

PalArch's Journal of Archaeology
of Egypt / Egyptology

THE LEGALITY OF OWNING A GLEANINGS AFTER EXPIRATION OF THE DECLARING PERIOD

Assistant Professor Dr. Mohammed JasimNaser¹, L. Dr. Mohammed Hatem Jassim Al-
Jawary²

¹Diyala University / College of Education for Pure

²Sunni Endowment Diwan

aljwarydmhmd@gmail.com

Assistant Professor Dr. Mohammed JasimNaser, L. Dr. Mohammed Hatem Jassim Al-
Jawary, The Legality Of Owning A Gleanings After Expiration Of The Declaring Period-
Palarch's Journal Of Archaeology Of Egypt/Egyptology 18(1), ISSN 1567-214x

Abstract

The summary of our research marked (legality of owning a gleanings after the expiration of the declaring period)

In it we dealt with the concept of a gleanings in language and idiom, and the whole gleanings is all the money for a Muslim exposed to being lost in the abundance of the ground and its under, and for the mandatory provisions for capturing the gleanings according to the circumstances and conditions are five: in terms of the obligation, the desirability, permissibility, hatred and prohibition, and the capture and ownership of the gleanings according to its importance and usefulness is divided into three sections: a section permissible Picking it up is owned by it, and it is the easy things that they are not interested in seeking and searching for, or that searching for it is greater than its value, and the second part: it is not permissible to pick it up and does not possess by its declaring as the stray that refrains from small lions such as the little lion, wolf and jackal. By capturing it as a gleanings of money and its meaning, it is permissible to capture it on the condition of declaring, and to indicate the most correct saying in the period of declaring of the gleanings, who said: The gleanings is known for a year, and those who said that the duration is determined according to the small and large number of the gleanings, and the weight of the last saying of it. This is because if the capture is obligated to define any sunnahgleanings, people refrain from picking up things and delivering them to their owners

because the declaring requires the cost and he has to allocate a certain amount of time for that. Things that are not of great importance to their owner do not deserve all this, but he can know it. Several days, or less than that, in order to save time and money together, and what is the ruling on owning the gleanings and disposing of it after the declaring and the statement of the most correct opinion of the five sayings that if the owner defined it and did not know its owner, it became from the money of the catcher, whether the picker was rich or poor, then he guarantees it if its owner came. It is like his money, and this saying has been outweighed by the power of their reasoning and they are free of slander by the investigators, as there is no distinction between rich or poor, nor between those who have loyalty or not, but rather it is general in every catcher, and if the owner comes he guarantees it for him, this and in conclusion. It is an uneasy effort, and the diligence of those who see opinion today and disagree with it tomorrow.

Keywords / (ownership and duration of the gleanings)

Introduction:

A-The gleanings in language: means the caught thing, or the scooped money. (IbnManzur, B.T.: 7/392), (IbnZakaria, N.D, 5/262) and (Al-Zayat, ND, 2/834, Article of Catch).

B- The gleanings is legally: it is what was found in a place that is not owned by money or jurisdiction lost from its owner and is not made or refrained from its power and finder does not know its owner (Al-Siyawasi, B.T.: 6/118), (Al-Maghribi, 1398 AH, 6/69) And (El-Sherbiny, 2000 AD, page 406/2), (IbnQudama, 1405 AH, page 3/6) and (Alghmrawi, 1350 AH: 1/310).

The money, every thing benefits from it and the contract is valid

And specialization: every thing is permissible to use, and a contract is not valid for it, such as: a hunting dog, the skin of a dead body before tanning, and so on, and the wisdom of the legality of a gleanings: preserving people's belongings and money and accustoming members of society to trust and solidarity (Muhammad, 1431 AH, p. 23).

The first requirement: provisions for capturing a gleanings:

The gleanings entails all the terms of reference according to the circumstances and conditions (Al-Zuhaili, 2007 AD, 3 / 6070-371)

1. Obligation: The Muslim must pick up if he is certain that the gleanings has been lost by leaving, and he is certain that there is no other trustee in his whereabouts, because losing money is forbidden, and keeping it is a duty.

2. It is desirable to catch so long as the camels are not lost and the like, because it is preserving the money of your Muslim brother. That is for whoever knows from himself knows certainty that he is preserving it and does it right, according to Abu Hurairah - may Allah be pleased with him - on the authority of the Prophet - may Allah bless him and grant him peace - He said: {... Allah is at the assistance of the worshipper, the worshipper was not at the aid of his brother} (Naysbury, 1929.4 / 2074, No. 2699)

3- Permissibility: If the gleanings is in a place where it is not afraid of being lost, and it can be picked up by someone who is qualified for it, then he has a choice between taking it and not.

4. Hatred: For an evildoer, and hates the capture, as well as those who do not trust himself in the future to memorize the gleanings and take the right of it.

5. Sanctity: Whoever knows from himself that he knows certainty of betrayal and that he will waste it, then he is forbidden to catch. Because of the loss of the right of his Muslim brother, perhaps if he left her and found her Lord, or took it who is able to define. When Zaid Al-Juhani - may Allah be pleased with him - narrated on the authority of the Prophet - may Allah 's prayers and peace be upon him - he said: "He who harbors is lost, he is lost unless he knows it." (Al-Naysbury, 3 / 1351-1929, No. 1725).

