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AL-FARA'A SAYING IN THE PROVISIONS OF AL-MUSAQAT AND AL-MAZRA'A, STUDY THROUGH THE BOOK ZAD AL-MUSTAQNI

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ABSTRACT

God created the creation and belittled the earth to live it, and mocked them for what was in it. The relationship between man and those around him did not come in vain. Rather, it is the appreciation of God, the Glorious, the Knowledgeable. The observer finds in the provisions of the noble Sharia it has given great attention to the fields of investing natural resources, for this you find the Holy Prophet, may God's prayers and peace be upon him, recommends cultivation and planting the land even if the caller calls for the establishment of the Hour. The Importance Of hence writing the On The mpeg Of Watering And Cultivation, So The idea A Of writing the Extensively Takes by most Judgments Of Hwy, And The Research Focused On The Jurisprudence by most important 's related Friends To This Section In The important 's Manner Of Investigation And Demonstration And According to the following structure:

Preface: It includes a brief translation of the owner of the board of Alzad, the first topic: in the provisions of the course, and the second topic: in the provisions of agriculture, and the conclusion: and the most important results. Finally, we ask God Almighty to guide and reconcile.

INTRODUCTION

Praise be to Allah, Lord of the Worlds, and prayers and peace be upon the master of the missionaries and in front of the pious Muhammad and the him and his family and companions, and after God has created vinegar j Ge and Astkhvhm ground for me Amrha , and ridiculed them for that thing about ,

relationship between man and around, the objects did not come in vain, it is appreciated God Alim expert. The one who looks into the rulings of the noble Sharia finds that it has given great attention to the fields of investing the resources of nature. That is why you find the Holy Prophet, may God's prayers and peace be upon him, recommend planting and planting the land even if the one who called for the Hour of Resurrection, on the authority of Anas, may God be pleased with him, on the authority of the Prophet, peace and blessings be upon him, said: The watch has a seedlings in your hand, and if he is able not to stand up until he has planted it, then let him plant it"((1)) Hence the importance of writing on the topic of al-Musaqah and al-Muzara'ah, so the idea of writing in a broad manner took most of their rulings, and because the body of Zad al-Mustaqni from the texts that collected a lot was the origin of this scientific material, and according to the following structure:

Introduction: It includes a brief translation of the author of the text of the auction, the first topic: in the provisions of Al-Musaqa, the second topic: in the provisions of sharecropping, and the conclusion: and the most important results. Finally, we ask God Almighty to reconcile and pay it and be in the balance of good deeds and blessings of Allah and peace be upon our Prophet Muhammad and the AH and his family and peace and recognition more.

Course definition

1- In the language: the watering reaction, and the watering: for the people. Watering: for livestock and land, it is said that so-and-so was watered for his livestock and land. And the name watering by fraction ([2]).

2- The reason for naming: because the worker is watering the trees because it is the most important thing for them, especially in the Hijaz ([3]), since the palm trees in the Hijaz were watered with fresh water, i.e. from the wells, so his matter was greater and his hardship abounded.

3- Other designations also called the implantation: By joining the meme and opening what follows it, reacting by planting, the planting if it is established in the ground. Paying the land to those who plant it on a certain percentage of the fruits of this planting ((4))

Employment: By adding, the livelihood of the worker who is made for him on what he imitates the work I treated the man as a treatment for him, and the treatment is in the words of the people of Iraq: it is the exchange in the words of the Hijazis ((5)).

Almnesbh : When the tap is to instill a man in the land endowment that Planter between him and the Waqf ([6]).

And it says in the end of the wills: "And the position and the plots he paid without planting with the land of those who plant it." ((7))

4- Idiomatic definition: He paid a well-known planted tree that has fruit that can be eaten to those who work on it, with a common portion of its fruit being known. The position and the plot is paid without planting with the land of the one who sows it, and he works on it until it bears fruit with a known part of it, or of its fruit or both of them ((8)) .

5- Explanation of vocabulary definition: Pushing planted trees: palm trees, pomegranates, apples, and others. With this restriction came what was not a tree, such as cotton and moss, because their fruit was not repeated ([9]) , but it is valid to cultivate it ([10]) .

Known: it must be known to the owner (the lord of the trees), and known to the worker (the waterer).

And it is known either by vision, or by a description that does not differ with it ([11]) .He came out with this limitation: What if the tree is on the legs given, not described, or at a Bustanin was appointed by the Board in the contract ([12]).

- It has edible fruit: trees that have no fruit came out with this restriction and eat like willow, or what was intended by flowers such as roses and jasmine, or what was intended by wood such as poplar.

Al-Muwaffaq Ibn Qudamah, may God have mercy on him, chose that it is valid in what he intended for dice, paper or wood ((13)) .

