

The New Developments (Nawazil) Of Charitable Work in Light of Jurisprudential Rules

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ABSTRACT

The present study aims at clarifying the concept of new developments (nawazil) of charitable work and the related jurisprudential rules. It also shows the applications of the jurisprudential rules in the development of provisions related to the new developments of charitable work in Islam. The research is based on an inductive approach to answer the research questions. In this context, it adopts a follow-up study to collect data related to the objectives of the study. The study comes out with a number of findings, the most important of which are as follows: .The charitable work is usually associated with its goals and the person who is in charge of charity work is usually honest in his oath provided that he is a good person in general. The work of charity depends on the ability of doing it. If the charity work is common among people and was not contrary to the teachings of Shari'ah (Islamic Law), this work is permissible, because the tradition reigns in the event of dispute. In charitable works, the jurisprudence (ijtihad) may be overturned by another jurisprudence as long as this is associated with the interest of the nation. The study recommends that individuals should be made aware of the provisions of new developments of charity, and inform the concerned bodies about how to benefit from the jurisprudential rules in devising judgments regarding the developments of charitable work.

Keywords: new developments, charity, rules

INTRODUCTION

All Praise is due to Allah, who has enabled whomever He desires good to gain understanding in the religion and by His bounty he guided whomever He willed of His creation to His path and the path of His Prophet (PBUH), and may God Almighty be pleased with his companions, his wives, his family, and those who follow him in goodness until the Day of Judgment.

Islamic Shariah has never been limited to meeting the needs of all people, nor has it stood as an obstacle in the way of achieving an interest. Rather, its texts have expanded for all people in their different environments and customs. over many centuries Muslim jurists have found solutions for every problem and New Developments, and they have not stood helpless in providing Jurisprudence solutions in light of the rules of Sharia and its tolerant spirit.

As it is known that charitable work or volunteer work is one of the good deeds that urged and desired by Islam. God Almighty says: "In most of their secret talks there is no good: But if one exhorts to a deed of charity or justice or conciliation between men, (Secrecy is permissible): To him who does this, seeking the good pleasure of Allah, We shall soon give a reward of the highest (value)." Surah Al-

Nisa, verse 114, and God Almighty says: " O you who have believed, bow and prostrate and worship your Lord and do good - that you may succeed." Surah Al-Hajj, verse 77.

The Prophet peace be upon him, said: In the morning alms are due from every bone in man's fingers and toes. Salutation to everyone he meets is alms; enjoining good is alms; forbidding what is disreputable is alms; removing what is harmful from the road is alms; having sexual intercourse with his wife is alms:10] [3]]. This is a definitive indication that charitable work is a kind of closeness to which Islam guides and rewards it in this world and in the Hereafter, provided that it is purely for the sake of God Almighty.

It is known that one of the most important branches of the jurisprudence is the knowledge of the jurisprudential rules and Shariah controls on which issues come out, and it is derived from them in New Developments and Charitable Work.

The question arose regarding this issue and other issues as to whether there are jurisprudential rules that can be used as a guide to facilitate the elicitation of rulings in emerging issues related to charitable work.

Hence, the problem of the current study appears, as it is represented in an attempt to seek to highlight the jurisprudential rules that

can be relied upon in deriving rulings related to the New Developments and Charitable Work.

The Research Problem:

The study problem can be formulated in the following main question:

What are the jurisprudential rules that are used as evidence in deriving rulings related to the New Developments of charitable work?

The following sub-questions branch out from this question:

What is meant by the New Developments of fatwas for charitable work linguistically and technically?

What are the jurisprudential rules that can be used as evidence in deriving rulings related to the New Developments of charitable work?

Research Objectives:

Based on the study questions, the objectives of the study can be determined as follows:

What is meant by the New Developments of charitable work.

What is meant by the jurisprudential rules that are inferred in deriving rulings related to the New Developments of charitable work.

What is meant by the applications of jurisprudential rules in deriving rulings related to the New Developments of charitable work in Islam.

The importance of the study is represented in two aspects:

The first aspect: the theoretical importance:

The theoretical aspect of this study is that it attempts to enrich the literature on the study of charitable work and related jurisprudence.