Al-Nawawi, may Allah Almighty have mercy on him, said: This is evidence for the chosen doctrine that he must absolutely define a gleanings whether he wants to possess it or preserve it for its owner, and this is the correct one. (Al-Nawawi, 1996 CE, 12/28).

The second requirement: Sections of Gleanings -: "Gleanings is three sections in the opinion of most jurists (may Allah have mercy on them)."

1- It is permissible to pick it up and own it.

2 - It is not permissible to pick it up and is not owned by its declaring .

3- And a third section may be captured and possessed by declaring , not by capture.

As for the first part: it is not pursued by people's motives or whim, meaning that they are not interested in seeking and searching for it, such as a whip, loaf, dates, and everything that is not perilous to him, such as a rag, a rope, and a wide sole (Al-Bahouti, 2000 AD, 9/4)

. So it is permissible to pick it up and own it

When Jaber - may Allah be pleased with him - narrated that the Prophet - may Allah's prayers and peace be upon him - authorized a cane, a whip, a rope and the like, the man would pick up and benefit from it (al-Sijistani, ND, 3/193, No. 1717) and (Al-Bayhaqi, 1994 AD, 12/378) And (Al-Asqalani, B.T, 5/85, and its weakness)

On the authority of Anas - may Allah be pleased with him - that the Prophet - may Allah's prayers and peace be upon him - passed a date on the road, and he said, had it not been for I fear that it would have been from alms, I would have eaten it (Bukhari, 1987 CE, 3/125, No. 2431) and (Al Naysbury, ND, 2 / 725, No. 1071)

2- The second section of the gleanings: It is the one that may not be captured and does not possess by declaring, for it is the lions that refrain from young lions, such as the little lion, wolf and jackal, and their refusal either because of their large size as camels, cows, horses, mules, and domestic donkeys or their speed in the enemy. Like an antelope or for flying like a falcon.

It is forbidden to capture the hadith of Jarir bin Abdullah who said: I heard the Messenger of Allah - may Allah's prayers and peace be upon him - say: He does not harbor the misguided thing except for a lost person (Al-Sijistani, ND, 3/142, No. 1720) and (Al-Qazwini, ND, 2) / 836, No. 2503)

On the authority of Zaid bin Khalid, he said: He was asked - peace and blessings of Allah be upon him - about the lost camels, and he said: What do you have and have them, leave them, because they have their shoes and watering, return water, and eat trees, until their Lord finds them (Bukhari, 1987 AD, 3/125, No. 2428) And the

(Naysbury, ND, 3/1349, No. 1722)

3 - The third section: It is a gleanings of money and what it means is permissible to capture it on condition of identification, which is referred to in the hadith of Zaid bin Khaled, which he produced in the previous line. He said: The Messenger of Allah - may Allah bless him and grant him peace - was asked about the gold and silver coin, so he said: I know its wrench and its spines. Then he knew it for a year, and if it did not know then spend it, and let it be a deposit with you, and if the one who seeks it comes to a day from time to time, he will pay it back to him. " (Bukhari, 1987AD, 3/125, No. 2428)

The third requirement: the duration of the declaring of the gleanings

The scientists, may Allah have mercy on them, differed regarding the period of declaring the gleanings, into two views:

The first saying: The gleanings is known to be a year.

This was narrated on the authority of: Omar bin Al-Khattab in a novel, Ali bin AbiTalib, Abdullah bin Abbas, Abdullah bin Masoud - may Allah be pleased with them -, Saeed bin, Abdullah bin Al-Mubarak, Al-Musayyib, Al-Shaabi, and Al-Hassan bin Saleh - may Allah have mercy on them. - (Ibn al-Mundhir, 1/81/1986), (IbnQudamah, 1958 CE, 6/4) and (al-Tirmithi, B.T, 3/656).

The majority of Hanafi and Maliki jurists in their narration believes, the Shafi'i, the Hanbali, the Imamate, the Zaydiyya, and the Dhahriya (al-San`ani, 1970 CE, 10/136) (Ibn al-Mundhir, 1986 AD, 1/81) and (Al-Shafi'i, 1393 AH, 4/69) (IbnQudamah, 1958AD, 6/4), (Al-Hilli, 1969 AD, 3/2319), (Al-Murtada, 1975 AD, 5/282) and (IbnHazm, 1997 AD, 8/275).

And they quoted as evidence for this with the following:

1. On the authority of Zaid bin Khalid - may Allah be pleased with him - he said that a man came to the Messenger of Allah - may Allah bless him and grant him peace - and asked him about the gleanings, he said: I know its chaste and its stewards, then he knew it for a year. If its owner comes, otherwise it is your business. For the wolf. Agreed upon (Al-Bukhari, 1987 AD, 3/125, No. 2427) and (Naysbury, ND, 3/1349, No. 1722).