He, may God have mercy on him, said: "As for trees that have no fruit, such as willow, walnuts, and the like, or that have unintended fruit, such as pine nuts and cedar, it is not permissible to give them. And according to this, Malik and Al-Shafi'i said. We do not know of any dispute about it, because it is not stipulated, nor in it. The meaning of the stipulated, and because the syrup is only part of the fruit, and this does not have a fruit, except that it is from what is intended for its leaf or flower such as berries and roses, so the measurement requires that it is permissible to drink it, because it is in the meaning of the fruit, because it is growth that is repeated every year, and it can be taken and given to it by a part from him, abideth him like his " ([14]) .

For those who work on it: what is required is to do all that is required of watering, planting, guarding, installing, vaccinating, plowing and so on.

- With a communal part whose fruit is known: it must be indicated in the contract the amount of the worker's right to be communal (i.e., in terms of half and a quarter) (12).

It is not valid to be equated with ignorance of the right of the worker, and it is not valid if he is required to have the fruit of a specific tree, or a certain amount by weight or volume.

The Almnesbh and Almgarch him without planting the land with those who instill: This teams for Almsacap, pushing Valmsacah trees planted, and Almnesbh and Almgarch (namely , meaning one), pushing the trees have not

yet implanted. And he works on it until it bears fruit with a common known part of it: that is, from the same trees) [15]) .

Or from or from its fruit: the tree and its fruit (15) .

Legality of the course:

Musaqa is legal, and the basic principle is that it is permissible in the Sunnah of the Prophet:

1- It was narrated that Ibn Umar, may God be pleased with him, said: "The Prophet, may God's prayers and peace be upon him, treated the goodness of the portion that comes out of it, whether fruit or crops." (16)

On him, may God be pleased with him, he said: "The Messenger of God, may God's prayers and peace be upon him, gave the Jews the advice: to work it and grow it, and they have a portion of what comes out of it" ([17]). His saying: (that they do it) is meant by it.

2- Abu Ja`far Muhammad bin Ali bin Al-Hussein bin Ali bin Abi Talib, may God be pleased with him and his fathers, said: The Messenger of God, may God's prayers and peace be upon him, treated the people of Khaybar in the half, then Abu Bakr, Umar, Uthman and Ali, and then gave them to this day, giving them a third and a quarter, and this was done by the Rightly Guided Caliphs in The period of their caliphate and it was well known that no objection was denied, so it was unanimous ([18]).

3- On the authority of Abu Hurairah, may God be pleased with him, he said: The Ansar said to the Prophet, may God bless him and grant him peace: I swear between us and our brothers the palm trees. He said: Are the supplies sufficient for us, and we share the fruit with you? They said: We heard and obeyed ([19]).

4- The need arises. Because many people have no trees and need fruit; And the people of the trees need to work, for it is permissible to pay for both needs, and to collect the benefit of each of them, so it is permissible like mudarabah ([20]).
benefit:

As for the hadith of Rafi` bin Khadij, may God be pleased with him, which was directed by Imam Muslim, and which read: "We used to transport the land at the time of the Messenger of God, may God's prayers and peace be upon him, and we denied it by a third and a quarter, and the named food. He and peace be upon him about a matter that was beneficial to us, and the obedience of God and His Messenger was more beneficial to us, "He forbade us to move the land, so we denied it to a third and a quarter, and the named food, and the Lord of the land ordered him to cultivate it, or to cultivate it, and to hate its hatred and so forth." ((21)[22]) , Imam Ibn Qayyim al-Jawziyyah answered him in Tahdheeb al-Sunan with several answers, including ((23)) :

It is a very confused and discolored hadith. Imam Ahmad said: The hadith of Rafi` bin Khadij: colors. Including that the companions objected to the lifter so, of whom Zaid ibn Thabit - has told him an interview with Rafi` - "I know this from him, but heard the Prophet peace be upon him two men had Aguetla said that this was you alone do not Tcarua farms." Including: that in some words what modern Rafi` does not say by one, it is forbidden to rent farms at all. It is well known: that the Prophet, may God's prayers and peace be upon him, never forbade her disliking, indicating that it was not preserved. Including: that it hopes to talk Rafi`, collection methods, and considered each other and carry their entirety on Mvsrha and firing on Mqidha learned that which was forbidden by the Prophet peace be upon him that is between corruption, a sharecropping unjust unfair, he said, "We were Lancry land We have these and they have this, so maybe this one and not this one. " In his pronouncement, "People used to rent during the time of the Messenger of God, may God bless him and grant him peace, for what was on the muddials, the turnout of streams, and things from plants," as mentioned above. And his saying, "And the people did not have a disgrace except this, so it is forbidden for him. As for something known and guaranteed, there is nothing wrong."

