

Making fatwa for Muslim minorities in rooting and application

Djaber Attia¹, Hamza Fortas²

^{1,2}University of Batna 1 (Algeria)

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Abstract:

This research deals with the issue of knowledge of Islamic sciences with minority issues, in terms of introducing the jurisprudence of minorities in language and terminology, and the statement of the characteristics of Islamic law and its relationship to the jurisprudence of minorities, then rooting the jurisprudence of Muslim minorities and then determining the manifestations of keeping pace with Islamic sciences for minority issues, the research has concluded a lot of results, perhaps the most prominent of which is that the jurisprudence of minorities is a contemporary jurisprudence required by the circumstances and conditions of the times, which is a realistic jurisprudence based on taking into account the force majeure, and the changing conditions of Muslim minorities located in a house other than a house Islam, which seeks to preserve the religion of Muslim minorities and to facilitate the process of civilized communication of the message of Islam.

Keywords: fatwa; Muslim; minorities.

Email: ¹a.djyacine@gmail.com, ²hamza-fortas@hotmail.com

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Introduction:

Praise be to Allah, Lord of the Worlds, and prayers and peace be upon the Seal of the Prophets and Messengers, our Prophet Muhammad, and his family and companions, and after One of the features of Islamic law is its validity for every time and place, and its inclusion of all events and conditions related to man - despite the diversity of its stripes and multiple faces-, represented in it clearly saying the truth, glory be to Him: ﴿ We neglected nothing in the Scripture ﴾ [Al-An'am: 38], and among its general principles is justice and the establishment of the premium, and giving everyone the appropriate legislation, in worship and transactions, and even in all Behaviour.

Perhaps one of the most prominent manifestations in which these principles and characteristics of Islamic law are embodied is the issue of dealing with Muslim minorities, residing outside the land of Islam, or those adjacent to a majority other than the sect of Islam, as they are a category of Muslims with special living conditions and religious conditions, different from the conditions of other ordinary Muslims, and the circumstances and circumstances of their lives have taken a large part of the concerns of Islamic scholars, which requires in their right diligence that takes

into account their characteristics and their conditions, or rather a special download that corresponds to their reality.

The main question in this regard is: How has Islamic law dealt with the reality of Muslim minorities throughout history? What are the manifestations of this?

This research aims to clarify the manifestations of adaptation and coexistence of Islamic sciences with the conditions and reality of Muslims of different conditions and circumstances and to prove the effectiveness of Sharia in dealing with such topics.

While its importance appears to be in proving the validity of Islamic sciences and their usefulness in dealing with events and conditions related to man, providing legal solutions to new and emerging issues of the children of Islam, and proving the universality of this Sharia and its flexibility in dealing with life issues and issues.

The research plan was composed of the following units:

- **Introduction:** It introduces the subject, its importance, and the objectives behind it.
- **The first topic:** is about the characteristics of Islamic law and its relationship to the jurisprudence of minorities.
- **The second topic:** rooting the jurisprudence of Muslim minorities.
- **The third topic:** the manifestations of keeping pace with Islamic sciences for minority issues.
- **Conclusion:** It presents the most important results of this research and its recommendations.

These investigations are presented as follows:

The first topic: is about the characteristics of Islamic law and its relationship to the jurisprudence of Muslim minorities.

The first requirement: is the Lord.

The first thing that appears to the beholder in this law is one of its characteristics is the divine characteristic, it is from God Almighty alone, revealed by the Almighty with His knowledge, and no one - a prophet was, or a king, or without them - in its status of polytheism, or help, and for that, you do not find in it a defect, nor a deficiency, as the Almighty said: ﴿Falsehood cannot approach it, from before it or behind it. It is a revelation from One Wise and Praiseworthy﴾ [fussilat: 42] Since it is as such, it has combined the chapters of its laws with all the interest and good in the two worlds.

This characteristic in Islamic law is stripped of all man-made laws and human laws that were built on taking into account phenomena without potential, and it was considered in its status to

take into account the conditions of a limited period of time, and it was also made for the world without the hereafter⁽¹⁾.

This Sharia, as it is divine in its source, in its origins and derivation, it is also divine in its goals and purposes, divine in its approach and method, revealed by those who stated in his right: ﴿Would He not know, He Who created? He is the Refined, the Expert﴾ [El-Mulk: 14], and this requires that it carry out the interests of creation at all times and places, regardless of the diversity of circumstances and the multiplicity of circumstances, and this reflects its finding solutions regarding the conditions and conditions of Muslim minorities and its interests in different hurricanes and cities.

The second requirement: is stability and continuity with flexibility.

The stability of Islamic law derives mainly from the previous characteristic, so what was from God is impossible to be contradictory, troubled by difference, or inflicted by a deficiency in any way, it is a right that does not change, and sincerity does not change, and the conclusion of the laws of God do not copy, and in that the words of God Almighty: ﴿The Word of your Lord has been completed, in truth and justice. There is no changing to His words ﴾ [Al-An'am: 115], and the Almighty said about His rule: ﴿God judges; and nothing can hold back His judgment﴾ [ar-Rad: 41].