Evidence: The hadith is clear indicating that the gleanings is known as Sunnah by the text of his saying - may Allah bless him and grant him peace - and it is a text on the issue (Al-Asqalani, B.T, 5/81) and (Al-Nawawi, 1392 AH, 12/22).

And, respond to him: that the hadith of Abu IbnKa'b, in which the command of the Messenger, may Allah bless him and grant him peace, was mentioned for him to define a gleanings more than the Sunnah. This indicates that the gleanings is determined according to a small and large gleanings

2- They took from the general news, as this news indicated that there is no difference in the amount of the gleanings, and because it is a part of ownership, there is no difference in it between a little and a lot (Al-Khattabi, 1932 AD, 2/88).

3-The Sunnah was set as a period for declaring the gleanings , because convoys are usually not late for it, as if

The Sunnah includes different seasons of hot, cold, and moderation, so it is suitable for searching for a gleanings . In the chapters, its owner intends the country according to the duration of the thing s (IbnMuflih, 1400 AH, 5/282) and (Al-Bahouti, 2000 AD, 2/381)

They replied to him: That the search for a gleanings can take place at any time of the year, especially nowadays, and there are things that the owner may not search for more than several weeks, and they can be searched for at a cost more than the value of the gleanings itself and what was mentioned about the measurement of the search for the gleanings on the thing . Measure with the difference, because the thing s are affected by the change of the weather and have an effect on the nature of people other than searching for the gleanings , there is a gleanings that you do not need to search for more than a week or less than it

The second saying: The duration varies according to the value and importance of the gleanings

This was narrated: On the authority of Omar bin Al-Khattab - may Allah be pleased with him - another narration, and Al-Thawri, Al-Hassan bin Saleh and Ishaq - may Allah have mercy on them) (Ibn Al-Mundhir, 1986,1 / 281) and (Al-Kasani, 1986 AD, 6/201).

Hanafis say they have, and the Malikis are more likely to have them

And they inferred:

1- In Marawi on the authority of Ali bin Marra - He said: The Messenger of Allah , may Allah 's prayers and peace be upon him, said: "Whoever takes a small gleanings , a dirham or the like, let him know him for three days, and if he is above that, then he should know him six days" (IbnHanbal, 1969 AD, 29 / 108)

Evidence : The hadith indicated that things that are not important are necessary according to what the observer sees

Responds to him: that the hadith is its chain of transmission is weak and unknown and cannot be inferred (Al-Shawkani 1973.6 / 88) and (Al-Asqalani, B.T, 3/74) and (Al-Haythami, ND, 4/199)

2. By Salama, he said: I heard Suwaid bin Ghafalah he said: I met Obi bin Kaab - may Allah be pleased with him - and he said: I took a bundle of one hundred dinars, and I came to the Prophet - may Allah bless him and grant him peace - and he said: I knew it about a year, so I did not find anyone who knows it. So I knew it, but I could not find it, then I came to him three times, so he said: Keep its vessel, its number, and its stewards. If its owner came, otherwise he enjoyed it, and I enjoyed it. Then he found it in Makkah, and he said: I do not know three conditions or one shift (Agreed upon) Al-Bukhari, 1987 AD, 3/124, No. 2426 B.C., 3/1350, No. 1723)

Evidence : The hadith indicates that the gleanings defines three years, and it is according to what the gleanings requires of importance and the appropriate time to know it (Al-Asqalani, B.T, 5/79)

Corresponding views: The hadith occurred in doubt about the period for which the gleanings was known, whether it was three states or about one.

He said: Shu'bah, so I heard him say: After ten years he knew it one year, and he said Shu'bah, so I met him after that, and he said, I don't know three years or about one.

What appears to be the case is that Salama was mistaken in it, then it was established and remembered and continued for one year, so what is meant is Sunnah, and the increase is returned for contradicting it. The narrations remained (Al-Asqalani, B.T, 5/79) and (Al-Nawawi, 1996 AD, 12/26).

Some scientists said: The hadith of Obi IbnKa'b - may Allah be pleased with him - is based on piety and increasing virtue, and perhaps the words of our master Omar bin Al-Khattab - may Allah be pleased with him - have not been proven from him (Al-Nawawi, 1996 AD, 12/27).

3- And what said on the authority of Abu Sa'id al-Khudhari: (That Ali came to the Messenger of Allah - may Allah 's prayers and peace be upon him - with a Dinar that he found in the market, so the Prophet said - may Allah bless him and grant him peace - so he may be blessed and peace be upon him. On Him and Peace –save it .) (Al-San`ani, 1970 AD, 10/142) (Ibn Al-Moqin 1410 AH, 7/160, and he said: Its chain of transmission is weak)

Evidence: The hadith explicitly indicated that there is a difference between a few and a lot of gleanings s (Al-Khattabi, 2/85/1932)

They replied to him: That its chain of transmission was challenged, and there are those who were accused of lying and impiety (IbnHazm, 1997AD, 8/247).