This is one of the clearest and most authenticated hadiths, and what is in it in general, absolute or concise, so it is carried on this clarified interpreter agreed on by word and wisdom. Al-Layth bin Saad said: What the Messenger of God, may God bless him and grant him peace, forbade: It is a matter that if a person with insight looks at it as permissible and forbidden, he knows that it is not permissible. Ibn al-Mundhir said: The news came on the authority of Rafi`, indicating that the prohibition was for those reasons. Therefore, there is no contradiction between the hadith of Rafi` and the hadiths of permissibility in the face of ([24]).

Including: that if the opposition as much as an interview with Rafi` conversations passport, declined to combine them was copied absolutely no doubt.

- Including: If the hadiths differ from the Prophet, may God's prayers and peace be upon him, then he looks at what his companions did after him, and the work of the Rightly Guided Caliphs, their families and other companions has been mentioned above.

The first topic: Al-Musaqat provisions

The compiler, may God Almighty have mercy on him, said: "Chapter of al-Musqa'a: It is valid for trees that have fruit to be eaten, on existing fruits, and on trees that they plant and work on until they bear part of the fruit."

The first requirement: what is permissible for a course:

1- It is permissible to drink it in every root that has fruit, such as palm trees, grapes, olives, figs, pomegranates, and the like ([25]).

Al-Muwaffaq, may God have mercy on him, said: "In sum, the misqah is permissible in all fruitful trees. This is the saying of the Rightly Guided Caliphs, may God be pleased with them, and in it Said bin Al-Musayyib, Salem, Al-Thawri, Al-Awza'i, Abu Yusef, Muhammad, Ishaq and Abu Thawr." (26)

He also said: "And it came in the wording of some news that the Prophet, may God's prayers and peace be upon him, treated the people of Khaybar by dividing what comes out of date palms and trees, and because they are trees that bear fruit, all around, so they are like palm and vineyards ([27]) And because there is a need to give to him, such as palm trees, and more because of his abundance, then it is permissible to drink for him. " (22)

2 "aware of it it is not valid on cotton, and Mqathi, and not stalk him, nor on what is not the fruit of his uneaten CSIRO and willows, even if his intended Knrjs blossom and Jasmine" (28)

Al-Muwaffaq Ibn Qudamah, may God have mercy on him, previously stated that it is valid in what he intended to be dice, paper or wood [29].

3- His saying, may God have mercy on him: "And on an existing fruit," that is, present at the time of the contract, provided that the work that increases the fruit, such as sprinkling, watering, and the like, remains from the work, and the evidence that this is correct according to the aforementioned condition is the concept of the first approval, as the watering is permissible on trees It has no fruit, despite the large number of ambiguities that may fall. For a tree that has fruit, it needs to be taken care of. [30]) . He said in al-Rawd al-Murabba: Because if it is permissible in the non-ambiguity, with a great deal of ambiguity, then there is and the lack of ambiguity is first "(31))

The second saying in the doctrine: It is not valid (29). Said Mardaawi God 's mercy: "(Is it valid on the fruit of an existing) means: If you do not complete? (On two novels.) And fired by the guidance, doctrine, and casted gold, absorbed, and adequate editor, annotation, and the doctrine of al - Ahmad. One: valid, a doctrine, And on it most of our friends " (32)

4- His saying, may God have mercy on him: "And upon a tree he planted and worked on until part of the fruit bears fruit." We stipulated that there is disagreement in it, like the issue in the previous paragraph. Said Mardaawi God have mercy on him: " This doctrine of the famous set of Imam Ahmad Allah 's mercy, and the masses of friends. Asserted in the guidance, doctrine, and casted gold, the container, summary, and the summary, the editor, brief, and Alraitin, small container, and the Illuminator, the team Alozja , and others. and by the singer, explanation, systems, branches, and superior. It was: not valid. the judge said the transaction null and void " (29).

Abstract: From the aforementioned it becomes clear that the course is valid for:

A - A tree planted with no fruit.

B - A planted tree has shown its fruit, but it needs work and care.

C - An un-planted tree that the worker planted.

5- His saying, may God have mercy on him: "With a portion of the fruit": provided that it is common and known. He said in al-Rawd al-Murabba: "If there is a condition in the drinking, all of them are ((33)) Or Aassaa information ((34)), or the fruit of a particular tree did not valid ([35])" (36)

6 said in Rawd box: " The valid Almesbh, and Almgarch, the payment of the land and the trees of those who instill also offers With a known communal part of the trees " (33).

It was learned from him that the stipulated part of the worker could be from the fruits or from the trees, provided that it was known.

The second requirement: course conditions

In light of the above, the course conditions can be explained, as follows:

1- The watering should be on fruit trees, even if it was rain-fed. (37)) , so it is not valid for non-fruitful trees unless what is meant is its leaf, flower or wood, and it is not valid for anything other than trees, such as cotton and herbs [38].

