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Self-Defence In Islamic Law

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Abstract

This study sought to explore the issue of self-defense in Islamic law and to define the circumstances under which a person can defend himself, his honor, and his property. It also aims to define the sharia laws for warding off an assault. The importance of this research is stemmed from the topic it addresses which is the human beings whom Allah Almighty has honored, and the rulings of dealing with the cases of assault he encountered. The study concluded that it is obligatory to defend oneself, wealth, and honor against the aggressor, and it clarifies that the defender does not incur any damage or reimbursement as a result of self-defense.

Keywords: legitimate defense, self-defense, defense of honor, defense of wealth.

Introduction

Many of the provisions of Islamic Sharia came to protect people from the aggression that may befall them, whether it is an assault on oneself, honor, or wealth. The Qur'anic verses and noble hadiths specify severe penalties for those who infringe the rights of others unjustly. In this context, Ibn `Abbas (RA) said: that Allah's Messenger (ﷺ) delivered a sermon on the Day of Nahr, and said, "'O people! (Tell me) what is the day Today?' The people replied, 'It is the forbidden (sacred) day.' He asked again, 'What town is this?' They replied, 'It is the forbidden (Sacred) town.' He asked, 'Which month is this?' They replied, 'It is the forbidden (Sacred) month.' He said, 'No doubt! Your blood, your properties, and your honor are sacred to one another like the sanctity of this day of yours, in this (sacred) town (Mecca) of yours, in this month of yours.' The Prophet (ﷺ) repeated his statement again and again. After that, he raised his head and said, 'O Allah! Haven't conveyed (Your Message) to them. Haven't I conveyed Your Message to them?" Ibn `Abbas added, "By Him in Whose Hand my soul is, the following was his will (Prophet's will) to his followers:--It is incumbent upon those who are present to convey this information to those who are absent. Beware don't renegade (as) disbelievers (turn into infidels) after me, Striking the necks (cutting the throats) of one another".(1)

This research came under the title "Self-defense in Islamic Law" to illustrate the provisions relating to assault on people, and the consequences of preventing the assault.

Research Significance:

The significance of this research is stemmed from:

1. This subject addresses which is the

assault on the individual whom God Almighty has honored.
2. Exploring multiple legal texts that forbid attacking a person's soul, wealth, and honor.
3. Illustrating the consequences of the self-defender if his defense leads to the aggressor's death.

Problem Statement:

The research problem lies in answering the following main question:

- When is it permissible for a person to defend himself under Islamic sharia?
  1. When an aggressor should be repelled??
  2. What are the provisions/consequences that result from repelling the aggressor?

Research Approach:

The researchers followed the descriptive deductive approach, where they presented the views of the four jurists and imams on the subject of the research, presented the evidence of each group of them, and show the one which is more acceptable (ar- rājiḥ) with mentioning the reasons for the weighting (at-Tarjīḥ).

The legality of self-defence in Islamic law.

Islamic jurists unanimously agreed on the legality of defending oneself. They inferred this legitimacy from evidence in the Qur'an, Sunnah and scholarly consensus (ijma)'[(2)].

First: The Holy Qur'an

1. Allah Almighty said: "So if anyone attacks you, retaliate in the same manner." [(3)] This verse illustrates the permissibility of retaliating against the aggression of another by repelling his act, and aggression.[(4)]
2. Allah Almighty said: "If you retaliate, then let it be equivalent to what you have suffered."[(5)] Allah Almighty has legislated to punish the unjust aggressor in the same manner as he did, al-Tabarī says: "Allah Almighty says to the believers: O, believers, if you punish he who wronged you and assaulted you, then punish him with an equivalent act as what he has inflicted on you [(6)]"
3. Allah Almighty said: "and who enforce justice when wronged ¤The reward of an evil deed is its equivalent. But whoever pardons and seeks reconciliation, then their reward is with Allah. He certainly does not like the wrongdoers ¤ There is no blame on those who enforce justice after being wronged."[(7)] Allah Almighty describes the believers by saying they have the strength to take retribution on those who commit aggressive acts against them. Alla Almighty also made it clear that they are not blamed and there is no sin on them for taking revenge against the aggressor.[(8)]

Second: The Sunnah

1. Allah's Messenger (ﷺ) said, "Help your brother, whether he is an oppressor or he is an oppressed one. People asked, "O Allah's Messenger (ﷺ)! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?" The Prophet (ﷺ) said, "By preventing him from oppressing others".[(9)] This hadith demonstrates that those who oppress others are unjust and that the best way to aid them is by preventing them from oppressing others.[(10)]
2. 'Abdallah bin 'Amr told of hearing Allah's Messenger say, "He who is killed protecting his property is a martyr[(11)]". According to this hadith, the one who defends his wealth from those who want to seize it unjustly until he is killed is counted as a shaheed (martyr), provided he has the right to kill and fight.[(12)]

