ibn Saad, 1990: 8/12).

Among Them: Al-Shifa bint Abdullah bin Abdul Shams bin Khalaf Al-Qurashiyah Al-Adawiyya. She converted to Islam before the Hijrah, and she was one of the first emigrants. She pledged allegiance to the Prophet, may God bless him and grant him peace, and she was one of the wisest and virtuous women. The Messenger of God, may God bless him and grant him peace, would visit her and nap with her in her house, and she had made a bed and a garment for him. He slept in it, and Omar used to give her priority in opinion, take care of her, favor her, and perhaps he appointed her to do some of the market matters (Ibn Hajar, 1415: 8/202).

This evidence from the Qur'an, Sunnah and hadiths indicates a woman's right to work without the need for the permission of her guardian.

The second requirement: The husband's right to prevent a sane adult woman from working. Is it absolute or subject to certain conditions and considerations?

The following is an explanation of whether the husband has the right to prevent a sane adult woman from working, as stated in Sharia evidence:

First: Buying and selling:

There is no disagreement about the permissibility of a woman to buy and sell without her husband's permission:

Al-Shafi'i Said: "If the woman is of mature age, whether a virgin or a married woman, it is permissible to sell her and mortgage her, and if she has a husband, she is permissible to mortgage and sell her without her husband's permission, and to give her to him and her own money if she is of mature age, the same as her husband's money" (1990: 3/153).

Ibn Battal narrated the consensus on that:

He said: "The nation is unanimously agreed that if a woman is in control of herself, it is permissible for her to buy and sell, and her husband has no objection to that" (2003: 6/284).

Second: other than buying and selling:

It Includes Several Issues:

- 1- The scholars differed regarding the work that a woman can practice that requires the husband's permission other than trade. The source of the disagreement is based on the limits of her husband's right over her. Does it depend on negligence in his right, or is it an absolute right for him? If her work distracts her from her husband's rights, then it is not permissible for her except with the husband's permission, and if it does not distract her, then there is no problem, and its details are as follows:

If her husband is not with her for most or part of the day, or is absent from her for a certain period, and she is hired to sew a dress that she can sew during the time he is away from home without neglecting the household chores, then this is permissible, because there is no harm to the husband in this; because in this case, nothing of the husband's rights is lost. If the husband does not approve her leaving the house, even if he is absent, then she should leave at all without his permission (Ibn Uthaymeen, 1422-1428: 10/22-23).

Whoever believes that it is an absolute right for the husband by analogy that it is not permissible for a woman to fast while her husband is a witness without his permission; Likewise, she should not rent herself out without her husband's permission until he gives permission, and if he gives permission then the right is his, because time belongs to him, and therefore it is not permissible for her to rent herself out for work or breastfeeding without her husband's permission. Because it is a contract that loses the

right of the person to whom the right was established in a previous contract, so it is not valid as a lease of the leased thing. However, with the husband's permission, the lease is valid and the contract is binding because the right is not derogated from it (Sabik, 1977: 1/199).

It appears from the above that a woman's right to work and earn is detailed after her marriage, so the Shafi'is and Hanbalis held that: "If he married her as a hired woman, that does not prevent her from fulfilling what she has committed to, just as if she rented herself out with his permission" (Al-Saniki, D.T.: 2/410). If she wants to work after her marriage, she has no right to work without his permission. "To deprive the husband of his right to enjoyment; because she was busy with what she was hired for" (Al-Bahuti, 1993: 2/251).

But if "she rented herself or her guardian rented her rent before marriage, and then got married, her husband does not have the right to annul the contract until after the contracted period has expired", because her benefits were owned by a contract prior to the marriage" (Sabik, 1977: 1/199).