The second aspect: practical importance:

The practical importance of this study is that its results can be used by the agencies involved in rationalizing charitable work and making sound decisions that contribute to maximizing the desired fruit.

Research Limits:

Study limits:

The current study is limited to explaining some of the New Developments of charitable work that have been monitored and dealing with the jurisprudential rules related to it in

some general rules and others (the rule: matters are by their purposes - the rule: certainty does not disappear with doubt and enters into it the rule: the principle remains what was - the rule of harm is removed - the rule The custom is courteous - from non-universal rules: "ijtihad" independent judgment is not invalidated by ijtihad from non-universal rules: the shepherd's action on the subjects depends on the interest).

Research Approach:

The study is based on the inductive approach, as it tries to follow the jurisprudential rules related to charitable work in the light of the literature that dealt with this Research.

Research Plan:

The study consists of an introduction, two chapters, a conclusion and references as follows:

Introduction: It deals with the problem of the study, its objectives, its importance, its limits, its approach, and the plan that it consists of.

The First Chapter: deals with the concept of New Developments of charitable work, and the jurisprudential rules.

The Second Chapter: examples of jurisprudential rules that are inferred in deriving rulings related to the New Developments of charitable work.

Conclusion: deals with the most important findings and recommendations.

Reference: to be specified in the reference index

The First Chapter

The Concept of New Fatwas Related to Charitable Work, and Jurisprudential Rules.

First: What is meant by new fatwas that related to charitable work:

The new fatwas are the New Developments of charitable work, a compound term of three terms: the term "New Developments", the term "work", and the term "charity". The following is a definition of the concept of these terms as follows:

New Developments are the new fatwas, and what you say to the jurists of our time, if the New Developments of rulings descend upon

them, did not occur to those who were before them [7] [18].

New Developments: that happened to any person, and there is no direct legislative text stipulating it, whether in the field of worship, transactions, or behavior and morals, as this person resorts to those who give him fatwas according to the rule of Sharia in his Developments [8] [20].

Work is: profession and job [19].

Al-Khairi: charitable a name attributed to goodness, charitable works: aiming to do good and help the needy. [5] [27].

Definition of charitable work technically: This term is not defined in the books of Islamic jurisprudence with this name, but it can be defined: It is an act in which a group of people participates to achieve the interest of a public need and humanitarian, religious, scientific or other purposes, by collecting donations and disbursing them in various aspects of charitable work. With the intent of aiding and relieving the needy and enriching the needy, and this is through financial and moral care inside and outside the state [48]

It is understood by the foregoing that The New Developments (Nawazil) of Charitable Work in Light of Jurisprudential Rules

These are the issues or developments in society with regard to charitable work. Due to the increase in volunteer activity and the expansion of donations.

The basis for charitable work is the Qur'an and Sunnah:

Allah said "O you who have believed, bow and prostrate and worship your Lord and do good – that you may succeed. O ye who believe! bow down, prostrate yourselves, and adore your Lord; and do good; that ye may prosper." verse (77) Surat Al-Hajj

The noble verse indicates: doing good in all its forms, spreading its porches everywhere, especially the good in which money is spent [12] [47].

As for Sunnah, Ibn 'Umar (May Allah be pleased with them) reported Messenger of Allah (ﷺ) said, "A Muslim is a brother of (another) Muslim, he neither wrongs him nor does hand him over to one who does him wrong. If anyone fulfills his brother's needs,

Allah will fulfill his needs; if one relieves a Muslim of his troubles, Allah will relieve his troubles on the Day of Resurrection; and if anyone covers up a Muslim (his sins), Allah will cover him up (his sins) on the Resurrection Day".46] [6] ”].

The hadith indicates: to urge cooperation in righteousness and a lot of etiquette [34].

Types of Charitable Work:

There are many divisions of charitable work, but the most prominent of them is the division of charitable work in terms of the nature of those who do it into two types:

The first type: Individual: This type is carried out by one or more individuals, but these voluntary efforts are characterized by individualism and are not predominantly collective, as is the case in the case of an individual building a mosque at his own expense, or as someone who stops a drinking water for passers-by.

The second type: institutional: This type is carried out by an organization or an institution of societal institutions, as it is predominantly collective in comparison to the individual character. These institutions are usually affiliated to the private sectors. For example; Charitable societies that take care of the needy and widows, and bear the debts of debtors.