3. Abu Huraira said that a man came and asked Allah's Messenger to tell him what he should do if a man came wanting to take his property. He replied, "Do not give him your property." He asked him to tell him what to do if the man fought with him, and he replied, "Fight with him." He asked him to tell him what would happen if the man killed him, and he replied, "You will be a martyr." He asked him to tell him what would happen if he killed the man, and he replied, "He will go to hell".[13] As it was mentioned in the previous hadith: The one who defends his money from someone who wants to take it unjustly until he is killed is deemed a martyr, provided that he has the right to kill and fight .[14] And the killer will be in Hell.
4. Abu Huraira reported: that Allah's Messenger (PBUN) said: "If any person peeps at you without your permission and you poke him with a stick[15] and injure his eye, you will not be blamed."[16] The Prophet (PBUH) endorsed punishing people who violate the proprieties of homes without authorization and made it clear that defending one's property by inflicting harm on the assailant is not sinful. Ibn Daqiq al-Eid says in his explanation of the hadith: "It falls under the category of taking revenge on the attacker [17]."
5. Imran bin Husain reported: Ya'la b. Munya or Ibn Umayya fought with a person, and the one bit the hand of the other. And he tried to draw his hand from his mouth and thus his foreteeth ware pulled out. They referred their dispute to Allah's Apostle (ﷺ), whereupon he said: Does any one of you bite as the camel bites? So, there is no blood-wit for it."[18] If the felony falls on the victim due to his wrongful acts, such as the aforementioned story and the like, then there is no retribution or Diyat[19].
6. Qabus bin Mukhariq reported on his father saying: "I heard Sufyan Ath-Thawri narrating this Hadith. He said: 'A man came to the Prophet [SAW] and said: "What if a man comes to me and wants to take my wealth?" He said: "Remind him of Allah." He said: "What if he pays no heed?" He said: "Seek the help of the Muslims around you against him." He said: "What if there are no Muslims around me?" He said: "Seek the help of the ruler against him." He said: "What if the ruler is far away [20]from me?" He said: "Fight to defend your wealth until you either become one of the martyrs of the Hereafter, or you protect your wealth (successfully) [21]".According to the hadith, generally, it is permissible to kill the one who intends to take your wealth unjustly, whether it is little or much[22].
7. On the authority of Aisha, she said: I heard the Prophet (PBUH) say: "He who pointed a weapon towards one of the Muslims intended to kill him, his blood is permissible.[23] " This hadith apparently specifies that it is lawful for the one who was threatened by an iron bar (weapon) to defend himself, even if it leads to killing the attacker.[24] Al-Tahawy says: "His blood is permissible," Someone said: Why did he not say: His blood has become permissible for him? It was said to him: Because killing him has become lawful for the one to whom he pointed by the iron bar, and to other people, they should try to prevent him and take off his weapon[25].
8. Abu Ja'far said: "I was sitting with Suwaid bin Muqarrin, and he said: The Messenger of Allah [SAW] said: "Whoever is killed defending himself against injustice, he is a martyr.[26] " This narration clearly shows that it is permissible for the one who has been wronged to fight the one who has wronged him, and if the assailant kills

him then he is a martyr. Al-Manawi said: "Ibn Jarir said: This is the clearest statement and the clearest proof of permission for the one who others intend to seizure his wealth unjustly to fight his oppressor, and urging him, whoever he is, because the place of martyrdom is great, so fighting thieves and stripping is required. Leaving it is abandoning the prohibition of evil, and there is no evil greater than killing a believer and taking his wealth unjustly. (27)"

Third: Consensus (Al-Ijma').

Islamic jurists unanimously agreed on the legality of self-defense and fighting against the aggressor, Ibn Taymiyyah says: "the Sunnah and consensus agree that if the attack of a Muslim attacker can not be prevented unless he is killed, it is lawful to kill him, even if the money he takes is a carat of a dinar(28)", and he also says: "fighting aggressors who trespass on others' properties is proven by the Sunnah and consensus (29).

Section 3: Types of legitimate self-defense

The legality of self-defense varies according to the type of inflicted assault. Three main types of assault can be inflicted on an individual, and each one has its ruling(30).

1. Assault against the soul, the person who attacks the soul is the one who oppresses others with the intent of killing or causing harm to the body with a wound and the like.
2. Assault against the Honor, a person who attacks honor turns his aggression towards a woman who is not his wife, a relative or a stranger, intending to commit adultery.
3. Assault against wealth is a person who attacks others' properties and tries to seize their cash, land, houses, and usufructs, whether they are pure or impure.

Section 4: Self defense Law:

Islamic jurists debated the concept of legal self-defense and how to protect against an assault based on the nature of the assault that is being repulsed., whether it is against soul, honor, or wealth, as follows:

First: The assault against the soul.

Muslim jurists held distinct opinions regarding the ruling on warding off the assault against the soul as follows:

First position: Hanafis scholars(31) , Malikis scholars(32), and Shafi'is (33)held the position that an attack against a soul must be repelled regardless of whether they are a believer or a non-believer, sane or insane, adult, or young, whose blood is protected (masoom-uddam) or not, human, or else. They based their arguments on the following evidence:

1. Allah Almighty said: "do not let your own hands throw you into destruction. (34)" This Aya indicates that Allah (SWT) forbids a Muslim to commit suicide or to drive himself to destruction. Likewise, it is forbidden for him to allow the aggressor to kill him by surrendering to him. Therefore, he is obligated to defend and protect himself. (35).
2. Allah Almighty said: "Fight against them ˹if they persecute you˺ until there is no more persecution, and ˹your˺ devotion will be to Allah ˹alone˺. If they stop ˹persecuting you˺, let there be no hostility except against the aggressors(36). This Ayah indicates that Allah (SWT) authorized fighting to prevent persecution, and what is meant by it here is killing people unjustly(37).
3. Sa'eed bin Zaid reported: "The Messenger of Allah [SAW] said: 'Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his family, is a martyr. Whoever is killed protecting his religion, is a martyr. Whoever is killed

protecting himself, he is a martyr[38]." This hadith indicates that when the Messenger of Allah deemed him a shaheed (martyr), this implies the necessity of fighting the aggressors to protect oneself[39].

4. On the authority of Aisha, she said: I heard the Prophet (PBUH) say: "Whoever points with a piece of iron at one of the Muslims to attack them, his blood is permissible[40]." This indicates that the Prophet (PBUH) made it clear that whoever points with an iron bar (weapon) threatening any of the Muslims with it and intended to kill him, his blood is permitted, meaning that they can kill him in defence of their soul[41].
5. Logically, since the Muslim must revive himself, it is permissible for him to eat dead flesh in case of extreme urgency such as saving his life in starvation. Likewise, if someone attacks him with the intent to murder him, he must revive himself by fending him off and battling him [42] . And because it is prohibited for a Muslim to commit suicide, it is equally prohibited for him to permit someone else to kill him[43]

Second position: Al Shafi'is school- according to its position on this issue - went to the differentiation between the aggressor being a Muslim or an infidel. So, they argued that if he is an infidel, and the victim is a Muslim, the defence must be made, whether this infidel is masoom uddam (whose blood is not permissible) or not. However, if the assailant is a Muslim (whose blood is not permissible), a young boy, or insane, they contend that it is better to surrender to him even if warding him off with or without killing him is possible. Additionally, Al Shafi'is scholars hold that it is imperative to repel the aggressor animal because it is killed to protect the human being, so there is no justification for yielding to it. Similarly, a jar or something similar fell on a person and he could only be protected from it by breaking it [44]. Evidence supporting this notion:

- **The obligation of warding the assailant off** whether he is masoom uddm or not (his blood is permissible or not):

Al Shafi'is cited the general evidence that the proponents of the first argument refer to. More precisely, they deemed that surrendering to the unbeliever was insulting to religion. Nevertheless, if an unbeliever is not masoom uddam (his blood is permissible) then he has no sanctity, whereas if he is masoom uddam his sanctity is undermined by his violence. [45].