It must be noted that Islam, despite its equality with men in terms of legal and financial eligibility, believes that it is good for her, her family, and society if she devotes herself to the affairs of her home and family, and takes care of them, and therefore waives the costs of living from her. It obligated her husband to support her - even though she was qualified to buy and sell and engage in all kinds of earning activities - just as it obligated her father to support her until she got married. To be proficient in household chores under the supervision of her mother; It is as if she was at home under the care of her father and her mother when she was in school - the mother teaches, and the father spends - and with this wise stance, Islam preserved the dignity of the woman and did not take away her rights, and preserved the happiness of the family by not obliging the wife to leave the house to work in another job that men work in, whether politics, trade, or anything else (Al-Sibai, 1999: 123).

2- If he marries a female worker, then the husband's permission for the woman to work before her marriage to him and after her marriage to him is detailed as follows:

According to Al-Shafi'i, if she rents herself out and then gets married, the husband does not have the right to annul the lease (Al-Raimi, 1999: 2/88).

Al-Omrani said: "If she rents herself to breastfeed, then gets married, the husband does not have the right to annul this lease; Because it precedes his right, and if she rented herself, then she acknowledged that she had been married to a man before the rental, and the husband believed her... the marriage between them was established, and the husband did not have the right to annul this rental; Because the lease is apparently binding, its statement is not accepted in what leads to its cancellation" (1421: 7/319).

The Malikis chose that if she rented herself without his permission, and did not know about it while she was under his authority until after a while; The rent for the past is hers and the husband does not get anything from it, and he has the right to annul the lease in the future (Al-Dasouki, d.d.: 4/32, Al-Sawy, d.d., 4/32).

Al-Kharshi said: "If a woman gives herself to breastfeed without her husband's permission, he has the right to annul it due to the harm it causes him, whether he has a child or not, and he has the right to allow it. If her husband did not know about it until after he divorced her, he has no right to annul it." (D.T.: 7/13).

Likewise, the Hanbalis held that it is not valid to hire a wife for breastfeeding, service, or work after marriage without her husband's permission. Whether she pays herself or her guardian pays her; to lose the husband's right while taking precedence over the right of others; if a husband gives permission, the lease is valid and binding. Because the right does not exceed them, and its lease is valid before the marriage contract is concluded, and the husband has no right to prevent it" (Al-Bahuti, 1993: 3/48-49).

Abu Al-Naja Al-Hijawi said: "If she rents it and then gets married, the contract is valid and the husband does not have the property to cancel the lease" (DT: 3/243).

There are scholars who have stated that: If she does not neglect his rights, or the rights of other people are attached to her work, such as if she is a midwife; He does not have the right to prevent her from working:

The Hanafi school of thought said: If a woman's work is an obligation of sufficiency and is related to the rights of others; That she is a doctor or nurse, or does a job that people need, and she is forced to go out at any time; hence could come out with permission and without permission (Al-Zayla'i, 1313: 3/58, Ibn Najim, D.T., 4/212).

Al-Kamal bin Al-Hammam said: "If a woman is midwife, or has a right over another, or another has a right over her, she may go out with or without permission" (D.T.: 4/398).

If the work is at her home; He does not have the right to prevent her unless she neglects his rights and harms him. Ibn Uthaymeen said: "If she was hired to do a job, such as a woman seamstress, for example, and she began to sew for people for a fee in her home, then he does not have the right to prevent her, unless he sees that as negligence on her part in his rights, then he has the right to prevent it" (1422-1428: 12/425).

3- If she stipulated that she should work before marriage and he agreed, he has no right to prevent her from working, as indicated by the authentic evidence:

Because it is a condition that must be fulfilled; When it was narrated by Uqba bin Amer, may God bless him and grant him peace, he said: The Messenger of God, may God bless him and grant him peace, said: "The most deserving of the conditions that you fulfill is what you made permissible for private parts" (Al-Bukhari, 1422: 3/190).

Ibn Daqiq al-Eid said: "The implication of the hadith is that the word: (the most deserving of conditions) requires that some conditions require fulfillment, and some of them require it more strongly, and the conditions that are required by contracts are equal in the obligation of fulfillment, and prevail over anything other than marriage: the conditions related to marriage from The aspect of the sanctity of goods, and confirmation of their permissibility" (DT: 2/175).