4- What was narrated on the authority of Umar bin Al-Khattab - may Allah be pleased with him - in the declaring of Gleanings (three months), in another narration (three years), and in another narration, one year (al-Suyuti, B.T, 14/727) and (IbnHazzam, 1997 CE) (8/247)

The significance of these effects: These effects indicate that the declaring period is determined according to the importance and value of the gleanings to its owner, and in the things that do not have a great value, the declaring period is less than what has value, even if it is meaningful to its owner

He replied:, on the authority of Omar, may Allah be pleased with him, that these cases are private and their judgment does not generalize

Responds to him: The narrations that were quoted on the authority of Umar, may Allah be pleased with him, contain a disturbance, as it was stated that the declaring is one year, and it was said three days and it was said three years (Al-Suyuti, B.T, 14/727)

The most correct opinion: It is that the combination of the hadith of Obi bin Ka'b and the hadith of Zaid bin Khalid is possible, as IbnHajar was quoted in Fath al-Bari (and some of them combined this hadith of Obi and this hadith of Zaid bin Khalid that comes in the next chapter, because he did not disagree with it in limiting it to one year. The hadith of AbiIbnKa'b on more piety about disposing of the gleanings and exaggerating its self-control, and the hadith of Zaid over what is necessary or the need of the Arab and the dispensation of Abi bin Kaab, may Allah be pleased with him) (Al Asqalani, B.T, 5/79)

The hadiths mentioned in estimating the duration of the declaring indicate in their entirety that one year, as the duration of the declaring, is subject to agreement. It must be defined as Sunnah by consensus) (Al-Nawawi, 1996 A.D., 12/22). It is the maximum duration of the declaring, as if the year has passed, then the catcher may dispose of it if the gleanings is what is called the name of the lot. An opinion of the period required by its lack and abundance (Al-Khattabi, 1/353/1932), its importance to its owner and the circumstances surrounding it, not every gleanings knows a year, because if the catcher is required to define any gleanings in a year, people refrain from picking up things and delivering them to their owners because the declaring needs The cost and he has to allocate a certain amount of time for that. Things that are not of great importance to their owner are not worth all of this, but he can know. In several days, or less than that, you can save both of time and money .

Upon the evidence and discussion of it, it became clear that the most correct opinion, and Allah Almighty knows best, is the second saying that says: The duration is determined according to a little and a lot of the gleanings .

Fourth requirement: the ruling on possessing and disposing of the gleanings after identification.

If the catcher knows the gleanings and the owner has not come, is it permissible for the picker to own and benefit from it, or to give it in charity?

The scholars differed on this into five sayings:

The first saying: It is permissible for him to spend it and take possession of it with hatred, and he is guarantor of it.

And this is the saying of Malik (Al-Qayrawani Street, Pg. 231), (Al-Mazri, 2001 AD, 2/268), (IbnAyyad, 2005 AD, 6/46), (Al-Gharnati, 1977 AD, p. 348) and (Al-Maghribi, 1398 AH, 6/74).

They quoted as follows:

1 - The hadith of Zaid bin Khalid Al-Juhani, which was previously reported by saying (If its owner comes, otherwise it is your business). Agreed upon.

The indicative face:

2- His saying - may Allah bless him and grant him peace - (then you are concerned with it), where he made the matter of the gleanings to the catcher, and made it the one concerned with disposing of it.

The second saying: He does not own it or benefit from it at all, whether he is rich or poor.

This is another view of Malik (Al-Maliki, 1412 AH, 2/257).

They cited the following:

1- Allah saying: “O you who believe, do not consume your money among you unlawfully, unless it is a trade with your consent.” Surah of Al-Nisa: Verse 29.

The indication is that the gleanings is a Muslim’s money, and the Muslim’s money is not permissible without his consent, and there is no way to know his consent as long as it is not present, so the gleanings is not permissible, and whether the picker is rich or poor.

And he responds to it: The previous hadith of Zaid bin Khalid Al-Juhani was mentioned in some of his narrations: (He knew it as a Sunnah, then I knew its wakefulness and its afas, then he spent it) Agreed upon, and the wording for Muslim is (Al-Bukhari, 1987 AD, 2/125, No. 2426) and (Al-Nisaburi, ND, 3/1348, No. 11349).

And it is clear that it is permissible to enjoy the gleanings .

The third saying: If the owner knows it and does not know its owner, it has become from the money of the catcher, whether the picker is rich or poor, then he guarantees it if its owner comes, otherwise it is like his money.

This was narrated on the authority of: Omar Ibn Al-Khattab, Ali Bin AbiTalib, Mrs. Aisha, Ibn Abbas, Al-Shaabi, Al-Nakha'i, Ataa, Peacock, Akrama, Ishaq, and Ibn Al-Mundhir.

Imam Malik, in Gul, Al-Shafi'i, Ahmad, and IbnHazm (Al-Qurtubi, 1952 AD, 2/292) and (Al-Maliki, 1412 AH, 2/257) (Al-Nawawi, B.T, 16/132) and (IbnQudamah, 1958 CE, 6/7) and (Ibn al-Mundhir, 1986,1 / 281) (IbnHazm, 1997 CE, 8/247). .

They quoted as follows:

1. With what was narrated on the authority of Zaid bin Khalid Al-Juhani {that a man came to the Messenger of Allah - may Allah bless him and grant him peace - and asked him about the gleanings , and he said, "Know its parts and its wards, then know it for a year. If its owner comes, otherwise it is your business." He said to you, to your brother, or to the wolf. The camel, Malik said, and she has her watering and shoes with her, return the water and eat the trees until her God meets her.