- **Non-obligation of warding a Muslim assailant off:**

All Shafi'is cited the following evidence:

1. That Ibn Umar saw a head [46] and said: The Messenger of Allah(ﷺ) said: "What prevents one of you from being like the two sons of Adam if someone who wants to kill him comes to him? The slayer is in Hellfire, and the slain is in Heaven.[47] " It indicates that the Prophet (PBUH) explained that the reason for entering Paradise is to surrender to a Muslim brother even if he is a slayer and being killed, as what happened with Adam's sons Cain and Abel when a brother killed his brother, so the killer is in Hellfire, and the slain is in Paradise[48] .
2. On the authority of Abu Bakra that "Allah's Messenger (ﷺ) saying, 'When two Muslims fight (meet) each other with their swords, both the murderer as well as the murdered will go to the Hell-fire.' I said, 'O Allah's Messenger (ﷺ)! It is all right for the murderer but what about the murdered one?' Allah's Messenger (ﷺ) replied, "He surely had the intention to kill his companion[49])." In the hadith, there is a warning to the

murdered person because of his eagerness to kill even though he did not do it. This indicates that it is not mandatory for him to defend himself[50].

3. A group of hadiths about abandoning fighting in the time of fitnah, and will be mentioned in the evidence for the third saying.
4. That Uthman - may God be pleased with him - forbade servants from defending him, and they were four hundred (and he said: He said: from him)[51] . They said that this matter was well-known among the Companions, and no one denied it [52].

Third position: Al Hanbalis went to differentiate between the period of temptations (Al-fitnah) and other periods, and they stated that the aggressor must be repelled at periods other than Al-fitnah. Nonetheless, during the time of fitnah, a Muslim is not obliged to defend himself[53]. Their opinion is based on the following evidence:

1. Abu Dharr that the Messenger of Allah (ﷺ) said: "What will you do, O Abu Dharr, 'What will you do when famine strikes the people so that you will go to the place where you pray and will not be able to return to your bed, or you will not be able to get up from your bed to go to the place where you pray?" He said: "I said: 'Allah and His Messenger know best, or whatever Allah and His Messenger choose for me." He said: "You must refrain from forbidden things." Then he said; " what will you do when death overwhelms the people to such an extent that a grave (54)will be equal in value to a slave?" I said: "Whatever Allah and His Messenger choose for me, or Allah and His Messenger know best." He said, "Be patient." He said: "What will you do when killing befalls the people so that Hijaratuz-Zait [55] is covered with blood?" I said: "Whatever Allah and His Messenger choose for me." He said: "Stay with those whom you belong to." He said: "I said: 'O Messenger of Allah, should I not take my sword and strike those who do that?'" He said: "Then you will be just like the people [56]. Rather enter your house." I said: "O Messenger of Allah, what if they enter my house?" He said: "If you are afraid that the flashing of the sword will dazzle you[57], then put the edge of your garment over your face, and let him carry his own sin and your sin, and he will be one of the people of the Hellfire. [58],[59]

This indicates that the Prophet (PBUH) urged during the time of fitnah to avoid killing and that whoever holds arms shares with him in the sin .[60]

2. Busr bin Sa'eed said**:** During the Fitnah(in the time) of 'Uthman bin 'Affan, Sa'd bin Abi Waqqas said: "I testify that the Messenger of Allah(s.a.w) said: 'There will be a Fitnah during which the sitting person is better than the standing(person) is better than the walking, and the walking(person) is better than the running.'" He said: "What do you see(I should do) if he entered upon me in my home and extended his hand to kill me? He said: 'Be as Adam's son.[61] "
3. Abu Musa al-Ash'ari said: The Messenger of Allah (ﷺ) said: Before the Last Hour there will be commotions like pieces of a dark night in which a man will be a believer in the morning and an infidel in the evening, or a believer in the evening and infidel in the morning. He who sits during them will be better than he who gets up and he who walks during them is better than he who runs. So, break your bows, cut your bowstrings[62] and strike your swords on stones. If people then come into one of you, let him be like the better of Adam's two sons.[63] " The evidence from the two hadiths

demonstrates that the Prophet(ﷺ) urged in temptations not to defend the killer, rather he urged breaking swords and striking them with stones, and that whoever enters his house to kill him, he shall do like the son of Adam who said to his brother when he wanted to kill him: “If you raise your hand to kill me, I will not raise mine to kill you, because I fear Allah—the Lord of all worlds” [(64)]. [Al- Ma’idah: 28]. Numerous hadiths about strife imply the same meaning, and the researchers believe that the evidence mentioned above is sufficient.

In summary:

The researchers contend that the basic principle is that the aggressor must be repelled and prevented from attacking, whether he is an infidel or a Muslim, for the following reasons:

1. Because it is obligatory for Muslims to defend themselves. Self-preservation was included among the five necessities by scholars. The scholars counted self-preservation as one of the five necessities. Islamic sharia permitted Muslims to consume prohibited dead meat to protect their life, thus it is a priority to ward off transgressing against his life.
2. The established authentic hadiths regarding the one who dies defending himself being considered a martyr are evidence of the obligation to repel the aggressor, as his blood has become permissible.
3. The hadiths of the time of Al-fitnah and the prohibition of carrying weapons and surrendering to the aggressor. These hadiths were confined to the time of strife in which the path of truth is ambiguous. Al-Jassas says: “it meant not fighting in sedition and refraining from suspicion. As for killing someone who deserved to be killed, it is known that the Prophet (PBUH) did not deny it. As for his saying “be like the best of the two sons of Adam”, he (ﷺ) meant that one should not start killing, rather repel the killer from attacking him" (65).

   Al-Nawawi says: “Most of the Companions and the Followers and the general scholars of Islam said: It is necessary to support the righteous in the case of temptation and to fight with him the transgressors, as the Almighty said: (fight against the transgressing group), and this is the right position. And the hadiths are interpreted on the one to whom it is not apparent who is right, or on two unjust sects, and it is not known which of them is right, and if the behaviour was other than this, corruption would appear and the unjust people would increase their aggression, and God knows best”[(66)] .