If the wife or her guardian stipulated that the husband should rent herself during the contract and he agreed; There is no problem because the Muslims adhere to their conditions, and the Prophet, peace and blessings of God be upon him, said - as previously mentioned in the authentic hadith -: "The most deserving of the conditions that you fulfill is what you make permissible for private parts," and this happens frequently in recent times; Because some women are teachers or students, so if she gets married and it is not mentioned in the condition that the husband enables her to teach or study, then he has the right to prevent her from doing so, but if it is stipulated, then the Muslims are bound by their conditions (Ibn Uthaymeen, 1422-1428: 10/22).

The second topic: The ruling on money that a husband takes from his wife's money without her consent:

Before elaborating on this topic, it must be made clear that if the wife gives her money, it is permissible for her husband to take what she gave willingly, according to Almighty Allah's words: And if they wish to you from any of it of their own accord, then eat it in peace and comfort. [An-Nisa': 4].

"This verse requires that the dowry be obligated to her as a valid ownership and that the husband is prohibited from taking anything from her that he gave her, and he declared that it is safe for her whether he exchanges it for her or keeps it, and that it is forbidden for him to take anything from him except for what God Almighty has permitted to take from the property of others in the Almighty's words, unless it is a trade with your mutual consent" (Al-Jassas, 1405: 3/47).

The first requirement: The husband took his wife's money without her consent:

Scholars are of the opinion that it is not permissible for a husband to take anything from his wife's money without her permission and consent:

They reasoned as follows:

A- From the Qur'an:

According to the words of God Almighty: ﷻ And if you want to substitute your husband for your husband, and one of them brings to you a quintal, but do not take anything from it, do you take it as a slander and manifest sin? [An-Nisa: 20].

It is understood from the verse that the husband does not have the right to the woman's money, including the dowry.

B- From the Sunnah:

- On the authority of Abi Bakra, may God bless him and grant him peace, he said: The Prophet, may God bless him and grant him peace, addressed us on the Day of Sacrifice. He said: "Do you know what day this is?" We said: God and His Messenger know best, so we remained silent until we thought that he would call it by something other than its name. He said: "Is it not the Day of Sacrifice?" We said: Yes. He said: "Which month is this?" We said: God and His Messenger know best. Then we remained silent until we thought he would call it by a different name. Then he said: "Isn't it Dhu al-Hijjah?" We said: Yes. He said: "Which country is this?" We said: God and His Messenger know best, then we remained silent until we thought that he would call it by something other than its name. He said: "Isn't it the Sacred City?" We said: Yes. He said: "Your blood and your wealth are sacred to you, as sacred as this day of yours, in this month of yours, in this country of yours, until the day you meet your Lord. Have you not conveyed the message?" (Al-Bukhari, 1422: 2/176).

- On the authority of Abu Hamid Al-Saadi, may God bless him and grant him peace, that the Prophet, may God bless him and grant him peace, said: "It is not permissible for a man to take his brother's stick without his consent." He said: This is due to the severity of what God has forbidden from a Muslim's wealth to a Muslim (Ibn Hibban, 1993: 13/316).

- It can be concluded from this previous evidence that the husband has no right to take from his wife's money, or dispose of it without her permission, and no one has the right to give away a person's property without his permission (Al-Kasani, 1986: 2/290, Al-Khan, Al-Bugha, and Al-Sharbaji, 1992: 4/77).

C- From Consensus:

It was transmitted by Al-San'ani, who said: "The hadiths indicate the prohibition of a Muslim's wealth except with his own goodness, even if it is small, and the consensus is on that" (DT: 2/86).

This statement is consistent with what was stated in Articles (14, 74, 78), which stipulate that the dowry and maintenance expenses are the right of the woman, who may dispose them by sale, mortgage, or gift without compensation as she wishes (Belhaj, 2015: 541).