It is also derived from its continuity, as well as from the assumption of God to preserve it, and this was stated in the words of God Almighty: ﴿Surely We revealed the Message, and We will surely preserve it﴾ [Al-Hijr:09], its provisions are not limited to a limited period of time - as is the case in man-made laws -, but the assignment under it continues until the Day of Resurrection, Al-Shatibi (may Allah have mercy on him) says: "Therefore, you will not find in it after its perfection copies, nor allocation for its generality, nor a restriction of its release, nor the lifting of one of its provisions, neither according to the general taxpayers, nor According to the concerns of some of them, not according to time without time, and no situation without a situation... It does not disappear or change, and if the assignment were to remain indefinitely, its provisions would have been so." ⁽²⁾.

With the stability and continuity of the Sharia, its provisions are flexible, easy, and away from embarrassment and narrowing, and in the verse: ﴿and has not burdened you in religion ﴾ [Al-Hajj: 78], which is attested by the observance of Sharia to force majeure circumstances, and emergency excuses, this is evident in the change of the fatwa by changing its temporal, spatial and customary obligations ⁽³⁾.

The whole of all these descriptions: stability, continuity, and flexibility, is based on the principle of bringing interests and multiplying, and warding off and reducing evils, Ibn al-Qayyim (may Allah have mercy on him) said: "The Sharia is based and based on governance and the interests

of the servants in the pension and return, which is all justice, all mercy, all interests, and all wisdom. ⁽⁴⁾

The third requirement: is its inclusion in all aspects of life, and its balance in every aspect.

There is no need to do the sons of Adam in one world or another only and in the law of the Most Merciful rule, and the statement of adjudication, not without incident of control and guidance of the law, in all hurricanes, and in different countries, God Almighty has said: ﴿We neglected nothing in the Scripture﴾ [Al-An'am: 38], it is not descending people descending, and no circumstance is permissible for them, or fall into them incident only and in the law guidance and statement, either a text of its parts, or deduction and diligence in its faculties, and this requires the description of perfection characterized By it this religion, as in the verse: ﴿Today, those who disbelieve have despaired of your religion﴾ [Al-Ma'idah: 03].

Add to that its balance in all respects, for it, is straight and without warp, balanced without disturbance in its rulings, nor inclination or deviation from truth and justice, ﴿This is the straight path of your Lord﴾ [Al-An'am: 126] ⁽⁵⁾.

Fourth requirement: is its validity for every time, place, and nation.

The previous descriptions give the Sharia another great description, and its general character gives it its validity for every time, place, and nation, which is the requirement of its universality and its orientation to all people, and in the download: ﴿Blessed is He who sent down the Criterion upon His servant, to be a warning to humanity﴾ [Al-Furqan:01], ﴿We sent you only universally to all people, a herald and warner﴾ [Saba: 28], and it is not enough to say that it is valid for every time and place only, "but the expression 'the validity of the Sharia' falls short of understanding the permanent and lasting role of Islamic law because it does not It is characterized by validity only, but it is characterized by validity and reform, it is valid for every time and place, and the interest of every time and place, but it is not enough to say this to raise the possibility of participation, so we say: it is the only good and interest for the people of all times and places." ⁽⁶⁾.

If you ask for examples of what has already been reported in the characteristics and characteristics of Islamic law, you can hardly count them, and one of the clearest of what these characteristics reflect in our time is the provisions of Muslim minorities, which we will review some of its aspects in this research.

The second topic: rooting the jurisprudence of Muslim minorities.

The first requirement: is the concept of minority jurisprudence.

Jurisprudence of minorities is a compound term on the one hand of the addition of two words: jurisprudence, and minorities, and to determine its meaning, the concept of each word must be adjusted separately.

First: Definition of jurisprudence.

Jurisprudence in language: knowledge of something and understanding of it ⁽⁷⁾.

As for the terminology: it has been commonly used in two senses: the first of them: **the fundamentalist meaning**, which is the knowledge of practical legal rulings acquired from their detailed evidence ⁽⁸⁾.

The second is the **sub-meaning**, which means: the set of practical legal rulings contained in the Qur'an and Sunnah, and the sources of inference attached to them, which were devised by the diligent or issued by the muftis ⁽⁹⁾.

There is no distance between the two meanings, and the former is more used, closer in connotation, and less verbal, which is required within the limits.

Second: A statement of what is meant by minorities.

The term 'minorities' is one of the terms occurring in Islamic jurisprudence, and its presence in Islamic jurisprudence has been mainly associated with the existence of influential Islamic groups in their surroundings in countries and countries whose people are predominantly religious other than Islam.

As for its origin, it is a political term, used in a human group with a cultural identity different from the cultural identity of the society in which it lives ⁽¹⁰⁾.

Among its definitions:

- A group of residents of a country, region, or country that differs from the majority in ethnic, linguistic, or religious affiliation, without necessarily implying a distinct political and class position ⁽¹¹⁾.
- A national, ethnic, religious, or linguistic group different from other groups within a sovereign state ⁽¹²⁾.
- It was also defined as every human group in a country that is distinguished from the majority of its people in religion, sect, race, language, or other basics by which human groups are distinguished from each other ⁽¹³⁾.