And in a narration: (So spend it, and let it be a deposit with you, and if the one who seeks it comes one day from time to time, give it back to him) (Al-Bukhari, 1987AD, 3/124, No. 2426) and (Al-Naysbury, ND, 3/1347, No. 1723).

And in a narration by IbnMajah: (Otherwise, mix it with Malik) (IbnMajah, ND, 2/836) .

The significance of the two hadiths: The significance of these words in each of the two hadiths indicates that the picked up has the right to own the gleanings , and there is no difference between the rich and the poor and

becomes the owner of the gleanings after declaring it if he does not find its owner (Al-Asqalani, B.T, 2/8).

2. What was narrated on the authority of Abdullah bin Amr bin Al-Aas - may Allah be pleased with him - that the Messenger of Allah - may Allah's prayers and peace be upon him - was asked about the gleanings and said: {What was of it on the road to the inclusive village, then he knew a year of it. Come, it is yours} (Al-Sijistani, B, T, 2/136, No. 1710) and (Al-Nasa'i, 1986 AD, 3/1350,1723).

3. What was narrated on the authority of Obi bin Ka'b - may Allah be pleased with him - that the Messenger of Allah - may Allah bless him and grant him peace - said: {Save their number, container and stewardship. If their owner comes, otherwise enjoy them, then enjoy them.} (Al-Asqalani, ND, 2/6).

Significance: An apparent hadith in the words of the Messenger of Allah - may Allah bless him and grant him peace - (so enjoy it) is that it is permissible to possess it when the owner of the gleanings is not present after declaring it as a hula (IbnQudamah, 1958AD, 2/8).

4- The one who owns the loan owns the property in the same way as the poor, and whoever is entitled to possess it after the identification is the poor (Al-Sherbiny, 1958AD, 2/15) and (IbnQudama, 1958AD, 6/8)) and the rich have the right to possess it by picking up as is the case in the case of poverty, Where there is no difference between the two in the means of possession (Al-Nawawi, B.T, 15/252) and (IbnQudamah, 1958AD, 6/9)

The fourth saying: They said that it should be given in charity, so if its owner comes after introducing it, the best thing that is collected is between a reward and a fine. This is the saying: Al-Hassan Bin Saleh and Al-Thawri.

Abu Hanifa and Malik (Al-Margiani B, T, 2/175), (Al-Kasani, 1986 AD, 6/202) and (Al-Qurtubi, 1952 AD, 2/229).

They quoted as follows:

1- What was narrated on the authority of Abu Hurairah - may Allah be pleased with him - on the authority of the Messenger of Allah - may Allah's prayers and peace be upon him - that he was asked about the gleanings, and he said: "The gleanings is not permissible. Whoever takes something, let him know it for a year. If its owner comes, he should return it to him. Let him choose between the other and the one who has) (Al-Tabarani, 1983 AD, 1/62) and (Al-Daarqutni, 1986 AD, 5/322).

Significance: The hadith showed that the gleanings after it was fully declared and did not find its owner would be charity, and the picker could not own it, so if its owner came or would be satisfied with the reward and the reward obtained from charity or returned to him, and because using the Muslim's money without his permission is not permissible (Al-Kasani, 1986 AD 202/6) (Al-Zailai 1983 CE, 3/466).

The responds to him: That this hadith has not been proven nor was it transmitted in a book that he can trust and that the hadith in its chain of transmission is Yusuf bin Khalid al-Samni, the weakness of more than one. Al-Hafiz IbnHajar said about it: (Matruk Hadith). Al-Dhahabi said: (He is not trustworthy) (Al-Dhahabi, ND, 2/729).

Also, assuming that it is correct, it implies that the gleanings is dissolved before it is defined, but after its declaring it is permissible to eat it (IbnHazzam, 1997 AD, 8/266).

The invocation of this narration is also contained in the hadith of Zaid bin Khalid, which went on.

And I answer: The hadith was narrated by Al-Dar Qatni in its Sunnahs, and it is one of the most famous and reliable hadith books by scholars.

2. What was narrated on the authority of the Messenger of Allah - may Allah 's prayers and peace be upon him - that he said: {Whoever finds a cat, let him testify of justice or of people of justice, and he does not conceal and does not disappear. If he finds its owner, then he should return it to him. (T, 2/136, No. 1710) and (Al-Nisaei, 1986 AD, 3/1350, No. 1723).

The significance of the hadith: "The money of Allah " and what is added to Allah Almighty is owned by those who deserve alms (IbnQudamah, 1958 AD, 6/7).

And he responds to it: This is no proof of it and there is no evidence for it and its invalidity is apparent, because all things are added to Allah Almighty in character and property and that is for the Almighty saying: (And make an illusion of the money of the one who committed) Surat Al-Nur: Verse 4, (IbnQudamah, 1958 AD, 6/7)

3- On the authority of IbnMasoud, may Allah be pleased with him, that he bought from a man a maid for six hundred or nine hundred, and he sought him for a year that he could not find, then he went out to the block, so he gave it in

charity from one dirham and two dirhams on behalf of her lord. IbnMasoud: So do this with al-Qata (al-Tabarani 1983, 9/346) and (al-Haythami, B.T, 4/197, and its weakness).