Second: the definition of jurisprudence rules:

Jurisprudential rules linguistically mean:

Al-Qaida is the plural of a rule, and the meaning of al-Qaida is: the origin and foundation of the building, and the rules of the house are its foundation,[4] and it is derived from Almighty's saying: "As Abraham and Ishmael were raising the foundations of the House (in Makkah) they were praying earnestly, "Our Lord! Accept from us our service." verse (127) Surah Al-Baqara.

Jurisprudential rules Technically:

As for the meaning of the rule in jurisprudential Technically meaning: it differed in its definition based on their difference in its concept. Is it a universal issue or a majority issue? Whoever views the rule as

a universal issue defines it with evidence for that, and whoever views it as a majority issue defines it with evidence for that [11]. And the closest is what was mentioned by the author of Tahdheeb al-Furuq, when he said: It is known that most of the rules of jurisprudence are majority. And the saying in the majority of them is based on the existence of issues excluded from those rules that contradict their provisions [37].

Its well-known definition: the total ruling that applies to all its parts, often so that its rulings can be known from it [16].

The evidence of jurisprudential rules:

Jurisprudential rules vary in their derivation, some of which are derived from legal evidence, and their origin and source was the Holy Qur'an, or the honorable Prophet's Sunnah, or their source is consensus, and some of them were derived from a rule based on analogical inference and justification of rulings. The jurisprudential rule is considered legal evidence from which rulings can be deduced if its source is a noble Qur'anic text, or the Sunnah of the Prophet, as invoking it stems from invoking its origin. As for the rules established by the jurists as a result of extrapolating the jurisprudential issues, they are the subject of consideration and disagreement among the jurists in the ruling on invoking them [31].

In the Journal of Legal Rulings (Majalat Al'ahkam Aleadlia), they said: "So long as the rulers of the Sharia do not come across an explicit transmission, they do not rule by relying solely on one of these rules. However, it has a total benefit in controlling issues, so whoever reads it controls issues with their evidence, and the rest of the officials refer to them in every specificity." By these rules, a person can apply his dealings according to the Sharia, or at least approximation [39].

Types of jurisprudential rules and their Types:

Jurisprudential rules are not of the same degree, and not all of them are agreed upon among the Doctrines of jurisprudence.

The first type: the major general rules with general comprehensiveness and the great breadth of branches and issues, as under each of them falls most of the chapters of jurisprudence, its questions, and the actions of

those charged, if not all, and these rules are five:

- 1- The rule of "the matters are according to the goals behind them"
- 2- The rule of "certainty is not removed by doubt"
- 3- The rule of "Hardship Brings Facilitation"
- 4- The rule of "There should be neither harm nor malice"
- 5- The rule of "Custom is an arbitrator"

The second type: major rules that are less comprehensive than the branches of these rules agreed upon between the schools of jurisprudence, some of which fall under the five previous rules of jurisprudence, and some of them do not fall under any of them like, (The rule: independent is not abrogated by its like - To be effective against the public, a disposition is contingent on interest thereto.)

The third type: general rules, the jurists differed concerning them, and in the rulings of cases that fall under or are subject to inclusion under them.

Second Chapter

Examples of jurisprudential rules that are evidenced in deriving rulings related to the new Developments (Nawazil) of charitable work.

After searching and extrapolating in the general and partial rules of jurisprudence and the differences in them, I found that there are several rules on which some contemporary emerging issues can be based on some new Developments (Nawazil) of charitable work to demonstrate the role of the rule in deriving rulings related to the new Developments (Nawazil) of charitable work, namely:

- 1- The rule of "the matters are according to the goals behind them"
- 2- The rule of "certainty is not removed by doubt"
- 3- The rule of "Hardship Brings Facilitation"
- 4- The rule of "There should be neither harm nor malice"
- 5- The rule of "Custom is an arbitrator"
- 6- One of partial jurisprudence rules: Ijtihad=independent judgment by independent judgment

7- One of partial jurisprudence rules: The act of the ruler over the people is dependent on the interest

First: General jurisprudence rules: "the matters are according to the goals behind them"

The overall meaning of the rule: this rule is based on the permissibility of its word and shortness of words, with a broad general meaning that includes everything that comes from a person in terms of saying or act.