2- The misadhah is on the fruit that has not yet appeared, or has not appeared and has not been completed, so that it needs work and care. It is not valid on fruits that have appeared and does not require work. Ibn Qudamah, may God have mercy on him, said: "There is no dispute" ([39]) .

3- That the trees are known to the owner and the worker with a vision, or a quality that does not differ with the sale.

4- That the share of each of the owner and the worker be publicly known, and it is known from the foregoing that it is incorrect if all stipulated for one of them, or a condition for him or the worker is the fruit of a specific tree, or an amount specified by weight or weight.

5 valid absolute Almsacap, if not remember how long, as well as Valmsacah sharecropping "no lack of hit gets perfect for it, because it may Allah bless him and did not hit the people of Khyber for, nor his successors after him" ([40]) , and it will come that the doctrine is that the musaqa and the farmer are two permissible contracts, so that they are permissible replaces timing, so there is no benefit from timing even though the contract is permissible ([41]) .

6 that the work is entirely on the worker. Ibn Rajab Allah have mercy on him, he said: "including a requirement for contractors in Almsacap and sharecropping on the other unless necessary under the contract, it is true, and the corruption of his contract otherwise" ([42]) . And it says in the mask: "(If a condition) in a souq or farmer (on one of them), that is, the owner or worker (what the other is obligated to, and some of them have spoiled the condition and the contract), because it is a condition that contradicts the requirements of the contract, so it corrupts it. ([43]) .

7- The competence of the contracting parties, "it is considered that the two contracting parties are permissible to act, because both of them entered into a netting, so it is considered for her as selling" (42) .

The third requirement: description of the course contract:

The compiler, may God Almighty have mercy on him, said: "It is a permissible contract. If the owner abrogates the fruit before the fruit appears, then the worker has a wage, and if he annuls it, he has nothing"

The most famous of the madhhab is that holding the misaqat ([44]) A contract that is permissible by both parties, and therefore it is permissible for both the tree lord and the worker to cancel it without returning to the other, even without his consent.

The evidence that it is a permissible contract is what Muslim narrated on the authority of Ibn Umar in the story of Khaybar, so the Messenger of God - may God's prayers and peace be upon him - said: "We compel you for that as we wish." Even if it is necessary, it is not permissible without the timing of a period, nor to make good to him during the period of their approval. And because it was a contract on part of the growth of money, it was a prize like mudarabah ([45]) .

Al-Muwaffaq said: "Even if it is necessary, it is not permissible without estimating a period, nor to give the best to him in the period of their approval, and because the Prophet - may God's prayers and peace be upon him - did not transmit from him that he had determined that for them for a period, and even if he did, he did not leave his transmission, because this is what he needs. So, it is not permissible to violate its transfer, and Umar - may God be pleased with him - removed them from the land and removed them from Khaybar, even if they had an estimated period, it was not permissible to take them out of it. , more like speculation " ([46]) .

On this Valmsacah decade of decades posts his semi - speculative, rather than offsets contracts Kalajarh (45).

The second saying in the doctrine: It is that the exchange is a necessary contract, and therefore it is not permissible to annul it except with the consent of the other, it is like hiring, because in annulment without consent, harm may be caused to one of the two parties.

Al-Muwaffaq, may God have mercy on him, said: "Some of our companions said: It is a necessary contract. It is the view of most of the jurists, because it is a contract of exchange, so it was necessary, such as renting, and because if it was permissible, it is permissible for the Lord of the money to cancel it if the fruit realizes, so the right of the worker is waived, so he is invoked." ([47]) . The consequences of characterizing the Al-Musaqat contract as a permissible contract:

1- The council's choice is not proven because it is not needed, as permissible contracts have the option at all.

Al-Muwaffaq, may God have mercy on him, said: "The choice of the condition is not proven in the course, because if it is permissible, then the permissible is independent from the choice in it himself." ((48))

2- "It is not necessary to multiply a period, and its time is permissible" ((49))
And accordingly, it is permissible to spend it on the valley (the Fasil) and the young trees, if it is for a period during which it is usually carried, and he has a known part of it, because there is nothing more than that the worker's work increases, and his share is reduced ([50]).

Fourth requirement: the consequences of canceling the contract

He, may God have mercy on him, said: "If the owner abolishes the reward before the fruit appears, then the worker has the reward, and if he abolishes it, he has nothing"

The dissolution of the musaqah contract is either from the owner or the worker, and it may take place before or after the fruit appears, and as follows:

1- If the annulment was by the owner:

A- Before the fruit appears: the worker shall have the wage of the proverb, not the share of the proverb ([51]).

B - After the fruit has appeared: the fruit is between them in the ratio agreed upon in the contract, and the worker or his heir must complete the work like the speculator (52)).

2- If the termination was by the worker) (53):

A- Before the fruit appears: his right is forfeited, and he may be fined if the Lord of money causes harm ([54]).