If we restrict minorities to Islam, what is meant by Muslim minorities is: each Muslim group lives among another larger group that does not profess Islam, and makes an effort to preserve it ⁽¹⁴⁾.

From it, we discern the concept of minority jurisprudence as a set of jurisprudential rulings related to Muslims in non-Islamic countries, in which jurisprudence is based on taking into account the specificities of reality and its orientations, to achieve the purposes of Sharia, and to achieve the interests of creation ⁽¹⁵⁾.

It is a jurisprudence emanating from the general jurisprudence in Islamic jurisprudence, and a branch of its branches, governed by special circumstances, and framed by realistic conditions that must be taken into account, whether related to the specifics of political situations, or legal conditions, or social conditions, it is a jurisprudence that adapts and fuses in its reality, suits the conditions of the people, and adapts to the conditions of the country, combines legal knowledge and realistic experience, and balances between the requirement of settlement and the requirements of religiosity, and this is what Dr. Yusuf Al-Qaradawi portrays in his view of this branch of Islamic jurisprudence, and what should be He has to say: "This is why we had to have a visionary jurisprudence, a realistic jurisprudence, a contemporary jurisprudence, a jurisprudence that proceeds from the courts of texts, and from the rules and purposes of Sharia, but it takes into account the changes in time and place, and the conditions of man"⁽¹⁶⁾.

The emergence of the term 'minority' - at all - historically dates back to the nineteenth century following the wars and religious confrontations that took place in Europe between the poles of Christianity, the division of states into states, and the subsequent redrawing of borders, which was followed by the presence of minorities within the imposed borders, which led to the emergence of clauses and treaties stipulating the protection of the rights of each sect that does not represent the majority in the country in which it resides, and this developed further after the First World War under the auspices of the League of Nations, and he paid more attention to them after World War II and the Universal Declaration of Human Rights.

As for Muslim minorities, attention to them began at the beginning of the fifteenth-century of migration with the establishment of Islamic bodies concerned with the situation of Muslim communities and Muslim communities outside Muslim countries, including the Muslim World League and the Organization of the Islamic Conference ⁽¹⁷⁾.

The second requirement: is about the characteristics of minority jurisprudence.

The jurisprudence of minorities is a jurisprudence that deals with a situation that varies significantly from an absolute vulnerability that opens a door for licensing and dealing with exceptional cases to establishing a stable and effective situation in life in general, it is a jurisprudence that cannot overlook the nature of the land on which the Muslim minority lives, nor the challenges it faces, and in terms of its nature, it is a true jurisprudence derived from the Sharia, closely linked to its origins and texts, and tightened ties in its spirit, taking into account emergency circumstances and exceptional circumstances, and considers that privacy of the minority, in a way that achieves and multiplies interests, It pays the evils and reduces them,

without being intended to follow the slips, or work with lapses, and here is an enumeration of the most important characteristics and features of this jurisprudence ⁽¹⁸⁾:

- A jurisprudence that combines the ancient Islamic heritage with contemporary reality, so that it does not deny its past, and does not dwell on the heritage so that it forgets its era and the circumstances that attract it.
- Linking the universality of Islam with societies whose conditions it addresses and studies.
- Balancing in consideration and jurisprudence between the partial texts of Sharia and its principles and overall rules.
- Adopting the balancing approach, and following the path of taking into account the priority in balancing interests and evils.
- Sponsors the political, social, and cultural stereotypes between Dar al-Islam and the group of Muslims residing in Dar al-Islam which is strange.
- Ensuring the preservation of the distinctiveness of the Muslim personality of the Muslim individual,

Dr. Abdul Majeed Al-Najjar says: "The jurisprudence of minorities is not isolated from general Islamic jurisprudence, nor is it derived from sources other than its sources, or based on assets other than its origins, but it is a branch of its branches, sharing the same sources and assets, but it is based on the specificity of the situation of minorities, so it tends to specialize in addressing them, within the scope of Islamic jurisprudence and its rules, to benefit from it and accordingly, and to develop it with regard to its subject, both in terms of the fruits of that jurisprudence of rulings, or in terms of the principles and rules that Built on it and devised by it.

In terms of the fruits of the jurisprudence of rulings, the jurisprudence of minorities is based on its largest body on those fruits, as the largest part of them is related to what is fixed in common to the conditions of Muslims, regardless of their different circumstances in time and place, but it deliberately resorts to jurisprudence that was likely, or not famous, or abandoned for one reason or another of the reasons for abandonment, so it summons it, activates it and revives it because it deems appropriate for some of the conditions of the Muslim minority in which the interest is achieved, and it deals with those conditions, without considering For a narrow doctrine, or fanaticism that misses interest, as long as all of this is based on a significant origin in religion. In terms of principles and rules, this jurisprudence deliberately uses jurisprudential rules and fundamental principles, which it deems most useful in reconciling the conditions of the minority to the rule of Sharia, and directs them more broadly to that end, and perhaps he draws from the purposes of Sharia what he deduces jurisprudential rules that were not familiar in inherited jurisprudence, so he enters them into the circle of jurisprudential use in this jurisprudence, or he baptizes rules that were known but their use remained very limited, so he activates their work in a

wide use required by the nature of The situation of Muslim minorities, to obtain from all this a jurisprudence for minorities based on the traditional Islamic jurisprudence, and a special orientation in this regard, adding a new jurisprudence that will be sufficient to address this new situation."⁽¹⁹⁾.