Second: The assault against chastity (honor).

The Muslim jurists agreed that defending one's chastity is legitimate [(67)], It is stated in the book Al-Gharar Al-Bahiya that "it is obligatory to prevent an assault against honor, even if it is non-mahram (relative), as there is no room for the permissibility of transgressing the honor" [(68)]. In the book Nihayt Al-Zain, it is stated that one should defend their honor even if they dread being killed. It is also stated that a woman is not allowed to submit to someone who wishes to assault their honor by, for example, having an affair with them[(69)]. The jurists have inferred that it is obligatory to ward off aggression from the following evidence:

1. On the authority of Warad, the scribe of al-Mughira, on the authority of al-Mughira, who said: Sa`d bin Ubada said, "If I found a man with my wife, I would kill him with the sharp side of my sword.(70) " When the Prophet (ﷺ) heard that he said, "Do you wonder at Sa`d sense of ghira (self-respect)? Verily, I have more sense of ghira than

Sa`d, and Allah has more sense of ghira than I.[71] "

The hadith depicts a man's emotional condition when he sees a man commit adultery with his wife, how rage consumes him, and how he kills the man at that moment with a sword [72], and the Prophet confirmed this in the hadith. And if repelling the assailant of honor was not obligatory, the Prophet, may God's prayers and peace be upon him, would have stated it, and Saad - may God be pleased with him - would not have approved his statement.

2. Sa'eed bin Zaid said: "The Messenger of Allah [SAW] said: 'Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his family, he is a martyr. Whoever is killed protecting his religion, he is a martyr. Whoever is killed protecting himself, he is a martyr[73]."

That the Prophet (PBUH) clearly stated that whoever was killed for protecting his family, (in defence of the honor of his wife or his relative) is a martyr [74], and when he (PBUH) describes him as a martyr, this indicated that he has the right to kill or ward off the assault [75].

3. According to Ubaid bin Omair, a man hosted guests from the tribe of Huthayl. They ordered their maidservant to fetch wood, and when the guest saw her, he was impressed. pursued a woman and wanted (to rape) her. She refused, and they struggled for an hour until she managed to flee. So, she threw a rock at him and killed him. After telling her family what had happened, they went to Umar and informed him. When they found him, Umar said: He is killed by the right of Allaah. 'By Allaah, there is no Diya (blood money) for him ever [76]."

The woman slew that man in defence of her chastity. And 'Umar, may God be pleased with him, stated that Allah Almighty permitted his killing, and did not order the payment of his blood money, and none of the Companions denounced him[77]. This indicates that if a person kills an assailant who forces a woman into adulteration when there are no other options to do, she cannot be regarded as a murderer for killing him.

4. Preventing the aggressor from indecency is one of the rights of Allah Almighty and the right of himself and his family, so it is not permissible to ignore these rights[78].

Third: The assault against wealth.

Muslim jurists held different opinions regarding the ruling on warding off assaults against one's wealth as follows:

First position:

The obligation of warding off assaults against one's wealth. The Hanafis[79] and Malikis [80]scholars see that it is obligatory to fight off an aggressor assaulting one's wealth, but they added a condition that taking the wealth would incur destruction or cause severe harm. In contrast, the Shafi'is scholars [81]went so far as to say that whoever holds the wealth in his hand must defend it if it contains a soul, money under custody, endowment, or money that has been deposited. The proponents of this statement cited the following evidence:

1. Qabus bin Mukhariq that his father said: "A man came to the Prophet [SAW] and said: "What if a man comes to me and wants to take my wealth?" He said: "Remind him of Allah." He said: "What if he pays no heed?" He said: "Seek the help of the Muslims around you against him." He said: "What if there are no Muslims around me?" He said: "Seek the help of the ruler against him." He said: "What if the ruler is far away from me?" He said: "Fight to defend your wealth until you either become one of the martyrs of the Hereafter, or you protect your wealth (successfully)[82] ." This hadith demonstrates how it is permissible to kill the person who is attempting to take

one's wealth unfairly, regardless of how much it is worth. If he did this and was slain, he would then be regarded as a martyr[83].

2. Abdallah bin 'Amr told of hearing God's Messenger say, "He who is killed protecting his property is a martyr.[84]"

This hadith implies that it is mandatory to fight off an aggressor assaulting one's wealth by killing him if he was able to. However, the slain is not a martyr unless he was permitted to fight [85].

3. Abu Huraira told that a man came and asked God's Messenger to tell him what he should do if a man came wanting to take his property. He replied, "Do not give him your property." He asked him to tell him what to do if the man fought with him, and he replied, "Fight with him." He asked him to tell him what would happen if the man killed him, and he replied, "You will be a martyr." He asked him to tell him what would happen if he killed the man, and he replied, "He will go to hell.[86]"

The researchers believe that the hadith evidently illustrates that the Prophet(PBUH) forbade a person to give his wealth to someone who wants to take it unjustly, even if this leads to fighting him, and if the owner of the money dies in defense of his wealth, he is regarded a martyr, and this approve the permissibility of fighting such an assailant.

Second position:

It is permissible to fight off an aggressor assaulting one's wealth, but it is not obligatory. the Hanafi[87] and Maaliki[88] scholars held this opinion, provided this assault would not incur damage or cause severe harm. While the Shaafi'i[89] and Hanbali scholars established a condition that the item of wealth in reference is a living being[90] .

According to those who hold this opinion, it is not obligatory to fight off an aggressor assaulting one's wealth since it is permissible for the owner to give it willfully to others and it can also be given to others or waived[91].

As for the opinion of the Maliki scholars, it is obligatory to ward off aggression if it incurs death or severe harm to the owner of the money. As for the opinion of the Maliki scholars, it is obligatory to ward off aggression if it incurs destruction or severe harm to the owner of the wealth. The reason is that in this case, the harm he suffers may lead to his destruction, so it becomes as if he is defending himself[92]. Regarding the opinion of the Shafi'i scholars in the differentiation between wealth that includes a living being and wealth that does not have a living being is that the former has sanctity, so it must be defended [93].

