



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

**التدابيرُ الفقهية الضامنة لحقوقِ الطفلِ المُستنبطة
من مرويَّاتِ السيِّدة عائشة (رضي الله عنها) في
الكتبِ التسعة
(دراسةٌ فقهيةٌ تأصيليةٌ)**

رسالة قدمت إلى مجلس كلية العلوم الإسلامية
وهي جزءٌ من متطلبات نيل شهادة الماجستير في الفقه وأصوله

من قبل الطالبة

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مستخلص الرسالة

فمن فضل الإسلام على البشرية أن جاءها بمنهاج شامل قويم في تربية النفوس، وتنشئة الأجيال، وتكوين الأمم، ومن نعم الله عز وجل أن وهبنا الدين الإسلامي الحنيف الذي لم يترك شيئاً إلا وأنزل الله فيه حكماً شرعياً، ويبيّن المقصد من الحكم، وجعل فيها فتوى حتى يتيسر للمؤمن أن ينعم بحياة صحيحة في ظله، وقد عني الإسلام بالطفل قبل أن يخلق، فقد حث الزوج على اختيار الزوجة على أساس الدين، وحث الولي على اختيار الزوج على أساس الدين، وعني به وهو جنين فشرح له حقوق وواجبات، وعني به بعد أن يولد فحث الآباء والأمهات على حسن تربيته والتعامل معه بلطف واحسان وهكذا، فإن العناية الإلهية والرعاية الربانية تحوط الطفل وتشمله من جوانبه كلها وفي المراحل جميعها.

وتتمثل أهمية هذا الموضوع في الفهم الصحيح للفقه ولا تصح التطبيقات الشرعية والحياتية إلا بمعرفة الفقه وفهمه، ولذا هدفت هذه الدراسة إلى معرفة حقوق الطفل من التدابير الفقهية المستنبطة من مرويات أم المؤمنين السيدة عائشة - رضي الله عنها - في الكتب التسعة، إذ إنه موضوع حيوي مفيد في الواقع، وشديد الالتصاق بكل أب و أم.

Abstract

The importance of this topic is represented in the correct understanding of jurisprudence, and legal and life applications are not valid except with the knowledge and understanding of jurisprudence, so it aims to know the provisions related to the child and how to deal with him from birth to his upbringing, through a statement of the jurisprudential measures that guarantee the rights of the child derived from the narrations of Mrs. Aisha - may God be pleased with her - an original jurisprudential study, as it is a vital and useful topic in reality, and it is very attached to every father and mother.

In this study, I dealt with the narrations from the Mother of the Believers, Mrs. Aisha - may God be pleased with her - the guarantor of the rights of the child in the nine books of hadith, namely: Sahih Al-Imam Al-Bukhari, Sahih Al-Imam Muslim, Sunan Abu Dawud, Sunan Al-Tirmidhi, Sunan Al-Nisa'i, Sunan Ibn Majah, Musnad Al-Imam Ahmad, Muwatta Malik, Musnad al-Darimi.

The methodology was in translating the Mother of the Believers, Mrs. Aisha - may God be pleased with her -, in defining her life - may God be pleased with her - and her scholarly position and imam in the science of hadith, then she showed how Islam cared for the child. I clarified the general meaning of the narratives from the books of the explanations of the hadith and showed the vocabulary that needs to be defined, and put titles for the jurisprudential issues that were included in those narratives, and then showed the legal ruling from these narratives, some of which were agreed upon by the jurists and some of which they differed in, so I mentioned the sayings of the jurists, and mentioned the evidence for each agreed-upon novel , and the evidence of each team in the disputed narratives with a statement of the significance of each evidence and a

statement of the reason for the disagreement, then I mentioned the saying in the matters in which there is disagreement, then I explained the jurisprudential measures derived from the narratives and relied on contemporary educational books related to the family and the child, and the letter included a prelude and three chapters, The preface included an introduction to the vocabulary of the title. As for the first chapter, it included the translation of Mother of the Believers, Mrs. Aisha - may God be pleased with her -, and Islam's interest in the child and the jurisprudential rulings that guarantee the rights of the child. Spiritual and faith, and the third chapter included jurisprudential measures that guarantee the material rights of the child, through the material foundations for building the family, the preference of caring for children, and the prophetic guidance in the jurisprudential measures at the birth of the child. Right, it is from God Almighty, and whatever was wrong is from myself, and my last prayer is that praise be to God, Lord of the worlds, and prayers and peace be upon the master of the messengers, Muhammad - may God bless him and grant him peace -.

**Ministry of Higher Education and Scientific Research
University of Mosul
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**Jurisprudential measures that guarantee
the rights of the child derived from the
narrations of Mrs. Aisha (may God be
pleased with her) in the nine books
(a fundamental jurisprudential study)**

**A submitted to the Council of the College of Islamic
Sciences**

**It is part of the requirements for obtaining a master's
degree in jurisprudence and its principles**

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