The third requirement: is about the principles and rules guiding the jurisprudence of minorities.

It is a set of legal rules and principles that work to direct attention and diligence to take into account the conditions of these few Muslims, and to be guided by the Islamic heritage in its entirety and parts to present jurisprudence that is compatible with their circumstances, achieves the legitimate purposes, and guarantees the considered interests of creation.

It is a set of rules and principles that aim to produce a comprehensive teleological jurisprudence, which does not take partial legal treatments of individual problems and the calamities of individuals as its ultimate goal, but rather makes it a path to a higher goal, which is the goal of spreading the religious call in non-Muslim circles so that the true religion can be spread in it and save Muslims in it from loss, and testify to non-Muslims by reporting, these principles are as follows⁽²⁰⁾:

- Preserving the religious life of the Muslim minority, so that this life - in its individual and collective dimension - is an Islamic life in its cultural doctrinal structure and its behavioral and moral structure.
- Taking into account the specificity of the situation of minorities, including their weaknesses, the legal obligations they face, the social and cultural pressures to which they are subjected, and the responsibility for civilized reporting.
- Aspiring to convey the message of Islam, seeking to make it known to non-Muslims, and showing it in its best form of tolerance, facilitation, comprehensiveness, and universality.
- Rooting for a civilized jurisprudence through which the values of Islam and the morals of Muslims emerge, especially since the world is fascinated by the civilization and civilization that the West has reached, and this matter also helps in spreading the religion and its values, it contributes to preserving the identity of minorities, and allows them to communicate and understand easily in the societies in which they live.
- The rooting of a collective jurisprudence that goes beyond the limits of the individual's purification in himself to the purification of the Muslim community, in a way that preserves its religion and values, and enables it to perform its civilized mission entrusted to it, on the one hand.

On the other hand, the necessity calls for this type of jurisprudence, as the people of jurisprudence and jurisprudence should look at Muslim minorities as a collective entity and the necessities and needs that this requires.

To reach these goals and objectives, some steps should be followed, which are considered legitimate principles in this religion, which we summarize as follows⁽²¹⁾:

- Attention to the jurisprudence of the lived reality: contemporary jurisprudence cannot perform its desired task and achieve its goal of dealing with such issues before it with urgency unless it combines alongside the jurisprudence of texts and legal evidence the jurisprudence of the lived reality, which is termed as the jurisprudence of the download, or 'achieving the special mandate', by giving each case and the status of the appropriate legal ruling, without tightening or dilution.

In this regard, the diligent must take into account the reality and nature of the minority to which he is a mufti is issued, as Muslim minorities vary greatly among themselves, in terms of strength and weakness, terms of integration and isolation, as well as in terms of settlement, migration, and so on.

- The adoption of the facilitation approach is what was found to be a way, which is a proverbial approach from the first two, and the characteristic of this Sharia is glue, so people should not be carried on the heaviest and to license and mitigate the issue as a way, provided that this facilitation and license are devoid of fancy, and in the old saying: "But jurisprudence is the license of trust, but militancy is improved by everyone."

- Taking into account the Sunnah of graduation, which is a must in the jurisprudence of minorities, taking into account their circumstances and their alienation from the Muslim community, which observes the provisions of the Sharia and finds that it was based on this pattern, the wisdom of the wise and expert, and taking the right way to adapt people according to the Sharia, and to treat their natures, and to induce them to follow it.

- Recognition of human necessities and needs, and this is a branch and product of the realism of the desired jurisprudence in this way, as the jurisprudence of minorities is based on a realistic view of people's problems, not the ideal view, and it is realistic Islamic law to consider the necessities that arise in people's lives, whether at the individual or collective level, so it made these necessities their provisions, and allowed licensing to do what is forbidden if necessary, and even established the extreme need as a necessity, in kindness to the nation, and to pay for embarrassment.

- Freedom from doctrinal commitment, which is imposed by reality, whether it concerns the general Muslims, or what concerns Muslim minorities, so the mufti at this time does not have to restrict people by forcing them to a certain doctrine that does not exceed it, but rather who must wander his mind and think in all the Islamic jurisprudential heritage in its various schools and stripes, and go beyond the narrow limits of the schools of thought to the vast field of Islamic

jurisprudence, including the extinct sects, and the diligent imams who did not know their followers, and above all the opinions of The Companions and the followers and their jurisprudence.

The third topic: the manifestations of keeping pace with Islamic sciences for minority issues.

The first requirement: is the adaptation and rooting of minority jurisprudence.

This requirement means investing in the Islamic intellectual heritage of total origins and rules, as well as partial issues and facts, to reach a set of general rules, authentic in their source, innovative in their composition and formulation, as well as in directing them, so that they form an integrated fundamentalist approach that establishes the jurisprudence of minorities, and directs it to bear fruit in introducing Islam as previously explained.