In summary:

After this review of the opinions of the sharia scholars and their evidence, the researchers establish the first opinion stating a person should fight off an aggressor assaulting his wealth for the following reasons:

1. The Prophet (PBUH) explicitly state in the aforementioned hadith that a Muslim's wealth should not be given unjustly to an assailant. The prevention is achieved only by the obligation to ward off the assailant.
2. The researcher believes that Islam made the preservation of wealth one of the five necessities that the various legal rulings legislated for its organization and preservation. Islam also legislated a penalty for stealing the wealth of others. Because warding off the aggressor and preventing him from taking it is better. Because leaving them unchecked will encourage weak-minded people to dare to seize people's wealth unjustly. But if warding off the aggressor over money will lead to a greater evil, then refraining from

fighting off such an assailant is better than fighting him off.

Section 5: Conditions of legitimate defense.

Scholarly jurists stipulated a set of conditions for the permissibility of repelling the aggressor, which is as follows:

1. That there is an immediate unlawful assault committed by the aggressor, and this condition was stipulated by the Hanafis, Shafi'is and Hanbalis scholars [(94)], Ibn Abidin says: "(And it is obligatory to kill he who threaten others by his sword at the same time of the threat) that is, if the sword is raised against them with the intention of striking them, not after he has left them, then it is not permissible to kill him [(95)].
2. That the aggressor is warned and appealed not to do this act if he understands the warning. If he does not understand it - as if it was an animal for example - then it is not necessary to warn him at that time. This condition was stipulated by both the Malikis and the Hanbalis [(96)], Ibn Qudamah says: "If a man enters someone else's house without his permission, the owner of the house may order him to leave his house, whether he has a weapon or not, because he is trespassing by entering someone else's property, so the owner of the house had his claim." By refraining from transgression as if he took something from him, and if he responds, the owner then does not have the right to strike him, because the purpose is to take him out [(97)]".
3. According to the Shafi'is and the Hanbalis scholars[(98)], there should be a gradual repelling against the aggressor. According to Al-Nawawi, the assaulted person is entitled to ward off the assailant with the least means to repel the assault. If there is a wide river or a ditch or a fortress between them that the attacker cannot cross, then the attacked person is not entitled to shoot the attacker. If he cannot ward off the attacker except by fighting him off and killing him, then he may do that. Ibn al-Sabbagh said: Ibn al-Sabbagh said: He may throw him and prevent him from crossing, but if he does not repel the aggressor except by hitting, he may hit him. In addition, the order of deterrence is taken into consideration. If he can be stopped by hand, he is not permitted to use the whip; if not, he must be stopped with the whip; if not, he must be stopped with the stick; and if he can be stopped by cutting off a body part, he is not allowed to be killed[(99)].
4. The condition of the legal capacity (al-Ahliyyah) of the assailant: This condition is subject to a difference between jurists. The Malikis [(100)], Shafi'is [(101)], and Hanbalis Jurists [(102)]did not consider the legal capacity of the assailant, as he can be minor or mature, insane or sane, forced to commit an assault or did it voluntarily, or even it can be an animal, then the victim is in a state of legitimate defense, so, he is entitled to exercise his right to self-defense against them hence, with no guarantee or blood money. According to Al-Mawardi, "If a person fears for himself from someone who wants to kill him, steal his wealth, or injures his body or fears for his son or wife, then he has the right to defend them even if that results in the killing of the assailant, whether the assailant is a human with legal capacities, such as a sane adult, or if he does not have the legal capacity, like an insane, a boy or an animal because he is entitled to protect himself[(103)]. As for the Hanafis, they see that if a boy, an insane person, or an animal assault a person and kills them, blood money is required for the insane and the boy, and the guarantee for the beast. But Abu Yusuf differentiated between the boy

and the insane and between the animal. There is no blood money for the boy and the insane, and compensation for the animal [104].

The researchers hold Sharia scholars' prevailing opinion. The harm may be caused by a boy and an insane, as well as by an animal, and it may be impossible for the victim to ward off their harm without killing them.

Section 6: Compensation in case of warding off the aggressor

The jurists debated on what should happen if a Muslim was attacked by a person or an animal and was unable to defend himself without killing the attacker. There were two main arguments which are:

The first argument:

The majority of Islamic jurists from the Malikis [105], Shafi'is [106], and Hanbalis [107]scholars hold that there is nothing against the defender if his defense against the aggressor leads to his killing, whether the aggressor is an accountable person (Mukallaf) or not, or an animal. The proponents of this statement cited the following evidence:

1. Allah Almighty said: "There is no blame on the good doers. And Allah is All-Forgiving, Most Merciful.[108] " This Aya indicates that if a victim kills an insane or minor assailant as an act of self-defense, then he cannot be liable for any wrongful act and neither does he have to pay any sort of compensation or diyat to the heirs of the assailant[109] .
2. Allah Almighty said: "There is no blame on those who enforce justice after being wronged.[110] "

   This verse states clearly that if the victim takes revenge after he has suffered wrong, for such, there would be no course of action against him, nor he is to be blamed on them whether the assailant is mukallaf (accountable)or not[111].
3. Abu Huraira said that: the Prophet said: "If a person were to look at you without permission and you were to throw a stone at him and put out his eye, there would be no blame on you[112]."

The Prophet (PBUH) made it clear that whoever assaults the sanctities of homes (private properties) without permission, the owner of the house has the right to reply against the attacker even if it leads to putting off his eye, and there is no sin on him .[113]

4. Imran b. Husain reported: Ya'la b. Munya or Ibn Umayya fought with a person, and one bit the hand of the other. And he tried to draw his hand from his mouth and thus his foreteeth ware pulled out. They referred their dispute to Allah's Apostle (ﷺ), whereupon he said: Does any one of you bite as the camel bites? So there is no blood-wit for it[114]. The evidence here is shown by the fact that the Prophet(PBUH), did not require blood money from the one who pulled the teeth of the assailant in response to his aggression[115].
5. On the authority of Aisha, she said: I heard the Prophet (PBUH) say "Whoever points with a piece of iron at one of the Muslims to attack them, his blood is permissible[116]."

It is permissible for the one who is threatened by a weapon (bar of iron) to defend himself, even if it leads to the killing of the attacker. There would be no course of action against him such as paying compensation because the attacker's blood is permissible in this event[117].

6. Ibn Az-Zubair said: The Messenger of Allah [SAW] said: "Whoever unsheathes his sword and starts to strike the people with it, it is permissible to shed his blood[118]."