What is intended: The actions and behaviors of the responsible person, whether verbal or actual, differ according to the intention of the person behind these actions and behaviors [29] [31]

The origin of this rule is in the Sunnah of the Prophet:

Narrated 'Umar bin Al-Khattab: I heard Allah's Messenger (peace be upon him) saying, "The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended. So, whoever emigrated for worldly benefits or for a woman to marry, his emigration was for what he emigrated for." [46] [6]].

The hadeeth indicates that the validity of deeds and the obligation of their rulings is based on the intention for it [1] [33].

Al-Suyuti said in Al-Ashbah: Know that it has been repeatedly saying from the imams in glorifying the value of the hadith of the intention. And Al-Shafi'i said: He enters into seventy [24].

We mentioned that this rule is based on the hadeeth of intention in its idiomatic sense, which is drawing near to God Almighty by creating an action or abstaining from it. Intention in worship means two things:

The first: distinguishing acts of worship from habits, for example: sitting in the mosque may be for rest or i'tikaf, and the intention is what distinguishes this or that.

The second: distinguishing the ranks of worship from one another, so drawing near to God Almighty is obligatory, supererogatory, and obligatory. Ablution, fasting, and giving out alms may be obligatory, or it may be a recommendation [24] [31]

Some applications of the new development of charitable work on the basis of the matters are according to the goals behind them":

The intention of the donor should be; To distinguish between regular alms and zakat that is obligatory upon him - after fulfilling its conditions - and identifying the party and the beneficiaries.... and that; Because some of the rich people may be confused about their money, and on the other hand, they may think that he has taken out the obligatory zakat that he owes to those who deserve it.

The intention is the first basis on which the acceptance of the work is built. If the person's intention is not directed towards God Almighty seeking His pleasure and in compliance with His commands, then this work will not be accepted. And so, the Almighty said regarding those who gave work to other than God's sake (And We shall turn to whatever deeds they (disbelievers) did, and We shall make them (deeds) as scattered floating particles of dust for them) Surah Al-Furqan, verse 23. And this reward was only because their intentions were directed to other than God, so the reward was of the kind of work, so what they did of work. Goodness, they gave it to the world, its reward from this world, and because they did not work for the Hereafter, they had no share in it, and this is what justice requires.

Acceptance of contributions and subsidies of non-Muslims in Islamic charitable institutions.

We mentioned that one of the pillars of the rule of matters with its purposes is the intention, and its condition is Islam, and it is the basis for accepting alms and donations from Muslims.... As for non-Muslims, their intentions are not considered; Because the intention is to worship, and the intention to worship is not valid from a non-Muslim. Because worship is not accepted from him.

However, the Islamic Sharia urged to be kind to non-Muslims, to cooperate with them, to be considerate of their thoughts, and to accept their gifts as a matter of courtship and sympathy towards those whom it is hoped to humanize and adapt them to Islam [41] according to the following rules:

- 1- That these donations be in the form of a gift.

- 2- Paying attention to the outcomes of these donations and grants, and the far-reaching goals pursued by these entities.
- 3- These donations and grants are devoid of goals of hegemony over Muslims or their reasoning.
- 4- The Entity of donors and donors shall be safe, and it shall be ensured that such donations are free from harm that may befall Muslims.

Adopting the principle of permissibility and permissibility in accepting non-Muslim gifts and donations in the interests of Muslims with their conditions, while considering the origin of prohibition and taking into account its purposes in independent judgment, the majority of jurists proceeded in jurisprudential branching [41].

Note:

The donation should be from a non-Muslim towards charitable and charitable causes, such as endowments for the poor and needy, passers-by, orphanages and the infirm, repairing bridges, roads and springs, draining water, building hospitals and other facilities of a social nature.

As for acts of worship and worship as nearer to Allah, there is a difference of opinion among the jurists.

