

وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة



الواقعات

لُمحي الدين محمد بن حسام الشَّهير بـ قَره جَلبي (ت ٩٦٥ هـ)
من كتاب -الكفالة- إلى نهاية مطلب -شهادة المرأة الواحدة-
- دراسة وتحقيق وتعليق -

رسالة قُدمت إلى مجلس كلية العلوم الإسلامية ، وهي جزء من متطلبات نيل

شهادة الماجستير في العلوم الإسلامية / تخصص : الفقه وأصوله

من قِبَل الطالب

طارق عبدالقادر محمد الجلبى

بإشراف

الأستاذ الدكتور

رمضان حمدون علي الرمو

المستخلص

الحمد لله رب العالمين والصلاة والسلام على خاتم النبيين محمد وعلى آله وصحبه أجمعين .
رسالتي عن كتاب الوقعات للإمام محي الدين محمد بن حسام الدين المشهور بقره جلي المتوفى (٩٦٥هـ) ،
قسمت الرسالة في هذه الدراسة على مقدمة وقسمين:

- القسم الأول: الدراسة : وأسردت فيها عن حياة الإمام ونشأته ونسبه وحياته العلمية والتعريف بالمخطوط
وتكلمت عن شيوخه وتلامذته ومصنفاته وقمت ببيان دراسة عن المخطوط والنسخ الخطية واستبيان عدد
لوحاتها والواضح منها وتسميتها إلى مؤلفيها .

- القسم الثاني : النص المحقق : وتحقيق نص المخطوط يشتمل على الكتب الآتي :
وحققت النص غير المحقق وفق قواعد فن التحقيق والتعليق على المسائل الخلافية والتعريف بالأعلام والمدن
والأماكن وتسمية الآيات وتخريج الأحاديث وفق كتب التخريج وختمت الرسالة بالخاتمة وأهم النتائج التي
توصلت إليها وأثبت فيها المصادر . وقد قدر الله لي أن أحقق الكتب والأبواب الآتية :
(الكفالة ، الحوالة ، المضاربة ، الشَّرْكَة ، المزرعة ، المساقاة ، الدعوى ، الإقرار ، الشهادة) ومن ثم ملاحق
الرسالة بفهارس للآيات الكريمة ، و الأحاديث النبوية ، والأعلام ، والأماكن وثبت المصادر الواردة في متن
المخطوط وفي التحقيق ، هذا ما بذلته من جهدٍ فما كانَ صائباً منه فيفضل الله ومن ثم أسأتذتي وما كانَ غير
ذلك فمني ومن الشيطان . والله الموفق .

الكلمات المتاحه : الكفالة بالنفس ، المحتال ، المضارب ، شركة الأملاك ، الدعوى ، الشهادة .

:Abstract

Praise be to Allah, Lord of the worlds, and peace and blessings be upon the Seal of the Prophets. My thesis is talking about the book of Al-Waqi'āt for the Imam Muhyiddin Muhammad bin Hussam al-Din, known as Qara Chalabi, died in (965 A.H).

In this study I divided the thesis into an introduction and two sections:

First Section: The Study: I mentioned from it the Imam's life and his early life, genealogy and scholarly life, defining the manuscript and talking about his sheikhs, students and its works. I have provided a study on the manuscript and handwritten copies and a survey of its .paintings, and the clear ones I attributed to their authors.

Second Section: The Edited Text: The editing of the manuscript text, including the following books: The unverified text was verified according to the rules of the art of textual verification and annotation on the controversial issues and the definition of media, cities, places and naming verses, and the gradation of al-hadiths according to the gradation books.

I concluded the thesis with the conclusion and the most important results that I have reached; I have proven the sources in it. God has destined me to achieve the following books and goals: guarantee, transfer, speculation, company, farming, independent lawsuit, declaration, certificate. Then the thesis appendices with indexes of the Noble Verses and the Prophetic Hadiths, media, places, and I verify the sources mentioned in the manuscript text and in the critical edition. This is what I have done in terms of effort. Whatever was successful was thanks to God and then to my teachers, and anything else is from me and the devil. And Allah is the one who grants success.

Available words: **self-guarantee, fraudster, speculator, real .estate company, lawsuit, certificate**

Abstract

Praise be to God, Lord of the Worlds, who taught by the pen and distributed provisions among His servants, and He was just in what He distributed. Indeed, the science of jurisprudence is the most noble and important of the sciences, and it is the one that is specific to Muslims over other religions. The Prophet, may God bless him and grant him peace, urged the learning of jurisprudence and linked that to goodness in this world and the hereafter. The science of jurisprudence of worship is not specific to a particular individual, nor is it specific to a scholar rather than an uneducated person. Rather, it is specific to all Muslims, and they are all required to learn it and teach it, so that a generation may emerge that is educated in the jurisprudence of its religion and not ignorant of the obligations of God Almighty and what He has commanded.

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**Al wakaat of Mohiuddin Muhammad bin Hussam al-Din -
known as Qarah Chalabi (d. 965 AH) from Alkafala Book to
the end of the requirement for a single womans witness .
study , investigation and commentary**

**A thesis submitted to the Council of College of Islamic Sciences
In Partial Fulfillment of the Requirements for the Degree of Master
in jurisprudence and its fundamentals**

By

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Supervised by

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Ramadhan Hamdun Ali Al-Ramu