This hadith implies that whoever unsheathes his sword and kills people, killing is permissible, and there is no blood money

(diyat) nor any sort of compensation for him [119].

7. Because the attacked person is obligated to defend himself against the attacker even if it resulted in his killing. Hence, how the ruling of fighting the attacker on the one hand and paying compensation for his death in another hand can be interpreted with no contradiction[120].
8. Because the damage (killing) occurred due to a lawful reason that is the defense of oneself, therefore there is no compensation, resembling the case of the killing of a sane, accountable (mukallaf) adult [121].

The second argument:

Al-Hanafi scholars [122]opine that in the case of the death of an unaccountable (a minor or an insane) assailant in the course of exercising the victim's right of private defense, he is obligated to pay blood money (diyat) or compensation in case of an aggressor animal. Whereas no blood money for killing a legal assailant .Abu Yusuf from the Hanafi school [123]contends that the compensation is paid in the case of killing an aggressor animal only, and there is no blood money for killing a human aggressor, whether he is accountable (mukallaf) or not. The proponents of this statement cited the following evidence:

1. The distinction between the rulings involving an accountable and an unaccountable attacker is that the unaccountable attacker (a minor or an insane person) could not be held guilty because he lacked legal capacity; as a result, the victim is required to pay blood money. In contrast, when a victim kills an accountable (legal) assailant, the victim is not required to pay blood money because the assailant is liable for his acts[124].
2. Abu Yusuf considers that the actions of the boy and the insane are considered in general. if they cause damage to wealth or a soul, then they have to compensate, if we consider their assault, then it is not necessary to pay compensation for their killing[125]. As for the Hanafis' exception to the animal and the obligation to compensate for killing it, the following is evidence supporting their position:
    a) Abu Hurra ar-Raqashi on his paternal uncle's authority reported God's Messenger as saying, "You must not act oppressively, and a man's property may not be taken except with his goodwill.[126] "

The killing of an animal is considered consumption of the owner's wealth without his consent, thus it is required to pay compensation for it[127].

    b) Abu Huraira said: Allah's Messenger (ﷺ) said: " Al 'ajmā'u[128] Jurḥuha Jubar [129]." "There is no Diya for persons killed by animals.[130] " The hadith states that Whatever the animal damages are not compensated for, because it has no intention; If the intent is invalidated, the judgment of assault is revoked, and he becomes like a murderer for her without an assault, so the killer is obligated to compensate for it [131].
    c) They claimed that: Because he kills the animal to save his life, so, if it is without the owner's permission, he must be obligated to compensate it, just as he is forced to eat someone else's food. This is more deserving of compensation because he is certain of reviving himself by eating food. He is not certain that he will revive himself with this killing, it is permissible to defend him without killing, When he compensated for what

guarantees life, it was more appropriate to compensate for what does not guarantee life [132]

In summary:

After reviewing the evidence of the two arguments, the researchers hold the majority of scholars' statements that compensation (blood money) is not required for the victim if his defense against the aggressor results in his death and that no retaliation is due for his blood, whether he was accountable or not or an animal for the following reasons:

a) The texts of the Qur'an and the Sunnah indicate that the aggressor is not compensated, with no difference between the taxpayer and the non-taxable, and the animal.
b) Weakness of the Hanafi evidence, as the first hadith relied on the fact that it is an infringement on wealth without consent, and this is rejected, because the damage was carried out by a permissible act, and there is no transgression in it without permission [133].
c) The hadith, "There is no Diya for persons killed by animals," and that the animal had no intention of doing so. This saying is argued from two sides [134]: One: that if the game attacks the pilgrimage and he kills it, then no compensation is due, but if the pilgrimage kills it without being attacked by the game then he has to pay compensation for it. The second argument is that the second is that the compensation was related to the offense. That is, when the victim killed the attacker owing to the latter's violence, his act was legal because he was acting in self-defense, hence no compensation was required. However, if he kills him without being hostile, he must provide the necessary compensation.
d) If the sanctity of a human being is greater than the sanctity of an animal, and the jurists unanimously agree on the forfeiture of the compensation from the accountable aggressor, then when the greater compensation is forfeited, it is more appropriate for the lesser compensation to be forfeited[135].

The researchers argue that the obligation to fight the attacker and the obligation to compensate him at the same time are incompatible. To be more precise, how do we think that Islam obligates the aggressed person to protect himself and then demands him to pay back what he has damaged or killed in self-defense? Surely, this contradiction can not occur under Islamic sharia which stipulates detailed laws for every issue except if there are reasonable justifications.

Conclusion:

After this review of the subject of self-defense in Islam, the researcher concludes the following:

1. Legitimate defense is the duty of a person to protect himself, his money or his honor, and his right to protect others from every attack with the force necessary to ward off this attack.
2. The legitimacy of warding off the aggressor is proven in the Qur'an, Sunnah and consensus.
3. The aggressor varies according to the diversity of what he aims at in his aggression. It is divided into the aggressor against oneself, honor, and wealth.
4. The jurists differed in the ruling on repelling the aggressor against oneself, honor, or money, and the researcher's correctness suggested that it is obligatory.
5. To ward off the aggressor, some conditions are required.
6. Compensation is not obligatory for the aggressor if the aggressor was killed and his blood was wasted, whether the aggressor was obligated or not, or was an animal.

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(61)The hadith without addition: “"What do you see(I should do) if he entered upon me in my home and extended hos hand to kill me? He said: 'Be as Adam's son."' Hadith No. (7081), vol. 9, p. 51, and narrated by Muslim in his Sahih, Book of Trials and Signs of the Hour, Chapter: The Descent of Trials as Falling Sites, Hadith No. (2887), vol. 4, p. 2212. As for the entire hadith with this wording, narrated by Ahmad in his Musnad, Hadith No (750) Part 2, p. 95, and narrated by al-Tirmidhi in his Sunan, Book of Fitnah, chapter of what came that the fitnah of the one who sits is better than the one who stands, Hadith No. (2194), vol. 4, p. 56. And the increase was improved by al-Tirmidhi, and authenticated by al-Albani, see: al-Albani, Muhammad Nasir al-Din, Sahih al-Jami al-Sagheer and its additions.