The consideration of the above-mentioned principles, and the observance of those purposes set forth above, give rise to legal rules that constitute the general method of jurisprudential consideration of the issues and conditions of Muslim minorities, which is governed by the rules ⁽²²⁾:

1/ Outcome Rule:

According to the effect that the legal rulings are based in their abstract theoretical form on the consideration of what their mandates lead to from the acts as their abstract races of interest or corrupt, but these acts, in the event of their specific diagnosis, may occur to them from the circumstances, which makes some of their objects devolve to the opposite of what was theoretically estimated to devolve to their races, Al-Shatibi (may Allah have mercy on him) says in determining this rule: "Consideration of the consequences of the acts is considered to be intended by Sharia, whether the acts are approved or violated, because the diligent does not judge an act of the acts issued by those charged with committing or refraining from doing so except after looking at what the act leads to, a project for an interest in which it is brought in, or for a spoiler to be prevented, but it has a fate contrary to what was intended, and it may be illegal for a spoiler arising from it or an interest that pushes it, but it has a fate otherwise, perhaps led to bring the interest in it to the spoiler equal to the interest or more than it, this is an obstacle to the launch of the statement of legitimacy as well as if the statement was launched in the second illegality may have led to the defense of the spoiler to corrupt equal or increase, it is not correct to launch the statement of illegality, which is the area of the diligent difficult resource, but it tortured taste Mahmoud Alghab, a neighbor on the purposes of Sharia "⁽²³⁾.

This fundamental rule has a wide scope of use in the jurisprudential treatment of the conditions of Muslim minorities in European countries because the provisions of Sharia in the field of social dealings in its general sense in which relations between people are intertwined generally came provisions that address the conditions of these relations as relations governed by the authority of

religion within the scope of the Muslim nation among some of its members and groups and some or within the scope of its relationship as a Muslim nation with non-Muslim peoples, nations, and countries. Sentenced acts, as their conduct is evident in light of a situation that generally governs the authority of religion. But many of these provisions, when applied in the conditions of the Muslim minority living in a society that is not governed by the authority of Sharia, but rather by the authority of positive law developed and implemented by non-Muslims on them and others, they devolve - when applied in reality - to the opposite of their purpose, and if it is legislated for the interest, its application in this situation will be corrupted and vice versa, which calls for this rule, the rule of the consequences of acts, to be widely used in jurisprudence that deals with the situation of Muslim minorities, and to direct By treating fundamentalism to be one of the fundamental rules in jurisprudential deduction related to these situations⁽²⁴⁾.

2/ The rule of necessities permits prohibitions.

This rule implies that if the application of the Sharia ruling leads to harm to a person and causes him great embarrassment by inflicting evil on him in himself, his money, or what is related to his life, or by wasting the necessary interests that have the material and moral basis of his life, then it is changed to permissibility, because of that necessity, and according to its amount ⁽²⁵⁾.

Perhaps the scope of use of this rule in the jurisprudential consideration of the conditions of Muslim minorities is wider than any other field of jurisprudential consideration, because necessity in the life of Muslim minorities differs from its application in the life of Muslims in Islamic society, since Muslims outside the countries of Islam is governed by a law that violates in many cases the provisions of Sharia, with an obligation to implement the requirements of that law in their social life, and this allows a wide scope of necessity that is unparalleled in Islamic countries.

In addition, a necessity in itself is subject to the balance of appreciation to wide relativity, as some of what is not necessary for one society to establish life is necessary for that in another society, given the disparity of societies in their basic structure of simplicity and complexity, openness and closure, cohesion and disintegration, and other formulas on which societies are built ⁽²⁶⁾.

3 / Rules of balance and weighting between interests and evils.

It is a set of fundamentalist rules that meet at the meaning of the balance between what ends up with an act of actions, or a situation in terms of or spoiler, so the legal ruling is based on the result of that balance if the interest is weighted, and if the spoiler is weighted, such as the rule: 'Ward off the spoiler is the first to bring the interest', and the rule: 'The public interest takes precedence over the private interest', and the rule: 'The permanent interest takes precedence over the temporary interest', and the rule: 'The certain interest takes precedence over the suspected

interest', and similar other rules based on balancing interests and evils, says Al-Izz bin Abd al-Salam (may Allah have mercy on him): "If interests and evils meet, if it is possible to pay the evils and collect the interests, we did so, and if it is not possible to combine, if the interests are preponderant, we get them and we do not care about committing the evils, and if the evils are likely, we pay them and we do not care about the forces of interests"⁽²⁷⁾.

Whoever considers the issues of Muslim minorities should take these rules with care and attention, formulate them in line with the characteristics of minorities, respond to the requirements of their circumstances and the circumstances of their reality, and direct them through study, analysis, and enrichment to be a methodological and fundamentalist criterion that enables the balance between interests and evils within the specifics of the Islamic presence outside the lands of Islam, and reveals what may be hidden from many eyes in the absence of this rooting of the aspects of the preponderance between what a position or action causes. From a small immediate spoiler and what devolves to it from a large future interest that enables Islam and Muslims, or between what another position or action causes of a small immediate interest and what leads to a major future spoiler related to the dispersion of Islam and Muslims, so jurisprudence is based on the provisions that give preponderance to the real interests with their legal standards ⁽²⁸⁾.

4/ what cannot be changed may not be changed.