Second: General Rule of: “certainty is not removed by doubt”

The general meaning of the rule: Certainty does not disappear except with certainty like it. And the meaning is if two sides conflict with the responsible person in a matter, the side of certainty and assertiveness of a ruling, the point of doubt about the occurrence of what contradicts it, and that is when he is certain of a matter at one time, then doubt arises about the occurrence of what contradicts it at another time, such as someone who is certain that he performed ablution, then doubts that what is missing, or He was certain that he had prayed one rak’ah, then doubted whether he had prayed the second rak’ah or not, because what is obligatory upon him and necessary for him is to take the certainty that has settled with him and leave the doubt that has arisen on him so that it makes him like the non-existent [16] [30].

The origin of this rule: Abu Sa’id al-Khudri reported: The Messenger of Allah (may peace be upon him) said: When any one of you is in doubt about his prayer and he does not know how much he has prayed, three or four (rak’ahs). he should cast aside his doubt and base his prayer on what he is sure of. then perform two prostrations before giving salutations. If he has prayed five rak’ah, they will make his prayer an even number for him, and if he has prayed exactly four, they will be humiliation for the devil.[46]

The hadeeth indicates that whoever does an action and is certain of it, then doubt arises as to whether he did it the least or the most, he should consider it at least because he is certain. Other than that, if there is doubt about it, it must be carried at most; Because he is the one with whom the obligation is absolved [25].

Al-Suyuti said: I know that this rule is included in all chapters of jurisprudence, and the issues that come out of it amount to three-quarters of jurisprudence and more. If I listed it here, the explanation would be long, but I will quote a valid sentence from it [24].

Some applications of the new Developments (Nawazil) of charitable work “certainty is not removed by doubt”

- Trustees of charitable organizations:

The trustee of the works and expenses of the charitable work confirms his oath in the clearance of his duty; because the origin is his clearance of rights; And because the principle is that he is entrusted with the treasury of charitable work, and this is in the case if the prevailing is the righteousness of time, but if the prevailing is the corruption of time, his saying is not accepted for the generality of the affliction, so the rule of companionship is as follows: The trustee’s saying is not accepted - the trustee’s oath is not accepted; Because the principle is that he is not entrusted with the corruption of time, or because the principle is that he does not clear the responsibility due to the corruption of obligations [32].

Ideally, taking the precaution is obligatory. Because if we were to accept the statement of the trustworthy in this time, it would result in many evils, the most important of which is the loss of rights and the corruption of clear relations. One of the purposes of the Sharia is

to preserve rights, and to spare the society the scourge of rivalry.

It is known that bribery has spread in the present time; Therefore, it was customary to document the transactions carried out by charitable institutions in an approved manner, and these documents are relied upon in the event of a dispute. Therefore, the Trustee is not considered in most cases.

Third: the general jurisprudential rule: hardship brings easiness and the related new development of charitable work.

The general meaning of the rule: If the difficulty is found in any of the things, it is a valid legitimate reason to facilitate, mitigate, and remove the obstacles from the responsible person in implementing the rulings in some way [39].

Al-Subki said: Hardship brings easiness, and if you wish, that is to say: If the matter becomes narrow, then it expands [16].

Sheikh Al-Zarqa said: What is meant by hardship that brings easiness is the hardship in performing the Shari'a obligations. As for the hardship that the Shari'a obligations do not stop, such as the hardship of jihad, the pain of punishment, the stoning of adulterers, and the killing of aggressors, corruptors, and offenders, it has no effect in bringing easiness or mitigation [21].

The rooting of this rule: (God Almighty said: and He has not laid upon you any hardship in religion) verse (78) Surat Al-Hajj

Abu Hurairah (May Allah be pleased with him) reported:

The Prophet (peace be upon him) said, "The religion (of Islam) is easy, and whoever makes the religion a rigour, it will overpower him. So, follow a middle course (in worship); if you can't do this, do something near to it and give glad tidings and seek help (of Allah) at morn and at dusk and some part of night". [6].

Some applications of the new development of charitable work on the basis of hardship bring easiness:

- Failed bank transfer for charitable work:

An embarrassment may occur to some donors that prevents him from not continuing to finance charitable work, such as preventing a

"bank transfer" between the donor's country and the other country... This is considered as hardship that removes his embarrassment until this impediment is lifted; Because if the matter becomes narrow, it expands in the sense that if an accidental necessity occurs for the person or the group, and with it the original ruling becomes embarrassing and exhausting until it makes the responsible person in embarrassment and distress, then it is lightened and expanded for him in order to make it easier, and if necessity and hardship call for a widening of the matter, then it expands to the point of necessity [43]] .