B - After the fruit appears: The fruit is between them in the ratio agreed upon in the contract, and the worker or his heir must complete the work like the speculator (51).

Fifth requirement: What is required of the worker and the owner

The compiler, may God Almighty have mercy on him, said: "The worker is obligated to do everything in which the fruit is good, such as plowing, watering, potting, pollination, solarization, and repairing its location, water paths, harvesting and the like, and for the Lord of money what works for him and his peasants, like a dam and a wall."

The compiler, may God Almighty have mercy on him, mentioned what is required of each of the two partners (the worker and the owner), and before mentioning it, it must be clarified that if there is a condition between them, that condition must be adhered to. If the owner stipulates that the worker must block a wall (which is what the owner is obligated to do), and the worker is satisfied with that He needed him, and so on. But if there is no condition between them, the matter is as follows:

First: What is required of the worker:

His guideline: everything that includes the growth or goodness of the fruit.

And that includes: watering, repairing water roads, plowing, its machinery, solarization of what is needed, fixing its location, and cacti ((55)) , pollination, and cutting harmful grass, as well as thorns, dry trees, and spray ([56]) , and the harvest ([57]) , and the capture ([58]) , Dias ((59)) , filtering, transferring the fruit, preservation, and the like, because this is all from work ([60]) .

Second: What is required of the owner:

His rule: whatever preserves the original.

And these include: blocking the wall, carrying out rivers, digging a well, a machine for extracting water, what it is fertilized with, fertilizing the land, buying fertilizer and so on ([61]) .

The second topic: the provisions of sharecropping:

The first requirement: Defining sharecropping:

The compiler, may God have mercy on him, said: "Chapter: The cultivation is valid for a part of what comes out of the land, for its Lord, or for the worker, and the rest for the other. It is not required that the seed and plant be from the Lord of the land, and upon it the work of the people."

1- In the language: by combining the meme is a reaction from the planting, and the planting has two meanings: One of them is: to throw the seed, which is the seed, and what is meant is to throw the seed on the ground. The second: germination, the first: a figurative meaning, and the second: real ([62]). It is dealing with others in cultivating, and pushing the land to those who cultivate it, provided that the cultivation is ([63]).

2- Other designations:

Cultivation is also called:

The communication: from the khubar, by opening the Kha, which is the soft ground ([64]) , and some people said: The letter is derived from the name Khaybar ([65]) And in the noble hadith that the Prophet, peace and blessings of God be upon him, forbade communication (63) . The worker is an expert ([66]) .

Almoakrh : Alokrah joiner hole in the ground where the water meets Vigerv net. In the hadith of the killing of Abu Jahl, "If he is not an avenger, he will kill me." He wanted him to despise and disparage him, how can a like one kill someone like him ((67)) . And the worker therein is notorious ([68]) .

4- Idiomatic definition:

Paying land and love to those who cultivate it and build on it, or pay a planted love that grows by work, to whoever works on it with a known, communal part of the proceeds ([69]) .

5- Explanation of vocabulary definition:

- Paying land and love to those who cultivate it and build upon it: This is the first form of a farmer, which is that he pays the worker land and uncultivated love ([70]) .

Or pushing a planted love that grows by work: This is the second image of a farmer, which is that he pays the worker a cultivated land that grows by work ([71]).

- With a publicly known part of the course: to guard against the specific and the unknown, as mentioned above in the course definition ([72]).

Legitimacy of sharecropping:

1- Cultivation is legal, and the principle that it is permissible is the Sunnah of the Prophet, and it is the same evidence that was presented in the legality of the misqah:

On the authority of Ibn Umar, may God be pleased with him, who said: "The Prophet, may God's prayers and peace be upon him, treated a portion of what comes out of it of fruit or crops." ([73]), His saying: or planting indicates cultivation.

On him, may God be pleased with him, he said: "The Messenger of God, may God's prayers and peace be upon him, gave the Jews the advice: to work it and grow it, and they have a portion of what comes out of it" ([74]). His saying: (cultivate it) is intended to farmer.

2- As was reported by many reports from the Companions and Taabi'een, indicating its legitimacy:

Imam Al-Bukhari, may God have mercy on him, said in his Sahih: "Chapter of cultivation by half and the like." Qais bin Muslim said: On the authority of Abu Jaafar, he said: "There are no people in Madinah, the people of Hijra, but they plant on the third and fourth." He farmer Ali, Saad bin Malik, Abdullah bin Masoud and Omar bin Abdul Aziz, Al-Qasim, Urwa, the family of Abi Bakr, the family of Omar, the family of Ali, and Ibn Sirin. Abdul Rahman bin Al-Aswad said: "I used to join Abd al-Rahman bin Yazid in planting," and Omar's worker, "The people, if Umar came with seed from him, then he would have the portion. And if they bring seed, then they have such-and-such." And Al-Hassan said: "There is nothing wrong with the land being one of them, and they all spend, so whatever goes out is between them." He saw that syphilis and al-Hassan said: "There is nothing wrong with harvesting the cotton on half." Ibrahim, Ibn Sirin, Ata, and Al-Hakam said, Al-Zuhri, and Qatada: "There is nothing wrong with giving the garment a third or a quarter" and the like. Muammar said: "There is nothing wrong with the cattle being on the third, and a quarter for an indefinite period." ([75]), these relics and others indicate the work of the Companions and those who came after them with farmers ([76]).