It is a rule taken in its origin and essence from a set of Sharia rules and principles, and derived from the fundamentalist, jurisprudential and intentional rules contained in the Sharia Code, such as the rule of 'generality of affliction', and the rule of 'unforgivable in the beginning what is unforgivable at the end', and inspired by some legal incidents from our Islamic jurisprudential heritage, such as the incident of Paul al-Arabi in the mosque, and the fatwa of the Ahnafs on the permissibility of dealing with corrupt contracts in Dar al-Harb and the like.

The implication of this rule, while we are in it, is that if the diligent is offered a situation of Muslims that was being built in a manner contrary to the requirements and provisions of Sharia, and in that situation, they cannot change the pattern that is being applied to it for one reason or another, then if they are offered what may be achieved by an interest according to their circumstances, which is forbidden by Sharia, they may do it as long as they cannot change its general format in which it is included, which they may not do if They had the power to change its format ⁽²⁹⁾.

The second requirement: are models of Sharia dealing with minority issues from Islamic history.

1/ Migration to Abyssinia.

The history of the Islamic call in its first phase contained an experience of what we are in now concerning the reality of Muslim minorities, which is represented and highlighted by

immigration to Abyssinia, which is an example of Muslims taking refuge in the land of infidelity to flee their religion.

It is the discussion that took place between the Negus and the representative of the named Jaafar bin Abi Talib, and the outcome of that discussion of a good stay and an effective impact on the society to which they moved ended with the king's Islam, and his entry into this religion, this incident can be invested in explaining the importance of this jurisprudence and rooting for it ⁽³⁰⁾.

2/ The condition of the Muslims of Andalusia after the fall.

It is another manifestation of flexibility in dealing with Islamic law with the facts and events dictated by circumstances, after the fall of Granada, the last kingdoms of Andalusia, and the adoption of the Spanish Church's hostile approach towards the remaining Muslims, which they forced them to Christianize, and gave them the choice between that and killing, and many of them could not migrate to other countries, where many of its Muslims showed their Christianization and hid their Islam; In the story of Ammar bin Yasir, when the polytheists of Quraish forced him to utter the word kufr, and the words of God were revealed in it. Almighty: ﴿Whoever renounces faith in God after having believed—except for someone who is compelled, while his heart rests securely in faith﴾ [Al-Nahl:106] ⁽³¹⁾.

This document - as highlighted by its carrier - included a realistic jurisprudence, and contained a prelude and prelude to the establishment of jurisprudence that suits the circumstance and situation, which can be inspired by what was stated in its content to root and adapt the jurisprudence of Muslim minorities in our time, especially since many Islamic countries in the present era have happened to their people some of what happened to the people of Andalusia, such as the Islamic countries that were living under former Soviet rule.

The third requirement: one of the manifestations of keeping pace with Islamic sciences with minority issues in the present era.

1/ The issue of prayer times for the people of the poles and the northern regions.

It was stated in the decision of the Fiqh Council of the Muslim World League in its fifth session held on 10 Rabi' al-Thani 1402 AH. Corresponding to 04/02/1982 AD: "Concerning prayer and fasting times in countries where the night is very short in the year and the day is very short in a period, or in which the sun lasts six months and its absence lasts six months.

After studying what jurists, old and new, have written on the subject, he decided the following:

The regions located at high latitudes are divided into three:

The first: are those in which the night or day lasts twenty-four hours or more according to the different seasons of the year, in this case, the times of prayer, fasting, and others in those regions

are estimated according to the closest parties to them, which is in which day and night are distinct within twenty-four hours.

Second: Countries where the twilight of the sunset is not absent until dawn so that the twilight of the sunrise is not distinguished from the twilight of the sunset, in these areas the time of the evening of the hereafter is estimated, and the holding of fasting at the time of the dawn prayer according to the last period in which the twilight is differentiated.

Third: those in which night and day appear within twenty-four hours and the times are differentiated, but the night is excessively prolonged in one year, and the day is excessively prolonged in another period.

Whoever resides in a country where night and day are distinguished by dawn and sunset, but whose day is very long in the summer, and shorter in the winter must pray the five prayers at their times known by Sharia." ⁽³²⁾.

2/ Ruling on bank financing for the purchase of housing in Western societies.

It was stated in the decision of the European Council for Fatwa and Research in its fourth session held in Dublin, Republic of Ireland in the month of Rajab 1420 AH. Corresponding to October 1999, which reads: "The Council considered the issue of the scourge in Europe and all Western countries, namely the issue of houses purchased with a usurious loan through conventional banks.

Several papers were submitted to the Council on the subject, between supporters and opponents, which were read to the Council, and then discussed extensively by all members, after which the Council concluded with a majority of its members the following:

- 1- The Council affirms the consensus of the nation of the sanctity of usury, and that it is one of the seven blessed sins, and one of the major sins that usher in war from God and His Messenger, and confirms what was decided by the Islamic jurisprudence academies that the interest of banks is forbidden usury.
- 2- The Council appeals to the children of Muslims in the West to strive to find legitimate alternatives that are not in doubt, as long as they can.
- 3- It also calls on Islamic communities in Europe to negotiate with conventional European banks to convert this transaction into a Shariah-acceptable formula.
4. If one is neither facilitator at present, the Council, in the light of the evidence, rules, and considerations of Sharia, sees nothing wrong with resorting to this method, which is a usury-based loan to buy a house that a Muslim needs to live in with his family, provided that he does not have another house to enrich, that it is his main home, and that he does not have surplus money that enables him to buy it without this means.