This is an application of the Almighty's saying: (So fear God as much as you can) Surat Al-Taghabun, from verse 16. The believer is commanded to perform duties and delegates as much as he is physically and materially ability. The Almighty says: (God does not burden any soul with more than it can bear) Surah Al-Baqarah, from verse 286. he will be rewarded for what he was within the limits of his ability of righteous deeds as long as the work fulfills the two conditions of acceptance, which are intention, and performance in accordance with the requirements of the Sharia. As He will also be rewarded for what he was not able to do as long as the intention was available, according to the words of the Prophet, may God's prayers and peace be upon him: (He who intended to do good, but did not do it, one good was recorded for him, and he who intended to do good and also did it, ten to seven hundred good deeds were recorded for him. And he who intended evil, but did not commit it, no entry was made against his name, but if he committed that, it was recorded) [6] [46].

Ibn Hajar said in Fath Al-Bari: "Al-Tawfi said: The good deed is written simply for will, because willing good is a reason for action, and willing good is good because willing good is an action of the heart [35].

Fourth, the general jurisprudential rule: There should be neither harm nor malice related to charitable work.

The general meaning of the rule: the harm must be removed because the harm is injustice and treachery, and it must not be inflicted. Because the damages are raised and removed, and they are not entitled to occur [31].

Sheikh Al-Mardawi said: This rule has unlimited jurisprudence, and perhaps it includes half of it, as the rulings are either to bring benefits or to ward off harm, so it includes the five necessities, which are: preserving religion, life, lineage, money, and honor, as previously and explained, and so on.

This rule refers to achieving the goals and deciding them by warding off or mitigating the harms [45].

The rooting of this rule: the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no injury nor return of injury." [13]

Some applications of the new development of charitable work on the basis of There should be neither harm nor malice.

Community service by solving its problems:

This rule includes; Because it involves some activities, including repairing or establishing some charitable projects, and this is represented in repairing and erecting some bridges for Muslims, and barrages in African countries, digging wells in poor African countries - making camps for refugee Muslims ... These are applications that indicate that the damage must be removed and lifted after it has occurred.

Although removing the harm may harm the interests of some groups, the public good takes precedence over the private good, and in this is the protection of the whole group from harm. Because if we said otherwise, we would have preferred the interest of the individual over the interest of the group, and preferring the individual interest at the expense of the collective interest would lead to the collapse of the group, including the individual whose partial interest we feared to be lost, while preserving the interest of the group at the expense of the individual's interest when there is a conflict and it is impossible to combine them. It would preserve the individual and preserve the group together

Fifth: the general jurisprudential rule: "Custom is an arbitrator"

The general meaning of the rule:

- The thing was known among the people and used to work with it between them - and there is no specific text for it - Sharia or for one of

the two contracting parties - that opposes it or invalidates it. Because customs and habits have a clear effect on people's dealings and behaviors, unless that custom and custom is opposed by a legal provision or one of the two contracting parties invalidates it regarding it [42].

Imam Al-Qurtubi said: Al- 'Urf, al-Ma'ruf, and al- 'Arifah: Every good quality is pleasing to the intellect, and to which the souls find tranquility [38].

Al-Hindi mentioned in sharh Al-Mughni: The habit is what people do of the repeated things that are accepted by the sound nature, and they are of three types: the general customary, such as putting the foot, and the specific customary: like the term for each specific group, such as raising for grammarians, and the difference, plural. And Shari'acustomary: such as prayer, zakat and pilgrimage, left their linguistic meanings with their legal meanings [16].

The root of this rule: The Almighty says: "Be gracious, enjoin what is right, and turn away from those who act ignorantly." from verse (199) Al-Araf.

The verse indicates that custom and its arbitration are considered in what is not mentioned in a text.

As for hadith, Abdullah bin Masoud narrated" What the believers consider good is good with God" [3].

The aspect of the evidence from the texts: It indicated that what Muslims (the people of jurisprudence and science) have unanimous in good customs and certain dispositions and contracts is true [28].