The following is the text of these articles:

"Article 14: (Order No. 05-02 of February 27, 2005): "The dowry is what Nahla pays to the wife in money or other things that are permissible according to Sharia law, and it is her property that she can dispose of as she wishes." (Hajailiya, 2018-2019: 16).

"Article 74: (Order No. 05-02 of February 27, 2005): "The wife's maintenance must be borne by her husband by consummating her or inviting her to him with evidence, taking into account the provisions of Articles (78, 79, and 80) of this law" (Hajailiya, 2018-2019: 75).

"Article 78: (Order No. 05-02 of February 27, 2005): "Alimony includes: food, clothing, treatment, housing or its rent, and what is considered necessities according to custom and tradition" (Hajailiyeh, 2018-2019: 78).

The Second Requirement: The Ruling on a Husband Preventing His Wife from Disposing Her Money:

Scholars disagreed as to whether a husband has the right to prevent his adult, sane wife from disposing her money more than a third, and their disagreement can be summarized in the following sayings:

First statement:

The husband has the right to prevent his wife from disposing her money in excess of a third, and he does not have the right to anything less than that. This is the view of the Malikis and Hanbalis in one of the two narrations on the authority of Ahmad (Ibn Abd al-Barr, 1980: 2/731).

The second statement:

It is not permissible for him to do that at all, neither for a third nor for anything less than it, except for something trivial. This was said by Al-Layth bin Saad (Al-Shawkani, 1993: 6/24, Al-Azimabadi, 1415: 9/335).

Third statement:

This is preventing a woman from disposing her money absolutely. Ibn Hajar said: "Tawoos disagreed and absolutely prohibit this" (Ibn Hajar, 1379: 5/218).

The summary of the evidence of those who said these statements:

A - From the Qur'an:

- God Almighty says: "Men are in charge of women" [An-Nisa: 34].
- And the Almighty says: And do not forget the virtue between yourselves. ﴿ [Al-Baqarah: 237].
- And God Almighty said: And if you want to replace your husband with your husband, and one of them brings to you a quintal, but do not take anything from it. Do you take it in slander and manifest sin? [An-Nisa: 20].

It appears from these verses that this is a disposal of her money, and she is rational and it is not permissible to dispose her money without her permission (Al-Mawardi, 1999: 9/138).

B- From the Sunnah:

- On the authority of Khairat, woman of Ka'b ibn Malik, may God be pleased with them both, that she brought her jewelry to the Messenger of God, may God bless him and grant him peace, and said: I gave this in charity. The Messenger of God, may God bless him and grant him peace, said to her: "A woman is not permitted to use her wealth except with her husband's permission. Did you ask Ka'b for permission?" She said: Yes. So the Messenger of God, may God bless him and grant him peace, sent to Ka'b bin Malik and said: "Have you given permission to Khayra to give her jewelry in charity?" He said: Yes. So the Messenger of God, may God bless him and grant him peace, accepted it from her (Ibn Majah, 1430: 3/469).
- On the authority of Abdullah bin Amr, may God be pleased with them both, that the Messenger of God, may God bless him and grant him peace, said: "It is not permissible for a woman to give a gift except with her husband's permission" (Abu Dawud, D.T.: 3/293).
- On the authority of Amr bin Shuaib, on the authority of his father, on the authority of his grandfather, that the Messenger of God, may God bless him and grant him peace, said: "It is not permissible for a woman to control her wealth if her husband owns her wealth" (Abu Dawud, D.T.: 3/293).
- In the story of Saad bin Abi Waqqas, may God bless him and grant him peace, he said: The Prophet, may God bless him and grant him peace, visited me when I was sick in Mecca, so I said: Do I have money? Should I bequeath all my money? he said no". I said: The half? He said: "No." I said: A third? He said: "One-third, and one-third is a lot. To leave your heirs rich is better than to leave them poor, begging people in their hands, and whatever you spend is yours as charity, even the morsel you raise in your wife's mouth..." (Al-Bukhari, 1422: 7/62, Muslim, d. T: 3/1250).