(62) So break your bows in it: “plural of the bow,” and “cut your bowstrings”: the plural of the string. And there is an increase in exaggeration, as there is no benefit to having strings with the bowstring broken. See: Al-Mubarakpuri, Muhammad Abd al-Rahman ibn Abd al-Rahim, Tuhfat al-Tirmidhi, Dr. Tuhfat al-Tirmidhi. Dar al-Kutub al-Ilmiyya, Beirut, vol. 6, p. 371.

(63) Narrated by Abu Dawood in his Sunan, Book of Trials and Epics, Chapter on the Prohibition of Pursuing Struggle in Sedition,

Hadith No. (4259), Part 4, P. 100. Narrated by Al-Tirmidhi in his Sunan, Book of Gates of Fitnah, Chapter on Taking a Sword of Wood during Fitnah, Hadith No. (2204), Part 4, P. 61. Narrated by Ibn Majah in his Sunan, Kitab Al-Fitna, Chapter: Verification of Sedition, Hadith No. (3961), Volume 2, pg. 1310. Narratedby Al-Bayhaqi in his Sunan, Book of Intercourse, Chapter of the Shepherds, Chapter: The Prohibition of Fighting in the Squad and Whoever abandons the fight of the rebellious faction for fear that it will be a fight in the Squad, Hadith No. 16800, Part 8, p. 331. And the hadith is authentic, it was authenticated by Al-Albani, see: Al-Albani, Irwa Al-Ghalil, vol. 8, p. 102.

(64) Al-Shawkani, Neil Al-Awtar, Part 5, p. 393.

(65)Al-Jassas, Provisions of the Qur'an, Part 4, pg. 47.

(66) Al-Nawawi, Yahya bin Sharaf, Al-Minhaj Sharh Sahih Muslim bin Al-Hajjaj, 2, 1392 AH, House of Revival of Arab Heritage, Beirut, vol. 18, p. 10.

(67) Ibn Njeim, Zain al-Din Ibn Ibrahim Ibn Muhammad, The Clear Sea, Explanation of the Treasure of Minutes, 2nd Edition, Dar al-Kitab al-Islami, Beirut, vol. 5, p. 45, Ibn Abdeen, Hashiyat to Ibn Abdin, vol. Al-Desouki, Hashiyat Al-Desouki, Part 4, p. 357,

Al-Kharshi, Sharh Al-Kharshi, part 8, pg. 112, Al-Ramli, Nihayat Al-Muhtaj, part 8, p. 24, Al-Sherbiny, Mughni Al-Muhtaj, part 5, pg. 528, Ibn Qudamah, Abu Muhammad Muwaffaq Al-Din Abdullah bin Ahmed bin Muhammad, Al-Mughni, d.T, 1968 AD, library Cairo, Cairo, vol. 9, p. 183, al-Bahouti, Kashaf al-Qinaa, vol. 6, p. 155.

(68) Al-Ansari, Al-Gharar Al-Bahiya, Volume 5, p. 112.

(69) Al-Tanari Balda, Muhammad bin Omar Nawawi Al-Jawi, Nihat Al-Zein fi Guiding the Beginners, 1st Edition, Dar Al-Fikr, Beirut, p. 357.

(70)That is, the sharp side of my sword, and the one with which he is struck is intended to kill. See: Al-Nawawi, Sharh Sahih Muslim, vol. 10, p. 131, Ibn Hajar, Ahmed bin Ali bin Muhammad Al-Asqalani, Fath Al-Bari, Sharh Sahih Al-Bukhari, d., 1379 AH, Dar Al-Maarifa, Beirut, vol. 9, p. 321.

(71) Narrated by Al-Bukhari in his Sahih, Book of Hudood, Chapter: Whoever saw a man with his wife and killed him, Hadith No. (6846), vol. 7, p. 35, and narrated by Muslim in his Sahih, Book of Allan, Hadith No.

(72) Al-Mawardi, Al-Hawi Al-Kabeer, Volume 19, p. 254.

(73) Narrated by Abu Dawood, op, cit

(74)Al-Manawi, Fayd al-Qadeer, Volume 6, p. 195.

(75)Al-San'ani, Subul Al-Salam, Volume 2, p. 458.

(76) Narrated by Abd al-Razzaq in his, Book of Minds, Chapter: A man finds a man with his wife, Hadith No. (17919), vol. 9, p. 434, and by Al-Bayhaqi in his Sunan, Book of Drinks and Hadd in it, Chapter: A man finds a man with his wife and kills him, Hadith No. (17649), vol. 8 , p. 586, and by Ibn Abi Shayba in his Book of Blood Money, Chapter: The man wants the woman for herself, Hadith No. (27793), part 5, p. 439, and the effect is good, Ibn Al-Mulqen improved it, see: Ibn Al-Mulqin, Siraj Al-Din Omar bin Ali bin Ahmed, Al-Badr Al-Munir in the Graduation of Hadiths and Effects in Al-Sharh Al-Kabeer, (Edited by: Mustafa Abu Al-Gheit and others), I 1, 2004 AD, Dar Al-Hijrah for Publishing and Distribution, Riyadh, vol. 9, p. 17.

(77) Al-Mawardi, Al-Hawi Al-Kabeer, Part 13, p. 451, Al-Omrani, Yahya bin Abi Al-Khair bin Salem, The Statement in the Doctrine of Imam Al-Shafi'i, (Investigated by: Qasim Muhammad Al-Nouri), Edition 1, 2000 AD, Dar Al-Minhaj, Jeddah, Part 12, p. 70.

(78) Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 458.

(79) Al-Zayla'i, Explaining the Facts, Part 6, P. 111, Al-Ayni, Building, Part 13, Pg. 108,

Ibn Abdeen, Hashiyat Ibn Abdeen, Part 6, P. 546.

