



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية العلوم الإسلامية

قسم الشريعة

الاستنباطات الفقهية من مرويات الصحابي الجليل

المغيرة بن شعبة (رضي الله عنه) في الكتب التسعة

(دراسة مقارنة)

رسالة مقدمة إلى مجلس كلية العلوم الإسلامية

وهي جزء من متطلبات نيل شهادة الماجستير في الفقه وأصوله

من قبل الطالبة

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٢٠٢٤ م

١٤٤٦ هـ

### مستخلص الرسالة

فلما كان شرف العلوم من بشرف المعلوم، فعلم الفقه ومعرفة الأحكام الشرعية من أشرف العلوم، وأعلاها قدراً، وأسمها منزلةً، وقد عالج شؤون المسلم في كل نواحي حياته، من بدء تكوينه إلى حين وفاته، مبيناً له الحلال والحرام، ومفصلاً ما له وما عليه من حقوق وواجبات، فلا تكاد ناحية من سلوكه الخاص والعام تخرج عن الشريعة وهدايتها.

والصحابية (رضوان الله تعالى عليهم) أسهموا في تثبيت دعائم هذا الدين قولاً وعملاً، ومن الطبيعي أن تتباين هذه الجهود وتتأثر بعوامل كثيرة، ومنها على سبيل المثال: القرب المكاني من رسول الله (ﷺ) فضلاً عن المدة الزمنية التي تيسرت للصحابي فيها أن يرافق فيها رسول الله (ﷺ) أو يراه ويسمع أقواله ويشاهد أفعاله.

مما ظهر لنا من الاستنباطات الفقهية من مرويات الصحابي الجليل المغيرة بن شعبه (رضي الله عنه): جواز المسح على العمامة والخفين والجوربين وطهارة الماء المحفوظ في إهاب الميتة، وجوار الإبراد وقت الظهيرة، ومشروعية سجود السهو، فضلاً عن مشاركة العاقلة في دية شبه العمد والدية الغر، وأن للجدة نصيب في الإرث، ومشروعية النظر إلى المخطوبة سواء بعلمها أو لا، ومشروعية الإسترقاء، وأن المشي عند اتباع الجنائز يكون خلف الجنازة ، وان منع الإسهال يشترط بالخلاء .

## **Abstract**

### **Jurisprudential deductions from the narrations of the great companion Al-Mughira bin Shu’bah (ؓ) about him in the nine books (a comparative study)**

Since the honor of sciences is equal to the honor of its subject, the science of jurisprudence and knowledge of legal rulings is one of the most honorable sciences, the highest in value, and the highest in status, for it has dealt with the affairs of the Muslim in all aspects of his life, from the beginning of his formation until the time of his death, explaining to him what is permissible and what is forbidden, and detailing what is for him and what he is obligated to do, of rights and duties, hardly any aspect of his private or public behavior deviates from the Sharia and its guidance.

The companions (may Allah Almighty be pleased with them) contributed to strengthening the foundations of this religion in word and deed, and it is natural that these efforts varied and were affected by many factors, including, for example: the physical proximity to the Messenger of Allah (ﷺ), in addition to the period of time during which the companion was able to accompany him. Where the Messenger of God (peace and blessings be upon him) sees him (ؓ), hears his words, and witnesses his actions.

Among these companions is the venerable companion Al-Mughirah ibn Shu’bah (ؓ), who accompanied the Messenger of Allah (ﷺ) and participated with him in several raids. He was one of his most prominent guards, and one of the prominent writers of the Messenger of Allah (ﷺ) who edited his important books.

The importance of the topic is highlighted by the fact that it studies the noble hadith and the narrations of a great companion of great scholarly standing. He narrated many hadiths and had many positions with the Messenger of Allah (ﷺ) and shed light on them, in addition to the status enjoyed by this great companion. The topic aims to explain the effective role of the companions (ؓ) To pay attention to the Prophet Sunnah.

The research methodology was to extract the hadiths reported from the great companion Al-Mughirah ibn Shu’bah (ؓ) from the nine books of Al-

Hadeeth, explain their ruling, and the general meaning of the hadith, extract the jurisprudential issues mentioned in the narrations, give each issue a title that distinguishes it from other issues, and study it as a comparative study between the sayings of the jurists on the issue. The subject of the dispute, the evidence of the jurisprudential sayings, the significance and their discussion, with an explanation of the most correct opinion of those sayings.

The study included an introduction, three chapters, and a conclusion. In the first chapter, is a preface: It included two sections: the first: the most important definitions terms of the title, and the second: the biography of the companion Al-Mughirah ibn Shu'bah (رضي الله عنه). The second chapter dealing with narrations related to the Purity and Prayer: by including two sections, the first: dealing with narrations related to the Purity, and the second: narrations related to the Prayer. While the third chapter dealing with the narrations related to the Crimes and Various Topics, including two sections: the first: included narrations related to the Crimes, and the second section: dealt with narrations on Various Topics.

At the end of the research, there is a conclusion in which the researcher mentioned the most important results he reached, including:

1. The great companion Al-Mughirah bin Shu'bah (رضي الله عنه) was one of the most prominent companions. He narrated more than a hundred hadiths on the authority of the Messenger of Allah (ﷺ) that varied in various sections of knowledge, including beliefs, acts of worship, transactions, personal status, crimes, and etiquette.
2. What was mentioned in this thesis are nineteen narrations that include approximately (35) issues in various books of jurisprudence.

Among the recommendations made by the researcher:

1. That there should be interest on the part of students of knowledge in the books of hadith, highlighting the effects of the honorable

companions and explaining their virtue (may Allah Almighty be pleased with them) in preserving and transmitting the religion.

2. To study the narrations of the Companions in a jurisprudential study, linking hadith studies with jurisprudential studies, and producing students who are familiar with both sciences of hadith and jurisprudence.

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Mughira bin Shu'bah (رضي الله عنه) about him in  
the nine books (a comparative study) (A  
comparative study)**

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obtaining a Master's degree in Jurisprudence and its  
Principles**

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