Characterization of the sharecropping contract:

A sharecropping contract is like a musaqa contract, a contract that is permissible by both parties, and we have presented the discussion on that in the Musaka.

The second requirement: conditions of the sharecropping contract ((77)) :

- 1- The eligibility of each of the two contracting parties, that each of them be free, adult, and rational ([78]).
- 2- The seed is known ([79]) Sex, as if they say: wheat, or barley, because the work differs in it, and its impact on the ground varies.
- 3- That the amount of seeding is known, because it is a work, so it is not permissible for an unappreciated, such as renting ([80]) .
- 4- That the seed is from the Lord of the land, and if they make it from the worker, the farmer will be corrupt by analogy with the misqah and speculation, and it is according to the school of thought. Likewise, if the seed is from the Lord of the earth and from the worker ([81]) .

The second narration: It is permissible to stipulate the seeding of the worker, or both of them. Al-Muwaffaq corrected it, and it was chosen by Sheikh Al-Islam Ibn Taymiyyah, and Imam Ibn Qayyim Al-Jawziya ([82]) .

Al-Musannaf, may God have mercy on him, said: "It is not a condition that the sowing and planting be from the Lord of the earth, and upon it the work of people"

Al-Muwaffaq, may God have mercy on him, said: "The Prophet, may God's prayers and peace be upon him, gave Khaybar to this, so it was permissible to pay the land to plant it without mentioning the seed. So which one brought out the seed is permissible and similarly narrated on the authority of Umar ibn al-Khattab, may God be pleased with him, which is the saying of Abu Yusuf and a group of people of hadith which is the correct one. God Almighty wills and the evidence for the authenticity of what we mentioned is the saying of Ibn Umar: "The Messenger of God, may God's prayers and peace be upon him, paid to the Jews of Khaybar and its land to make it from their money, and the Messenger of God, may God's prayers and peace be upon him, split its fruits." They grow it and they have a portion of what comes out of it. "Al-Bukhari brought it out. So he made its work from their money and planted it on them and he did not mention anything else, and it appears that the seed is from the people of Khaybar. The origin of the plantation is the story of Khaybar. The Prophet, peace and blessings be upon him, did not mention that the seed was on Muslims, even if it was a condition. in breach of his penis if he did the Prophet peace be upon him and his companions to transfer is not permissible for breach of his transfer. and because Omar may Allah be pleased with him doing all things, the Bukhari told him that the people factor that Omar Balbdhir came from him hath part, though they came Balbdhir they have as well. this is evident That it became famous and was not denied, and it was unanimous. ([83]) .

- 5- That the worker be required to have a known part of a communal portion, such as a third or a quarter of what comes out of the land, and it is not permissible for one of them to make known dirhams, or known sacks , or the yield of a part of the land, whether it is made for him on his own, or with his communal part ([84]) .

The third requirement: Pictures of the corrupt farmer:

1- The aforementioned that if farming is stipulated in it that the seed is on the worker, or on them, then it is corrupted. The second view has already been explained in the doctrine, which is that it is permissible, and it is upon him that people work.

2- If the landlord (the owner) stipulates, the worker must take an equal seed of what comes out of the land, then divide the remainder, then this is not correct ((85)) Because he may not come out of the land otherwise, the owner pertains to him and not the worker, so the worker may harm it ((86)) , and it is permissible by the Sheikh of Islam, like speculation ([87]) .

3- That two people participate, so that the land and the seed, the work is on the owner of the land, and the water is the worker, and they protested against the prohibition on selling water ([88]) . And in a narration: This is true ([89]) .

4 That three share, from one of them the land, from the other the sowing, and from the third the work. If it falls, then the plantation belongs to the owner of the seed, and he is subject to the rent of the land to the owner of the land, and the wage of labor to the worker ([90]) .