It can be concluded from this hadith that it is not permissible for a sane adult woman to dispose her wealth in excess of a third, because there are other texts indicating that the owner has the right to dispose his wealth in a third or less by will, and he does not have the right to do so in excess of a third except with the permission of the heirs (Al-Mawardi, 1999: 6/353, Ibn Abd al-Barr, 1980: 2/834).

C- From Qiyaas:

- Because the wife's money is mostly intended in her marriage contract, because the custom is that her dowry increases due to her large amount of money and decreases it due to her lack of money, and he does not have control over that, so it is necessary for him to have control over it to prevent her.

- It is customary for the husband to increase her dowry for the sake of her money, and enjoys and benefits from it. If he is unable to provide maintenance, she takes him back, and this is the same as the rights of the heirs attached to the patient's money (Al-Mawardi, 1999: 6/353).

These statements can be discussed as follows:

Firstly:

The answer to the Almighty's saying: "Men are in charge of women" [An-Nisa: 34]; What is meant by it is that they are capable of taking care of their wives in disciplining them in what they are obligated to do. On the authority of Ali, may God bless him and grant him peace, he said a man from the Ansar came to the Prophet, may God bless him and grant him peace, with his wife. She said to him: O Messenger of God, he hit me and it affected my face. The Messenger of God, may God bless him and grant him peace, said: "He does not have that right." Then God revealed: "Men are guardians of women" [An-Nisa: Verse 34]. Al-Suyuti attributed it to Ibn Mardawayh (D.T.: 1/56).

- As Al-Tabari narrated on the authority of Al-Hasan, "The reason for this was that a man from the Ansar slapped his wife, and she came seeking retaliation, so the Prophet (peace and blessings of Allaah be upon him) made retaliation between them, so the verse was revealed: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ ۖ إِنَّهُ كَانَ شَافِعًا عِنْدَ اللَّهِ﴾ So exalt God, the King of Truth. Do not hasten with the Qur'an from the Qur'an. Rather, that your revelation may be fulfilled to you ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا﴾ [Taha: 114]; Then it was revealed: "Men are in charge of women because God has favored some of them over others and because they have spent of their wealth" [An-Nisa: 34] » (Al-Tabari, 2000: 8/292).

Al-Suyuti said: "These are pieces of evidence that strengthen each other. There was no evidence in the verse for what Malik indicated" (DT: 1/57).

- As for the hadith of Khayra, the wife of Ka'b ibn Malik, that she brought her jewelry to the Messenger of God, may God bless him and grant him peace, and she said: I gave this in charity. The Messenger of God, may God bless him and grant him peace, said to her: "A woman is not permitted to use her wealth except with her husband's permission. Did you ask Ka'b for permission?" She said: Yes. So the Messenger of God, may God bless him and grant him peace, sent to Ka'b bin Malik and said: "Have you given permission to Khayra to give her jewelry in charity?" He said: Yes. So the Messenger of God, may God bless him and grant him peace, accepted it from her. (Ibn Majah, 1430: 3/469); He is weak (Al-Busiri, 1403: 3/59).

- As for the other two hadiths on the authority of Abdullah bin Amr, may God be pleased with them, that the Messenger of God, may God bless him and grant him peace, said: "It is not permissible for a woman to give a gift except with her husband's permission" (Abu Dawud, D.T.: 3/293). And the hadith of Amr bin Shuaib, on the authority of his father, on the authority of his grandfather, is that the Messenger of God, may God bless him and grant him peace, said: "It is not permissible for a woman to have control over her wealth if her husband owns her wealth" (Abu Dawud, D.T.: 3/293). Although they are both authentic hadiths; They do not have the strength to oppose the authentic hadiths that indicate permissibility in general, and they are stronger than them, so they are preceded (Al-Aini, D.T.: 2/124).

- It can also be said: It is a current incident, so it can be taken as if it was an amount of one third. (Al-Aini, D.T.: 2/124).