Some applications of the new development of charitable work on the rule: "Custom is an arbitrator"

- Determining the amount of annual and monthly donations and subsidies that are provided to charitable causes:

People's habits and customs are included in its estimation, and it differs from one person to another, and from one destination to another. There is no text in this estimation that determines its value, so people's use of such matters is an argument that can be used. Because habits and custom govern people's dealings, but on the condition that there is no

text that contradicts custom or custom, and if there is a text that contradicts them, they are no longer considered.

Customs conflict with Sharia: This is represented in the extravagance in holding parties for charitable work and the use and disbursement of funds that their owners deposited for charitable works in other than them.

The Shari'a urged that custom be considered, provided that it does not contradict the Shari'a and its teachings. Custom is an arbitrated to determine the amount of food that some people intend to donate to the poor. However, if the habit is contrary to the law, then it is returned to its owners.

Sixth: Partial rule: independent is not abrogated by its like and the issues related to charitable work.

The General meaning of the rule:

the Governor's judgment can't be appealed in issues of diligence, even if we say that the correct one; because it is not specific, and if the judge ruled by his own *ijtihad* and then changed with another *ijtihad*, the first does not nullify, even if the second is stronger than him. However, if it is renewed for him, he does not work except with the second, in contrast to what if the error becomes clear to him with certainty, what he said is invalidated. if it was revoked by it, the denunciation would also be nullified, because there is no *ijtihad* except that it may be changed and sequenced, which leads to the rulings not being ruled [22].

The Root of the Rule:

The consensus of the Companions, may God be pleased with them, was conveyed by Ibn al-Sabbagh, and that Abu Bakr ruled on matters in which Umar disagreed with him and did not revoke his ruling. And Omar ruled not to participate, then by participation, explaining and clarifying, and he said: That is according to what we spent, and this is according to what we spent, and he spent in earnest different issues. Its reason is that the second *ijtihad* is not stronger than the first, as it leads to the ruling being unstable, and in that is severe hardship. And in that there is severe hardship, because if this ruling is revoked, that denunciation is revoked, and so on [24].

Some applications of the new development of charitable work on the independent is not abrogated by its like.

The application of this rule is based on one of the branches excluded from this rule: which is that "an *ijtihad* can be overturned by another *ijtihad*" "the independent is not abrogated by its like" for the sake of interest, meaning: if the one who came after him - the imam - wanted to overturn it, he may do so; Because interest may change.

The type of the excluded branch: the state's allocation of some of its properties to charitable institutions.

The state may allocate some of its resources represented by parts of its real estate that are under custody of the state to some recognized and acclaimed charitable institutions. This is what is known in Islamic jurisprudence as custodian [36].

The intended meaning: The imam has the right to protect land by allocating it for a benefit he sees, such as building a school or a hospital and other charitable and righteous deeds.

This is self-evident because the jurisprudence on its subject is mundane and mundane in nature changing. However, all jurisprudence depends on the realization of the public interest. It is on this basis that trade-offs take place between jurisprudence. If, in the latter's case law, it appears to be in a greater interest, it would be more appropriate to adopt it.

Seventh: partial jurisprudence rules: The act of the ruler over the people is dependent on the interest

The General Meaning of the Rule:

The act of the ruler over the people is dependent on the interest: means enforcement of the act of the ruler on the subjects and his obligation to them whether they like it or not is dependent on the existence of the fruit and benefit within his disposition, whether religious or mundane. If it includes a benefit from what they must implement, otherwise it is rejected, because the ruler is responsible and his behavior at that time fluctuates between harm and futility.

what is meant by the ruler: is guardian who is in charge of the affairs of the public like the greatest sultan, or private as those below him among the workers, the effect of the actions of

each of them on the public results from the existence of the benefit within them, because he is commanded by the legislator to surround them with advice and threatened, with the greatest threat [21] [44].

The Root of this Rule:

“Reported Ubaidullah b. Ziyad paid a visit to Ma'qil b. Yasar Muzani in his illness of which he (later on) died. (At this juncture) Ma'qil said: I am going to narrate to you a hadith which I have heard from the Messenger of Allah (may peace be upon him) and which I would not have transmitted if I knew that I would survive. Verily I have heard the Messenger of Allah (may peace be upon him) say: There is none amongst the bondsmen who was entrusted with the affairs of his subjects and he died in such a state that he was dishonest in his dealings with those over whom he ruled that the Paradise is not forbidden for him” [6].