4- It was narrated on the authority of Ibn Omar - may Allah be pleased with them both - who said: "I do not command you to eat it." It was also narrated on the authority of Ali, Ibn Abbas and others (IbnQudamah, 1958 CE, 6/9) and (IbnHazm, 1997 CE, 8/266).

The significance of these effects: The effects indicated that the gleanings is not possessed, so it is permissible to own it

5. And because it is the property of an infallible one, he did not accept the demise of his possession from it, and there was no reason for it to do so, so his ownership is still from him like others and he has no right to own it (IbnQudamah, 1958AD, 6/9).

The fifth saying: The catcher has no right to spend with the gleanings unless he is able to fulfill it for the owner if he wants it.

IbnRushd mentioned it and he did not attribute it to anyone, and he is the one who favored it (Al-Qurtubi Al-Jidd, ND, 2/477).

And he argues to them: That Zaid's previous hadith states that it is permissible to use the gleanings on the condition that it be paid to its owner when he comes and asks for it. He is able to fulfill the gleanings, because when the owner comes to demand it, he is able to fulfill it, so he will obey his command - may Allah bless him and grant him peace - in the hadith.

Weighting: What seems to us to be more preponderant: is the third saying: (If a gleanings was defined by its owner and he did not know its owner, it became from the money of the catcher, whether the picker was rich or poor, then he guaranteed it if its owner came, or else it is like his money) for the indication of what was mentioned in the hadith of Zaid bin Khalid Al-Juhani, the previous word They are all different and expressly indicate one meaning, which is that the catcher has the right to act in the gleanings after we define it, whether he is rich or poor, because the expressions indicating enjoyment are absolute and there is no reference to that in his saying - may Allah bless him and grant him peace -: (Otherwise, you will do with it), or His saying - may Allah bless him and grant him peace -: (So spend it), or (otherwise, mix it with your money), in addition to that they have the power of reasoning and are free from slander by investigators, as there is no distinction between rich or poor, nor between those who have fulfilled them or not, but it is It is a general

rule for every catcher, and if its owner comes, he guarantees it for him, which is what the majority of jurists said, and Allah Almighty knows best.

Reference

After the Holy Quran:

- Ibn Al-Malqin, the summary of Al-Badr Al-Munir, Omar bin Ali bin Al-Moqin Al-Ansari, d. 804 AH, edited by: Hamdi Abdul Majeed Al-Salafi, First Edition, Al-Rashed Library, Riyadh, 1410 AH
- Ibn al-Mundhir, al-Ashraf by Ibn al-Mundhir on the doctrine of the scholars: by al-Hafiz Muhammad bin Ibrahim bin al-Mundhir al-Nisaburi. Investigation . Muhammad NajeebSerageldin, 1st floor, House of Revival of Islamic Heritage in the State of Qatar, 1986 AD.
- IbnHazm, the AlMuhallaSharh Al-Majali. Imam Abu Muhammad Ali bin Ahmed bin Saeed bin Hazm, d. 456 AH, 1st ed., Reviving the Arab Heritage. Beirut - Lebanon, 1997
- IbnHanbal, The Musnad of Imam Ahmad IbnHanbal, by Imam Ahmad IbnHanbal, T. 241 AH, 1st Edition, Dar Sader for Printing and Publishing - Beirut, 1969
- IbnZakaria, Dictionary of Language Standards, Abi Al-Hussein Ahmad IbnFaris Bin Zakaria, d. 395 AH, edited by Abd al-Salam Haroun, b, t
- IbnAyyadh, Completing the teacher with the benefits of a Muslim: Ayyadh bin Musa bin Ayyad, d. 544 AH, verified by: Dr. Yehia Ismail, Dar Al-Wafa, 3rd Edition, 2005 AD.
- IbnQudamah, Al-Mughni, by Abu Abdullah bin Ahmed bin Muhammad bin Qudamah, d.620 AH, Arab Book House. Beirut 1392 AH.
- IbnMuflih, the creator of Sharh Al-Muqnaa, Ibrahim bin Muhammad bin Abdullah bin Muflih Al-Hanbali Abu Ishaq, d.884 AH, The Islamic Office - Beirut, 1400 AH
- IbnMandhour, Lisan al-Arab: Kamal al-Din Muhammad bin Makram bin Manzur al-Ansari, d. 711 AH, an illustrated edition of the Bulaq edition, the Egyptian General Organization for Authorship, News and Publishing, the Egyptian House for Authorship and Translation, and Dar Sader Edition, Beirut - Lebanon,