Secondly:

- On the assumption of authentic, it is predicated on the first, as Al-Shafi'i was quoted as saying: Maimuna, may God be pleased with her, was freed, and the Prophet, peace and blessings of God be upon her, did not blame her, and that is because Maimuna bint Al-Harith, may God be pleased with her, told him that she freed a female child, and she did not ask permission from the Prophet, may God bless him and grant him peace, When her day came, she said: O Messenger of God, did you feel that I had freed my daughter? He said: Did you do so? She said: Yes. He said: "If you had given it to your maternal uncles, your reward would have been greater" (Al-Bukhari, 1422: 3/158).

- As it is said: She does not have the right to fast while her husband is present without his permission. If she does, then her fast is permissible. Likewise, if she goes out without his permission and sells, then it is permissible (Al-Aini, D.T.: 2/124).

- As for the answer that the dowry increases with the increase of her money and decreases with its decrease; It is that, even if it is so, it is because of the husband's saving of money through inheritance and the loss of his children's maintenance due to his insolvency ((Al-Mawardi, 1999: 6/354).

Third:

- Challenging it. Al-Shafi'i said: We have heard this hadith and it is not proven, so we are obliged to say it, but the Qur'an indicates the opposite, then the command, then the transmitted, then the reasonable, so it is desirable for a Muslim woman to ask her husband's permission - and she is not obligated to - but she will be rewarded for that (Al-Shafi'i, 1990: 3/ 153, Al-Sarkhasi, 1993: 4/214, Ibn Qudamah, 1968: 4/348).

Al-Sindhi said: "According to most scholars, it is the meaning of good treatment and the husband's peace of mind" (DT: 2/70).

Fourth Statement:

The woman has the right to dispose her money absolutely, whether it is for compensation or without compensation, whether with all of her money or some of it, and this is what the majority said, including the Hanafi, Shafi'i, and Hanbali (Al-Sarkhasi, 1993: 4/214).

They demonstrated this as follows:

A- From the Qur'an:

- The Almighty says: And it is not lawful for you to take anything of what we have given you, unless you fear that they will not maintain the limits of God [Al-Baqarah: 229].
- And God Almighty says: "Give the women their charity as a gift; but if they relent to you from any of it of their own accord, then eat it in peace." [An-Nisa': 4].
- And the Almighty says: And if you want to substitute your husband for your husband, and one of them brings to you a quintal, but do not take anything from it. Do you take it in slander and manifest sin? [Women: 20].

B- From the Sunnah:

- On the authority of Zainab - Abdullah's wife, may God be pleased with them both - she said: I was in the mosque, and I saw the Prophet, may God bless him and grant him peace, and he said: "Give in charity, even if it is from your jewellery." And Zainab was spending on Abdullah, and orphans in her care. He said: She said to Abdullah: Ask the Messenger of God, may God bless him and grant him peace, whether he will reward him. Am I supposed to spend charity on you and the orphans in my care? He said: Ask, you are the Messenger of God, may God bless him and grant him peace. So I went to the Prophet, may God bless him and grant him peace, and found a woman from the Ansar at the door, her need was the same as mine. So Bilal passed by us, so we said: Ask the Prophet, may God bless him and grant him peace, is it sufficient for me to spend on my husband and orphans in my care? We said: Do not tell us, so he came in and asked him, and he said: "Who are they?" He said: Zainab. He said: "Which Zainab?" He said: Abdullah's wife. He said: "Yes, she has two rewards, the reward of kinship and the reward of charity." (Al-Bukhari, 1422: 2/121, Muslim, D.T.: 2/694).

- On the authority of Abu Saeed Al-Khudri, may God bless him and grant him peace, he said: The Messenger of God, may God bless him and grant him peace, went out to the prayer place during Eid al-Adha or iftar, and he passed by the women and said: "O women, give alms..." (Al-Bukhari, 1422: 2/120).