Al-Muwaffaq, may God have mercy on him, said: “ And if three of them shared the land, and the other was the sowing, and the other was the cattle and the work, provided that what God provided between them, and they did, this is a corrupt contract. It was stipulated in the narration of Abu Dawud, Muhanna and Ahmad bin Al-Qasim and mentioned the hadith of Mujahid, in four They participated in planting at the time of the Messenger of God, may God’s prayers and peace be upon him. One of them said: Ali the feddan and the other said: Before me the land and the other said: Before me the seeding and the other said: Before me the work, the Prophet, peace and blessings be upon him, made the planting for the owner of the seed and the owner of the land canceled and gave the business owner every day a dirham for the owner Feddan something known) [91]) . And the ruling on this issue is the ruling on the issue that we mentioned in the beginning of the chapter, and they are corrupt, because the issue of cultivation is that the seed is from the land owner or the worker, and he is not here from one of them. It is not a company because the company is at prices, and if it is in the offers, it is considered that it is known, and there is nothing of that here. It is not a lease because the lease lacks for information and Awad is known and this owner said , and Shafi’i and opinion on this , have the transplant to his seed because development of his wealth and his two companions him pay like them because they are income to deliver them labeled if not deliver returned to the suit " ([92]) .

And Shaykh al-Islam authenticated the farmer if the labor was from one, the cows were from one, and from the third, and the land was from a fourth ([93]) .

5- For the Lord of the land to say: Your reward is half of my land, this is half your seed, and half your benefit, and the benefit of your cows and your machine, and the sower brought out the whole seed was not valid, due to ignorance of the benefit ... and in this case the whole planting is for the Lord of the seed, and he owes a fee like the land ([94]) .

6 The Lord of the Earth said: I work, the loss of Zmtk orbit half, but the orbit of the quarter, was not true ([95]) .

Fourth requirement: common provisions between masaqa and farmer.

The first issue: work in the event of corruption of the communal and agricultural farmer ([96]) .

If one of the conditions of validity of the musaqa or sharecropping is missing, it is corrupted. And in the event that they work with their corruptors, the ruling is as follows:

1- If the tree and the seed is from the owner, then the fruit and the planting belongs to the owner, because he appointed his money is transformed from one state to another, like an egg if it became a chick.

And the worker has the same wage, because he did not accept the free work, but rather a mosquito that was not delivered to him, so he returns to his allowance, which is the same wage.

2- If the seed is from the worker, then the planting is for the worker, and for the owner of the land the same wages, because the owner of the land paid it with a return that was not delivered to him, so he returned the compensation of its missed benefits, which is the wage of the same ((97)) .

The second question: Who is the government taxes ((98)) .

The condition is followed in it if it is found between them, and if there is no condition between them, then the custom, so the known is customary as the condition is a condition.

The third issue: the holding of al-misaqah and sharecropping with the wording of rent .[99]) .

They meet like other contracts with all indications of their intent , such as: ([100]) , just as it is true that acceptance is an act, embarking on work is an acceptance ([101]) .

Al-Misqaa and sharecropping is valid in the form of rent. If the owner said: I hired you to work for me on this wall with half of its fruit or planting it is correct. Because the intent is the meaning, and there has been evidence indicating what is meant by it (100).

The fourth issue: the combination of musaka, sharecropping, and rent ([102]) .

1- If there were trees on the ground, then he would plant them on the ground and bring them to the trees, correct .[103]) , because the goal of the matter is that combining two contracts is permissible for individuals of each of them and it is permissible to combine them (102) .

And if he wages the land and puts it on its trees, then it is valid if he did not take a ruse to sell the fruit before its goodness appeared ([104]) .

Fifth issue: the lease of land ([105]) .

Land leasing has four aspects:

First: Ajartha offers money or information is Almtaomh . This is permissible. Because of the hadith of Rafi` bin Khadij, may God be pleased with him, with a chain of transmission: "As for gold and silver, it is okay" ((106)) . And in a narration: And Ibn Abbas, may God be pleased with them both, said: "The best thing that makers intend is to lease white land from year to year." ([107])

The second: renting it with known food without the gender of what comes out of it. Imam Ahmad hesitated about it and said: Perhaps he was feared when in a raised hadith: "He does not hate her with named food." Narrated by Muslim. The doctrine is permissible for that.

The third: to rent it with a known food of the same type that it comes out of, in which there are two sayings, prohibition and permissibility.

Fourth: Renting it with a communal part of what comes out of it, such as half, for example, and that is permissible, and in saying: It is not permissible, because the rent is not known.

CONCLUSION

In the conclusion of this research, it is necessary to emphasize the need to address the issues of Islamic economics from a legal perspective, since Islamic jurisprudence is rich in everything that a Muslim needs in all its chapters, and a second researcher concluded through this said effort that :

- 1- Almsga and sharecropping is one of the permissible contracts.
- 2-Holding of almsga and sharecropping is one of the virtues of Sharia law.
- 3- To say the weakness of those who said their illegality.
- 4- The research included most of what is needed in this section.

Finally: We do not claim in our research this perception and perfection, for slips and deficiencies, no one is absolved of them, and it is sufficient for a person to count his faults, so what was from God and what was wrong or deficiency from us and from Satan, praise be to God, Lord of the worlds.

