



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

تَعَاوُذُ الْأَدَلَّةِ عِنْدَ الْأَصُولِيِّينَ دِرَاسَةٌ تَطْبِيقِيَّةٌ

من قبل الطالب

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بإشراف

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المخلص

إخترنا في هذه الرسالة جزئية مهمة في أصول الفقه وهو (تعاضد الأدلة عند الأصوليين) دراسة تطبيقية، وأعني به تقوية الدليل بدليل آخر، أو تضافر مجموعة من الأدلة وتآزرها لتأكيد حكم شرعي واحد، وهذا التعاضد مما يزيد من قوة الظن بالحكم، ويؤكد صحته، ويزيل الشبهات المحتملة، ويُعدّ مرجحاً عند اختلاف الفقهاء، كما أنه يعكس تكامل الشريعة وانسجامها.

ويتألف هذا الرسالة من مقدمة وذكرت فيها الافتتاحية وأهمية البحث وأهدافه وسبب اختياره ومنهجه وخطته، ويشمل على ثلاثة فصول وكل فصل يتضمن عدة مباحث، أما الفصل الأول وفيه أربعة مباحث.

وأما الفصل الثاني: التعاضد بين الأدلة المتفق عليها، وفيه أربعة مباحث.

وأما الفصل الثالث: التعاضد بين الأدلة المختلف فيها، وفيه خمسة مباحث.

Abstract

In this thesis, we have selected an important aspect of the principles of jurisprudence, namely "the mutual support of evidence according to the scholars of the principles of jurisprudence," as an applied study. This refers to the strengthening of evidence by other evidence, or the convergence and cooperation of a set of evidence to confirm a single legal ruling. This mutual support increases the strength of belief in a ruling, confirms its validity, eliminates potential doubts, and is considered preferable when jurists disagree. It also reflects the integrity and harmony of Islamic law.

This research consists of an introduction, which discusses the opening, the importance of the research, its objectives, the reason for its selection, its methodology, and its plan. It includes three chapters, each of which contains several topics. The first chapter contains four topics:

The first topic defines the mutual support of evidence linguistically and technically. The second topic discusses the foundations of the mutual support of evidence. The third explains the order of the mutual support of evidence. The fourth discusses the use of mutual support of evidence.

Chapter Two: The Mutual Support of Agreed-Upon Evidence, which includes four topics:

The first topic: Mutual Support between the Qur'an and Sunnah. The second topic: Mutual Support between the Sunnah and consensus. The third topic: Mutual Support between consensus and analogy. The fourth topic: Mutual Support between the Sunnah and the sayings of the Companions.

The third section: Mutual Support between Disputed Evidence, which includes five topics:

The first topic: Mutual Support between Istihsan and other evidence (such as analogy and maslahah mursalah).

The second topic: Mutual Support between Istihsab and other evidence (such as conjectural analogy, maslahah of the state until abrogation, change, or exception, maslahah of the generality until a specification is made, and in cases of doubt).

The third topic: Mutual Support between Maslahah mursalah and other evidence (such as the sayings of the Companions, blocking the means, and customary evidence).

The fourth topic: Mutual Support between the sayings of the Companions and other evidence (such as maslahah mursalah and blocking the means).

The fifth section: The mutual support between the Sharia of those who came before us and other evidence (such as public interest, preference, and presumption of continuity). In this fundamentalist research, I followed the path of tracing, extrapolating, and collecting evidence, and the mutual support between them to confirm a single legal ruling. I also collected scholarly material from its original sources, and cited Quranic verses, mentioning the surah name and number, as well as the Prophetic hadiths from Sahih al-Bukhari and Muslim, and the Sunan. I also cited the statements of leading jurists from the Companions and Followers, as well as the imams and followers of the four schools of jurisprudence on the issue of mutual support. The conclusion includes the most prominent findings reached by the researcher through the research, and some proposed recommendations.

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The Mutuality of Evidence According to the Fundamentalists - An Applied Study

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