- On the authority of Jabir bin Abdullah, may God bless him and grant him peace, he said: I witnessed the prayer with the Messenger of God, may God bless him and grant him peace, on the day of Eid, so he began to pray before the sermon, without the call to prayer or the iqama, then he stood up, leaning on Bilal, and commanded fear of God, and urged obedience to Him, and admonished the people and

reminded them, then he continued until he came to the women, advised them and reminded them, and said: "Give alms..." (Muslim, D.T.: 2/603).

These hadiths indicate that they carry out their permissible financial transactions without asking anyone's permission.

As for taking it from her money without her permission and consent, they agreed to prohibit it, and even Imam Malik, who chose that she should not dispose more than a third of her money except with her husband's permission; So he believed that if he made it difficult for her to ransom him, then he took her money without her consent, and God did not permit that except with her consent (Ibn Rushd, 1988: 5/234).

He used the Almighty's saying as evidence: "And if they refrain from any of it for you if you wish, then eat it in peace and comfort." [An-Nisa': 4]. Ibn al-Mundhir said: "They agreed that it is not permissible for a man to give his wife's money in charity without her permission" (DT: 96).

They reasoned as follows:

A- From the Qur'an:

- God Almighty says: And it is not lawful for you to take anything of what I have given you, unless you fear that they will not establish the limits of God. If they do not uphold the limits of God, then there is no blame on them for what you have redeemed yourself with [Al-Baqarah: 229].

It appears from this verse that it is forbidden for a husband to take anything of what he gave his wife from the dowry, and he excluded the amount of dowry that he gave her when they feared abandoning the limits of God. The prohibition against taking any portion of the dowry is a prohibition against taking an increase in the dowry through the first method, just as the prohibition against making small amounts of money is a prohibition against multiplication - which is above it - through the first method (Al-Kasani, 1986: 3/150, Ibn Qudamah, 1994: 3/96).

- God Almighty says: And give the women their charity as a free gift, but if they relent to you about any of it of their own accord, then eat it in peace [An-Nisa': 4]. And the interpretation of the verse: "If they give you some of the dowry out of goodness of heart, without the reason for it being your poor morals towards them, or your bad interactions with them, then eat it and spend it. The verse contains evidence of the narrowness of the path in this matter, and the necessity of caution, as he based the condition on the goodness of the soul and said: "If they are willing" and did not say: "Then they will give or forgive," indicating that the obligation to take care of herself is to distance herself from the gifted person is good" (Al-Fakhr Al-Razi, 14420: 9/439)).

- God Almighty says: And if you want to substitute your husband for your husband, and one of them brings to you a quintal, but do not take anything from it. Do you take it in slander and manifest sin? [An-Nisa: 20]. The interpretation of the verse: If you give women a lot of money, do not take a small amount of that quintal, let alone a lot. (Abu Al-Saud, D.T.: 2/159).

B- From the Sunnah:

- The saying of the Prophet, may God bless him and grant him peace, on the Day of Sacrifice: "Your blood and your wealth are sacred to you, just as this day of yours, in this month of yours, in this country of yours, until the day you meet your Lord, is sacred to you. Have you not conveyed the message?" (Al-Bukhari, 1422: 2/176).

C- Among the Athar:

- On the authority of Ibn Abbas, may God bless him and grant him peace, he said: "A man used to eat from his wife's wealth, which he had given her and other things, and he did not see that there was any blame on him until God revealed: "And it is not lawful for you to take a portion of what you have given them" [Al-Baqarah: 229]; After this verse, it is not permissible for them to take any of their wealth. Then he said: Unless they fear that they will not uphold the limits of God. If you fear that they will not uphold the limits of God, then there is no blame on them for what she has redeemed [Al-Baqarah: 229]" (Al-Maqdisi, 2000: 12/311) .

D- From Qiyaas:

- If a woman ransoms herself with money that she gives to her husband so that he can free her from it, and he responds to that, then she has abstained from it. If a woman divorces her husband and then it is proven that he beat her, or denied her rights out of the hope that she should divorce him for some of her money, it is not permissible, according to Allah's saying: And do not mislead them so that you may take away part of what you have given, unless they commit a clear indecency (An-Nisa: 19). He must return to her what he took from her, because in this case he divorced her for compensation to which he was not entitled, because it was a compensation contract that was forced upon him unjustly, so he is not entitled to compensation, such as selling (Ibn Rushd, 1988: 5/257, Al-Nawawi, D.T.: 17/3).