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Sahih Al-Bukhari, Chapter If he leases land, one of them dies
 No. (2165)
 Singer (5/554), apparently in disagreement legitimacy Mahfouz, so he said in
 the Finder mask (3/565): "was Kalajmaa", and God knows best.
 Sahih Al-Bukhari, Chapter of Conditions in Transaction No. (2719).
 The Mask Scout (3/565).
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 See: Explanation of Muntaha Al-Iradat (3/600).
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 Rawd al-Murabba 'p. (441).
 Fairness in knowing the most correct of the disagreement for the meridian (5 /
 469-470)
 Because if the condition was in favor of the tree lord, then there was no benefit
 to the worker, and if the worker was as a loan,
 He said in the footnote: " As for example ten examples, it is not valid, because
 it may not come out except that which pertains to the worker, or he
 will make certain dirhams for him, because he may not come out of
 growth equal to it. "

He said in the footnote: " Because he may not carry something else or not, so
 harm and deception will occur, and the Prophet forbade Peace be upon
 him On the cultivation in which the Lord of the land assigns a certain
 place .

Rawd al-Murabba 'p. (441)
 He is the one who is irrigated with rain water only, and does not need
 watering. He said in the mask: "It is valid for the one who drinks with
 his veins." And see the magazine (2/99).
 As for the farmer, it is valid in it, see the Scouts of the Mask (3/566).
 Al- Mughni (5/227).
 The Mask Scout (3/570).
 Al- Mughni (5/234).
 The seventy-third rule of its bases.
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 Likewise, farming, and it will come.
 The Mask Scout (3/570).
 Al- Mughni (5 / 299-300) and Al-Kafi (2/163).
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 Al- Mughni (5/301).

Al- Kafi in the jurisprudence of Imam Ahmad (2/163), and see: Kashshaaf al-Qinaa (3/570).

Al- Mughni (5/301)

He said in al-Rawd, p. (442): "Because he prevented him from completing his work, he was hurt and he deserved the reward." See: Kashshaaf al-Qinaa (3/571).

Muntaha Al-Arradat explained (3/605), and said: "If another fruit occurs after annulment, then he has nothing in it." He also said: "If the name is not possible, he returns to the proverb fare."

Likewise if the worker ran away, or he or the tree lord died, explain Muntaha Al-Arradat (3/605).

He said in Al-Rawd, p. (442): "Because he agreed to waive his right."

Removing the bad branches.

Cutting off the fruit from the trees. And in a narration in al-Madhab: That the worker and the owner are punished, see: Al-Mughni (5/567).

For dry yield.

Towards cucumbers and okra, which is cut green.

The spike is trampled so that love comes out.

See Al-Mughni (5/565 566), and the explanation of Muntaha Al-Arradat (3/607).

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bright in the strange words Shafie Mohamed T. Jabr Millennium (p . 249).

The Mask Scout (3/565).

Look at Lisan Al-Arab i Dar Al-Maarif (1/100).

Scout Mask (3/565), and Rawd box (p . 442), and explain the ultimate wills (3/602).

Scout Mask (3/565) ,

This image corresponds to the course.

This image corresponds to the cultivation and the procrastination .

See the footnote of al-Rawd al-Murabba (5 / 287-288).

Agreed upon, and it has been advanced on the legitimacy of the course.

Sahih Al-Bukhari, chapter If he leases land, then one of them dies No. (2165)

Sahih Al-Bukhari (3/104).

It is not said: These hadiths are abrogated by the hadith of Jabir, may God be pleased with him, in Sahih Muslim: "The Messenger of God, may God's prayers and peace be upon him, forbade speaking ..." as Al-Ayni, may God have mercy on him, stated in the Reliance of the Reciter (12/167). In the hadith on the legality of misqah, we presented the response of Imam Ibn al-Qayyim to that in ways.

Al-Majalla looks at the Hanbali Fiqh (2 / 100-101).

Explanation of Muntaha Al-Iradat (3 / 602-603).

With a vision, or an attribute that does not differ with it as presented in the course. See the explanation of Muntaha Al-Iradat (3/610).

Explanation of Muntaha Al-Iradat (3/610).

See: Kashshaaf Al-Qinaa (3/575), Explanation of Muntaha Al-Arradat (3/611)

See the jurisprudential choices, p. (150).

Al- Mughni (5/590), see Al-Rawd al-Murabba ', p. (442).

See the Mask Scouts (3/576).

See al-Rawd al-Murabba ', p. (443).

See: Al-Mughni (5/590), Insaaf (5/484), and Haashiyat al-Rawd al-Murabba (5/290).

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See Kashshaaf al-Maska (3/571).

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See Al-Rawd al-Murabba ', p. (443).

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