- AlEsaba fi TamyeezAlSahaba, Ahmed bin Ali bin Hajar Abu al-Fadl al-Asqalani, d. 852 AH, verified by: Ali Muhammad al-Bajawi, 1st edition, Dar Al-Jeel - Beirut, 1992
 - Al-Bukhari, Sahih Al-Bukhari, Muhammad bin Ismail Al-Bukhari, d. 256 AH, verified by Dr. Mustafa Deeb Al-Bagha, 3rd floor, Dar IbnKatheer, Beirut 1987
 - Al-Bahouti, Explanation of Muntaha Al-Iradat - Minutes of Awli Al-Nuha for Explanation of Al-Muntaha by Sheikh Mansour bin Yunis Al-Bahouti, ed. Beirut - Lebanon, 2000 AD
 - Al-Bayhaqi, Sunan Al-Bayhaqi Al-Kubra, Ahmad bin Al-Hussein bin Ali bin Musa Abu Bakr Al-Bayhaqi, d. 458 AH, edited by: Muhammad Abdul Qadir Atta, Al-Baz Library, Makkah, 1994 AD.
 - Al-Tirmithi, Al-Jami Al-SahihSunan Al-Tirmidhi, Muhammad bin Isa Abu Issa Al-Tirmidhi Al-Salami, d.279 AH, verified by Ahmed Muhammad Shaker, House of Revival of Arab Heritage, Beirut.
 - Al-Halli, The Laws of Islam in the Issues of Lawful and Haram, by Abu Al-QasimNajm Al-Din Jaafar bin Al-Hassan bin AbiZakariaYahya Al-Hadhli Al-Hilli, D. 676 AH, edited, directed and commented by: Abd Al-Hussein Muhammad Ali, I, Al-Adab Press - Najaf Al-Ashraf, 1969
 - Al-Khattabi, Milestones of Sunan by Abu Suleiman Hamad bin Muhammad Al-Basti Al-Khattabi, d. 388 AH, The Scientific Press in Aleppo, 1st Edition, 1932 AD
- Al-Daraqutni, Sunan al-Daraqutni. By Imam Al-Hafiz Ali bin Omar Al-Daraqutni, T 385 AH. Fourth Edition, The World of Books, Beirut - Lebanon, 1986 AD.
- Al-Zuhaili, accredited in Shafi'i jurisprudence, authored by: Professor Muhammad Al-Zuhaili, Dar Al-Qalam, Damascus, 1st Edition, 2007 AD
 - Al-Zayyat, The Median Lexicon: Ibrahim Mustafa, Ahmad Al-Zayyat, Hamid Abdel-Qader-Muhammad Al-Najjar, investigation: The Arabic Language Academy, Dar Al-Da`wah, B, T.
 - Al-Zayyat, The Median Lexicon: Ibrahim Mustafa, Ahmad Al-Zayyat, Hamid Abdel-Qader-Muhammad Al-Najjar, investigation: The Arabic Language Academy, Dar Al-Da`wah, B, T.

- Al-Sijistani, SunanAbiDawood, by Imam Al-Hafiz Abi Dawood Suleiman bin Al-Ash'ath Al-Sijistani Al-Azdi, d.275 AH, House of Revival of Arab Heritage, Beirut, Lebanon
- Al-Sewasi, SharhFateh Al-Qadeer, Muhammad Abdul-Wahid Al-Sewasi, d.681 AH, Dar Al-Fikr - Beirut.
- Al-Suyuti, the collection of mosques known as “The Great Mosque”, Jalal Al-Din Al-Suyuti, d. 911 AH, b.
- Al-Shafi’i, the mother, Muhammad bin Idris al-Shafi’i Abu Abdullah, d. 204 AH, Dar al-Maarifah, Beirut, 2nd floor 1393
- El-Sherbiny, the singer who needs to know the meanings of the words of the Minhaj, by Sheikh Muhammad al-Sherbini al-Khatib, d. 977 AH, Mustafa al-Babi al-Halabi and Sons Library and Printing Company - Cairo, 1958
- Al-Shawkani, Neil Al Awtar from the Hadiths of the Master of the Good People, Explanation of Muntaqa Al Akhbar, by Muhammad bin Ali bin Muhammad Al Shawkani, d. 1250 AH, Dar Al-Jeel - Beirut, 1973 AD.
- Al-San`ani, the compiler, by Al-Hafiz AbiBakrAbd Al-Razzaq Bin Hammam Al-San`ani, d.211 AH, edited, directed and commented by: Sheikh Habib Al-Rahman Al-Azami, 1st Edition, Islamic Bureau - Beirut, 1970
- Al-Tabarani, The Great Lexicon. By Suleiman bin Ahmed bin Ayoub al-Tabarani, d. 360 AH, ed. 2. Library of Science and Governance, Mosul, Iraq, 1983.
- Al-Asqalani, The Great Compendium of the Graduation of Hadiths of Al-Rafi'i Al-Kabeer, by Shihab Al-Din Abi Al-Fadl Ahmed bin Ali bin Muhammad bin Hajar Al-Asqalani, d. 852 AH, investigation and commentary: Dr. Shaaban Muhammad Ismail, IbnTaymiyyah Library - Cairo, B.
- Al-Asqalani, Fath Al-Bari, SharhSahih Al-Bukhari. For Imam Al-Hafiz Ahmed bin Ali bin Hajar Al-Asqalani. T. 852 H. House of Knowledge. Beirut - Lebanon.
- Al-Gharnati, Laws of Jurisprudence, Muhammad bin Ahmad bin Jazi al-Gharnati, T. 741 AH, The Arab Book House - Libya, 1988 CE
- Al-Ghamrawi, The Glowing Siraj on the Board of the Minhaj, by Muhammad Al-Zahri Al-Ghamrawi, Mustafa Al-Babi Al-Halabi Printing Press - Egypt, 1350 AH