- Pardon comes in the Almighty's saying: Unless they pardon or pardon Him in whose hand is the marriage contract [Al-Baqarah: 237]; In the sense of dropping, it is also said: in the sense of offering. Using it in its two meanings is more eloquent and more appropriate than using it in one of them. Because in that case it is almost a use, and because the wisdom of that is that if the woman waives the obligatory half of the dowry in order to preserve her chivalry and avoid religious commitment, saying, "He did not get anything from me, and I do not realize what he spent this money on," it would be appropriate for the husband to say: I leave the money to her. Because I obtained the solution and divorced her; leaving it is closer to piety and freer from blame (Al-Qarafi, D.T.: 3/173).

E- From the sayings of scholars:

Al-Shafi'i said: "It is permissible for men to eat what their wives are willing to do, just as it is permissible for them to eat what non-mahram men of their wealth are willing to do, and what they themselves are willing to give to their husbands. There is no distinction between their ruling, and the ruling of their husbands, foreigners, and other than their husbands regarding what he is obligated to pay as their rights, and what is permissible is what they are willing to do of their money, and what was forbidden from the money of foreigners was forbidden from their money" (1990: 3/221).

Ibn Hazm said: "The woman has an additional right, which is that she has the right to give in charity from her husband's money whether he likes it or not, and without his permission without doing any harm, and she will be rewarded for that, and it is not permissible for him to give anything from her money in charity at all except with her permission" (D.T.: 7/192).

Rather, he must support her, as stated in Article 74: "The wife's maintenance is obligatory on her husband by consummating her or inviting her to him with evidence, taking into account the provisions of Articles (78, 79, and 80) of this law" (Hajailiyeh, 2018-2019: 75).

Article 78 stipulates that: "Alimony includes: food, clothing, treatment, housing or its rent, and what is considered necessities according to custom and tradition" (Hajailiyeh, 2018-2019: 78).

It appears from the foregoing review of the legal evidence that it is not permissible according to Sharia to condition the permission or condition for the wife to work outside the home in exchange for sharing in the expenses obligatory on the husband to begin with, or giving him a portion of her salary and earnings. If the wife actually contributes from her money or the earnings from her work to own a home, real estate, or commercial project, she has the right to participate in the ownership of that home or project in proportion to the money she contributed (Fatwa Committee of the Islamic Network, 2009: 13/12941).

CONCLUSION:

The issue of a woman's work, her right to dispose of her money, her husband's right to dispose her money without her permission, and preventing her from working if she wants to do so has been the focus of interest of most research in Arab and Islamic laws related to the family due to its great importance in creating a balanced environment in which all members of society enjoy their rights in exchange for the duties they perform.

The research found that women have independent financial liability to earn and spend as she wants as long as she does not violate Sharia law. There is no objection to a woman working outside the home if she so desires, provided that she adheres to the conditions imposed by the law. When she goes out to work, she is not legally required to participate in the husband's obligatory expenses, and it is not permissible to force her to do so. However, if she volunteer to participate in the family expenses, then it is something that is legally permitted because it results in achieving the meaning of cooperation,

synergy, and harmony between the spouses. It is also permissible for the spouses to reach an understanding and consensual agreement regarding the fate of the salary or wages that the wife earns. However, if the wife's going out to work results in additional expenses for her; then she bears those expenses. It is not permissible according to Sharia law to condition permission on going out to work or to require the husband to allow the wife to work outside the home in exchange for sharing in the husband's obligatory expenses or giving him a portion of her salary. If the wife contributes to owning a home, real estate, or commercial project, she has the right to participate in the ownership of that home or project in proportion to the money she contributed, as stated in the noble Sharia.

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