The first pillar: the rule of necessities permits prohibitions... Housing is undoubtedly a necessity for the Muslim individual and the Muslim family... The rented dwelling does not meet all the needs of the Muslim and does not make him feel safe, although it costs the Muslim a lot of what he pays to a non-Muslim...

The second pillar is the view of Abu Hanifa and his companion Muhammad ibn al-Hasan al-Shaybani, who is the mufti in the Hanafi school, as well as Sufyan al-Thawri and Ibrahim al-Nakha'i, which is a narration from Ahmad ibn Hanbal, and Ibn Taymiyyah suggested it - according to some Hanbalis - that it is permissible to deal with usury between Muslims and others in a place other than the abode of Islam.

Several considerations are likely to be taken into account:

- A Muslim is not legally mandated to establish civil, financial, political, and other rulings of Sharia relating to public order in a society that does not believe in Islam, because this is not in his power, and God does not cost a soul except its ability. Rather, the Muslim demands rulings that concern him individually, such as the rulings on worship, the rulings on food and drinks that are worn, and what is related to marriage and divorce...

- If a Muslim does not deal with these corrupt contracts - including the usury contract - in the abode of the people, this will lead the Muslim to make his commitment to Islam a reason for his economic weakness and financial loss, and Islam is supposed to strengthen the Muslim and not weaken him, increase him and not decrease him, and benefit him and not harm him... If he does not deal with these contracts that they agree with between them, he will be forced to give what is asked of him, and not take in return, as he implements these laws and contracts in terms of his fines, and does not implement them in what he has of spoils, so he must always be fined and he does not have sheep, and thus the Muslim will never remain financially oppressed, because of his commitment to Islam, and Islam never intends to oppress the Muslim by his commitment to it, and to leave it - in a place other than the abode of Islam - for a non-Muslim to absorb and benefit from it while forbidding A Muslim should benefit from the treatment of non-Muslims in return in light of the prevailing contracts, which are recognized by them...

In particular, the Muslim here only eats usury and does not eat it, that is, he gives interest and does not take it, and the origin of the prohibition is focused on eating usury, as pronounced by the verses of the Qur'an, but it is forbidden to entrust it as a pretext, as it is forbidden to write and testify to it, it is a matter of prohibiting the means and not the purposes.

It is known that eating usury is not permissible in any case, but entrusting it - in the sense of giving interest - is permissible for the need, and this has been stipulated by the jurists, and they allowed borrowing usury for the need if the doors of halal are blocked in his face, and one of the famous rules here: that what is forbidden for itself is permissible only for necessity, and what is forbidden to fill the pretext is permissible for the need, and God bless⁽³³⁾.

However, this decision of the European Council was not without criticism and comments, made by some members of the Council, and a group of others, some of which put forward solutions that their owners deem more appropriate and compatible with the provisions of Sharia⁽³⁴⁾.

Conclusion:

After this short tour with a topic of importance such as the one we addressed, we come to present the most important results of the research, and the recommendations that he deems important and worthy of research, and start by presenting the summarized results in the following:

- One of the characteristics of Islamic law is its validity for all times and places, and its inclusion in all aspects of life, which has given it flexibility in dealing with developments in life, including the issues of Muslim minorities.
- The jurisprudence of minorities is a contemporary jurisprudence necessitated by the circumstances and conditions of the times, and it is a realistic jurisprudence based on taking into account the force majeure and changing conditions of Muslim minorities located in a house other than the house of Islam, and seeks to preserve the religion of Muslim minorities and facilitate the process of civilized communication of the message of Islam.
- Minority jurisprudence is defined as a set of jurisprudential rulings concerning Muslims residing outside the abode of Islam, in which jurisprudence is based on taking into account the specificities of the lived reality and directing it, to achieve the purposes of Sharia and the interests of creators.
- One of the characteristics of minority jurisprudence is its combination of the ancient Islamic heritage and contemporary reality, and the observance of the stereotypical differences between the Dar al-Islam and Muslim groups residing outside the Dar al-Islam.
- The jurisprudence of Muslim minorities is governed by some total legal rules, foremost of which are: the rule of outcomes, the rule of necessities, and the rules of balancing and weighting between interests and evils.
- Islamic history has shown the flexibility of Sharia in dealing with such issues, such as the issue of immigration to Abyssinia, as well as the issues and calamities generated by the fall of Andalusia.

Through this research, some recommendations are looming, summarized as follows:

- Emphasizing the importance of collective jurisprudence in the face of calamities and urgent issues, whether related to all Muslims or those related to minorities among them.
- Ensuring that the teachings of this Sharia are reflected in their best form and that its values are instilled among non-Muslims to convey the message of Islam and to fulfill the civilized role that Muslims should play among non-Muslim societies.

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- Calling for the rooting of a civilized jurisprudence that keeps pace with the developments of events and allows the required legal treatment of issues and issues of calamities.