The evidence of the hadeeth is that the Ruler is not required in and of itself, rather the speeches are general for every Ruler. It was erected to preserve what he sought [28].

Some applications of the new development of charitable work on the act of the ruler over the people is dependent on the interest

The state's acts in transferring charitable graves:

Charitable graves are those in which those who do not have graves are buried in the countries where the graves are sold.

The ruler has the right to transfer the charitable graves for a public interest, such as constructing a road, or constructing a bridge and other public benefits.

Al-Hattab said: The same applies if the graves is needed for the interests of the Muslims, as Muawiyah did - may God be pleased with him - with regard to the martyrs of Uhud.

Al-Dardir said: “And the grave is specified for the dead, and it is not exhumed; that is, it is forbidden to exhume it as long as the dead person is in it, except for a Shari'a necessity [17].

I said: This will not happen now except after regular procedures followed by the state, represented by the authority concerned with the matter by the ruler.

- Mediation and nepotism interfere in the priorities of dividing rights among those who are entitled to it... So, the one in charge of charitable work - who has jurisdiction over this matter - gives preference to those who do not deserve to be taken.

Imam Al-Suyuti said in *Al-Shubh wa Al-Nazaer*: It is not permissible for him to give precedence in the money of the treasury of money to the one who is in need over the one in need, just as it is fair: the priority of the needy and the equalization between equal needs. The division is specific to what was vague, as it is between the two partners, so if one of them was not an imam and full moon and took possession of it, it was as if some of the partners took possession of the shared water, he does not have that [24].

There is no doubt that this is a loss of trust. Which results in the loss of rights and the arrival of charitable works to those who are not deserving of them. This exacerbates the grudges between the members of the community. Instead of charitable works being a way to meet the needs of the people and to consolidate the bonds of kinship between the members of the same society, they are a tool for the demolition and destruction of these bonds. This prevents charitable work from its most important characteristics. of enhancing social cohesion. Therefore, there was an urgent need to deliver the benefit entrusted to the charitable work to its beneficiaries, in a way that enables them to achieve the pleasure of God Almighty and what enables the achievement of societal cohesion.

CONCLUSION

The research has yielded many results, the most important of which are:

First: Charitable work is intended to a purpose. If the person's intention is not for God Almighty, in order to seek of Allah and complying with His commands, then this work will not be accepted.

Second: The intentions of non-Muslims are not taken into account when giving out donations. Because the intention is to worship, and the intention to worship is not valid from a non-Muslim. Because worship is not valid from him, and yet the contributions and subsidies of non-Muslims are accepted in Islamic charitable work institutions according to rules.

Third: The one who is entrusted with the good deeds and expenses of the charitable work is honest his oath in clearing his duty if the majority is righteousness.

Fourth: performing charitable work depends on one's physical, material and moral ability. Whatever goes beyond the limits of one's ability, there is nothing wrong with it.

Fifth: Fourth: Jurisprudential rules contribute by eliminating harm in order to serve society by solving its problems. Because it involves some activities, including the reform or establishment of some charitable projects.

Sixth: The harm that prevents doing charitable work must be eliminated, as long as it depends on the interest of the majority.

Seventh: If the charitable work is well-known among people and it is customary to act upon it among them - and there is no special text for it - Shari'a or for one of the two contracting parties - that opposes or invalidates it, then working on it is permissible, and the custom is considered in case of dispute.

Eighth: It is permissible to nullify - Ijtihad=independent judgment by independent judgment in charitable work. Because that depends on achieving the public interest.

Ninth: The act of the ruler over the people is dependent on the interest, and this appeared through the state's disposal of some properties or allocations for the public interest.

Based on the results of the study, the research recommends the necessity of enlightening individuals with the provisions of new development (nawazil) charitable work, and enlightening those concerned with how to benefit from the jurisprudential rules in deriving provisions related to the new Developments (nawazil) of charitable work.

Statements on open data, ethics and conflict of interest [50-54]

1. Data can be accessed by contacting the authors [55-59].
2. No agreements of any type were needed as all participant students were enrolled in a course that researchers of the study were teaching [60-64].
3. The authors declare that they have no conflict of interest [65-67].

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