- Al-Qurtubi, Bidaya al-Mujtahid wa Nihayat al-Muqtasid, by Imam al-Hafiz Abi al-Walid Muhammad bin Ahmed bin Ahmed bin Rushd al-Qurtubi, d.595 AH, Al-Istiqama Press - Cairo, 1952 AD.
- Al-Qurtubi the grandfather, the introductions paving the way for clarifying the requirements of the code's drawings from the legal rulings, by Abu Al-Walid Muhammad bin Ahmed bin Rushd al-Qurtubi (the grandfather), d.520 AH, Dar Sader - Beirut, B.
- Al-Qazwini, Sunan Ibn Majah, Muhammad bin Yazid Abu Abdullah al-Qazwini, d. 275 AH, verified by: Muhammad Fuad Abd al-Baqi, Dar al-Fikr Beirut, b.
- Al-Qayrawani, the proximal fruit in the approximation of meanings. Explanation of the Risala of Ibn Abi Zaid al-Qayrawani, Salih Abd al-Sami al-Abi al-Azhari, Dar al-Kutub al-Ilmiyya - Beirut - Lebanon.
- Al-Qayrawani, The Adequacy of the Rabbinic Student to the Message of Abi Zaid Al-Qayrawani, Abu Al-Hassan Al-Maliki, verified by: Yusef Al-Sheikh Muhammad Al-Buqai, 2nd Edition, Dar Al-Fikr, Beirut, 1412 AH
- Al-Kasani, Badi` al-San`i in the order of the Shari`s Imam Ala Al-Din Abi Bakr Ibn Masoud Al-Kasani Al-Hanafi d. 587 AH. I 2. Scientific Books House. Beirut - Lebanon, 1986.
- The Marzi, the teacher of Muslim benefits: Muhammad Ali al-Mazri, d.536 AH, edited by: Mutwali Khalil Awad Allah, edition of the Ministry of Endowments, the Supreme Council of Islamic Affairs, Cairo, 2001.
- Al-Murtada, Al-Bahr Al-Zakhkhar, which collects the doctrines of the scholars of Al-Amsaar, by Imam Al-Mujtahid Al-Mahdi to the religion of Allah Ahmad bin Yahya bin Al-Murtada, d.840 AH, The Resala Foundation - Beirut, 1975
- Al-Mirdawi, Al-Insaf Al-Mirdawi, Ali bin Suleiman Al-Mardawi, d. 885 AH, authenticated and verified by: Muhammad Hamid Al-Fiqi, Edition 2, House of Revival of Arab Heritage, Beirut, 1980 AD
- Al-Marghani, Al-Hidayah, Explanation of the Beginning: Written by: Ali bin Abi Bakr bin Abdul Jalil Al-Marghani Abi Al-Hussein, d.593 AH, The Islamic Library - Beirut.

- Al-Maghribi, Talents of Al-Jalil to explain Khalil's summary, Muhammad bin Abdul Rahman al-Maghribi Abu Abdullah, d. 954 AH, 2nd ed., Dar Al Fikr, Beirut, 1398 AH.
- Al-Naysbury, Sahih Muslim by Imam Abi Al-Hussein Muslim bin Al-Hajjaj bin Muslim Al-Qushayri Al-Nisaburi, ed. 261 AH, 1st Edition, House of Revival of Arab Heritage - Beirut, 1929
- Al-Nawawi, Al-Majmoo 'Sharh Al-Muhdhab, by Imam AbiZakariaMohiuddin bin Sharaf Al-Nawawi, T. 676 AH, Department of the Muniriya Press - Egypt, B, T.
- Al-Nawawi, Al-Minhaj, SharhSahih Muslim bin Al-Hajjaj: Abu ZakariaYahya bin Sharaf bin Mary Al-Nawawi. 1st Edition, House of Revival of Arab Heritage - Beirut, 1392 AH.
- Al-Hebi, Al-Mughni in the Weak, Shams al-Din Muhammad bin Ahmad bin Othman bin Qaymaz al-Thahabi, d. 748 AH, verified by Nur al-Din Ater, al-Fikr - Beirut.
- Al Hotti, Mask Scout on Board Persuasion. For Sheikh Mansour bin Yunis bin Idris Al-Bahouti. T. 1051 AH, i 1. Arab Heritage Revival House, Arab History Foundation. Beirut, Lebanon, 2000 AD.
- Al-Haythami, MajmaaAl-Zawaid and the Source of Benefits, by the Hafiz Nur al-Din Ali bin AbiBakr al-Haythami, d. 807 AH, edited by the two great Hafizen: Al-Iraqi and IbnHajar, Edition 2, Al-Kitab Al-Arabi– Beirut.