- Producing what is related to the jurisprudence of Muslim minority issues and issues in works and blogs containing the most important provisions related to them, which serve as legislative systems so that they are easily accessible, their content is accessible, and they are published in several languages, to reach the largest possible number.

May Allah grant success and guide you to the right path, and may Allah's prayers and peace be upon our Prophet Muhammad and his family and companions.

Marginalization list:

⁽¹⁾ See Muhammad Yousry Ibrahim: The Jurisprudence of Calamities for Muslim Minorities, Rooting, and Application, (159 ff.).

⁽²⁾ Al-Shatibi: Approvals, (1/109-110).

⁽³⁾ See Abed bin Muhammad Al-Sufyani: Stability and Comprehensiveness in Islamic Law, (121 ff.).

⁽⁴⁾ Ibn al-Qayyim: Informing the Signatories from the Lord of the Worlds, (1/41).

⁽⁵⁾ See Muhammad Yousry Ibrahim: Jurisprudence of calamities for minorities, (166).

⁽⁶⁾ Muhammad Yousry Ibrahim: previous reference, (172).

⁽⁷⁾ Ibn Manzur: Lisan al-'Arab, 13/522.

⁽⁸⁾ Ibn al-Hajib: Mukhtasar al-Muntaha with his explanation of al-'Adad, (9).

⁽⁹⁾ See Al-Zarkashi: Al-Bahr Al-Muheet, (1/23), Ministry of Awqaf and Islamic Affairs in Kuwait: Al-Mawsoo'a Al-Fiqh Al-Kuwaitiya, (1/15).

⁽¹⁰⁾ Muhammad Yousry Ibrahim: Jurisprudence of calamities for Muslim minorities, (72).

⁽¹¹⁾ Suleiman Muhammad Topoliak: Political Rulings for Muslim Minorities in Islamic Jurisprudence, (27).

⁽¹²⁾ Jamal al-Din Attia: Towards a New Jurisprudence for Minorities, (7-8).

⁽¹³⁾ Yusuf al-Qaradawi: On the Jurisprudence of Muslim Minorities, (15).

⁽¹⁴⁾ Ali Kettani: Muslim Minorities in the World Today, (6) Edited.

⁽¹⁵⁾ Hassouni Abu Bakr: The Jurisprudence of Muslim Minorities between Theory and Practice, (41).

⁽¹⁶⁾ Yusuf al-Qaradawi: On the Jurisprudence of Muslim Minorities, (29).

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⁽¹⁷⁾ Abdullah bin Bayyah: Fatwa Industry and Jurisprudence of Minorities, (163), Muhammad Yusri Ibrahim: Fiqh of calamities for Muslim minorities, (74-75).

⁽¹⁸⁾ See Yusuf al-Qaradawi: On the Jurisprudence of Minorities, (35), Muhammad Yusri Ibrahim: Jurisprudence of calamities for Muslim minorities, (233).

⁽¹⁹⁾ Abdul Majeed Al-Najjar: Towards a Fundamentalist Approach to Minority Jurisprudence, (44-45).

⁽²⁰⁾ See: Yusuf al-Qaradawi: On the Jurisprudence of Minorities, (44 ff.), Abdul Majeed al-Najjar: op. cit., (51 ff.).

⁽²¹⁾ See: Yusuf al-Qaradawi: On the Jurisprudence of Minorities, (40 ff.).

⁽²²⁾ See Yusuf al-Qaradawi: previous reference, (40 ff.), Abdul Majeed al-Najjar: Towards a fundamentalist approach to the jurisprudence of minorities, (59 ff.), Muhammad Yusri Ibrahim: Fiqh of calamities for Muslim minorities, (281 ff.), and the latter elaborated on these rules by devoting an entire chapter of research to them.

⁽²³⁾ Al-Shatby: Approvals, (5/177-178).

⁽²⁴⁾ Abdul Majeed Al-Najjar: Towards a Fundamentalist Approach to Minority Jurisprudence, (59-60).

⁽²⁵⁾ Muhammad al-Zuhaili: Fiqh rules and their applications in the four schools of thought, (1/276).

⁽²⁶⁾ Abdul Majeed Al-Najjar: previous reference, (60-61) Edited.

⁽²⁷⁾ Al-Izz bin Abd al-Salam: Benefits in Abbreviating the Purposes, (47).

⁽²⁸⁾ Abdul Majeed Al-Najjar: Towards a Fundamentalist Approach to Minority Jurisprudence, (61-62).

⁽²⁹⁾ Abdul Majeed Al-Najjar: previous reference, (62-63).

⁽³⁰⁾ Taha Jaber Al-Alwani: Introduction to the Jurisprudence of Minorities (Constitutive Views), (36) Edited.

⁽³¹⁾ See Muhammad Anan: The State of Islam in Andalusia, (5/342 ff.).

⁽³²⁾ Muslim World League: Decisions of the Islamic Fiqh Council, 2nd Edition, (93-94).

⁽³³⁾ Decisions of the European Council for Issuing Fatwas, Series I, (30 et seq.)

⁽³⁴⁾ See Yusuf al-Qaradawi: On the Jurisprudence of Minorities, (179 ff.).

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