(80) Al-Desouki, Hashiyat Al-Desouki, part 4, p. 357, Al-Kharshi, Sharh Al-Kharshi, part 8, p. 112.
(81) Al-Ramli, Nihayat Al-Muhtaj, part 8, p. 24, Al-Sherbiny, Mughni Al-Muhtaj, part 5, pg. 528.
(82) Hassan, op, cit.
(83) Al-Manawi, Fayd Al-Qadir, Vol. 4, p. 467, Al-Aini, Umdat Al-Qari, Vol. 13, p. 35.
(84) Sahih. Op, cit.
(85) Al-Jassas, Provisions of the Qur'an, Part 4, pg. 48.
(86) Sahih. Op, cit.
(87) Ibn Abdeen, Hashiyat Ibn Abdeen, vol. 6, p. 547, Sheikhi Zadeh, Abd al-Rahman ibn Muhammad ibn Suleiman, An-Anhar Complex in explaining the Forum of Al-Abhar, Dr. T, House of Revival of Arab Heritage, Beirut, vol. 1, p. 631.
(88)Al-Desouki, Hashyiah Desouki, Part 4, p. 357.
(89) Al-Ramli, Nihayat Al-Muhtaj, part 8, p. 24, Al-Sherbiny, Mughni Al-Muhtaj, part 5, pg. 528.
(90) Al-Bahooti, Kashaf Al-Qinaa, Vol. 6, p. 156, Ibn Qudamah, Al-Mughni, Vol. 9, p. 183.
(91) Al-Sherbiny, Mughni Al-Muhtaaj, Part 5, P. 528, Al-Bahouti, Kashaf Al-Qinaa, Part 5, P. 156.
(92) Al-Desouki, Hashiyat Desouki, Part 4, p. 357.
(93)Al-Bajirmi, Hashiyat Al-Bajirmi, part 4, p. 222, Al-Sherbiny, Mughni Al-Muhtaj, part 5, p. 528.
(94)Ibn Abidin, Hashiyat Ibn Abidin, Part 6, P. 545, Al-Jamal, Hashiyat Al-Jamal, Part 5, Pg. 166, Al-Ramli, Nihayat Al-Muhtaaj, Part 8, P. 23, Al-Bahouti, Kashaf Al-Qinaa, Part 6, P. 154.
(95) Ibn Abdeen, Hashiyat Ibn Abdin, Volume 6, p. 545, Adapted from.
(96) Al-Mawwaq, Muhammad bin Yusuf bin Abi Al-Qasim, The Crown and the Crown by Mukhtasar Khalil, 1st edition, 1994 AD, Dar Al-Kutub Al-Ilmiyya, Beirut, vol. 8, p.112.

(97) Ibn Qudamah, Al-Mughni, Volume 9, p. 181.

(98) Al-Sherbiny, Mughni Al-Muhtaaj, Part 5, Pg. 530, Ibn Qudamah, Al-Mughni, Part 9, pg. 182, Al-Hijjawi, Musa bin Ahmed bin Musa, Persuasion in the Fiqh of Imam Ahmad bin Hanbal, (Edited by: Abdul Latif Muhammad), Publisher, Dar Al-Maarifa, Beirut, C4, p. 289.
(99) Al-Nawawi, Rawdat Al-Talibeen, Volume 10, p. 187.
(100)Al-Desouki, Hashiyat Al-Desouki, part 4, p. 357, Al-Kharshi, Sharh Al-Kharshi, part 8, p. 112.
(101)Al-Sherbiny, Mughni Al-Muhtaaj, Part 5, Pg. 527, Al-Nawawi, Rawdat Al-Talibeen, Part 10, Pg. 186.
(102) Al-Bahouti, Scouts of the Mask, Part 6, Pg. 154, Al-Hijjawi, Al-Iqnaa, Part 4, Pg. 289.
(103)Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 451.
(104)Al-Aini, The Building, Part 13, Pg. 105-106, Al-Zayla'i, Explaining the Facts, Part 6, Pg. 110, Ibn Abdeen, Hashiyah Ibn Abdeen, Part 6, Pg. 546.
(105)Al-Mawwaq, The Crown and the Crown, Muhammad bin Youssef bin Abi Al-Qasim, The Crown and the Crown by Mukhtasar Khalil, I 1, 1994 AD, Dar Al-Kutub Al-Ilmiyya, Beirut, part 8, p. , 1, 1994 AD, Dar Al-Gharb Al-Islami, Beirut, vol. 12, p. 262.

(106) Al-Mawardi, Al-Hawi Al-Kabeer, Vol. 13, p. 451, Al-Sherbiny, Muhammad bin Ahmed Al-Khatib, Persuasion in Solving the Words of Abi Shuja', Dr. T, Dar Al-Fikr, Beirut, vol.
(107) Ibn Qudamah, al-Kafi, vol. 4, p. 113-114, Ibn Muflih, Ibrahim bin Muhammad bin Abdullah, the creator in Sharh al-Muqna', 1, 1997 AD, Dar al-Kutub al-Ilmiyya, Beirut, vol. 7, p. 465, al-Bahouti,

Scouts of the Mask, vol. 6, p. 155.
(108) Surah At-Tawbah: 91.
(109) Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 452.
(110) Surat Al-Shura: 41.
(111) Ibid.
(112) Narrated by Al-Bukhari, op, cit.
(113) Ibn Daqiq al-Eid, Explanation of Omdat al-Ahkam, Volume 2, p. 243.
(114) Narrated by Al-Bukhari, op, cit.
(115) Al-Shawkani, Neil Al-Awtar, part 7, p. 33.
(116)Narrated by Ahmad, op, cit.
(117)Al-Manawi, Fayd al-Qadir, vol. 6, p. 63, al-Tahawi, explaining the problem of antiquities, vol.3, p. 324.
(118) Narrated by Al-Nasa'i in his Sunan, Book of the Prohibition of Blood, Chapter of the Month of His Sword and Then He Put it in the People, Hadith No. (3546), Part 3, Pg. 455, and by Al-Tabarani in his Mu'jam Al-Awsat, Hadith No. (8013), Part 8, Pg. 76, and by Al-Hakim in his Mustadrak, book Fighting the People of the Punisher, Hadith No. (2670), Part 2, pg. 171, and he said about him: "This hadith is authentic according to the conditions of the two sheikhs, and they did not produce it." And it was authenticated by Al-Albani.
(119) Al-Sindi, Muhammad bin Abdul-Hadi, Al-Sindi's footnote on Sunan Al-Nasa'i (Printed with Sunan Al-Nasa'i), 2nd edition, 1986 AD, Islamic Publications Office, Aleppo, vol. 7, p. 117.
(120)Al-Sherbiny, Mughni Al-Muhtaj, Volume 5, Pg. 528.
(121) Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 452.
(122) Al-Aini, The Building, Part 13, Pg. 105-106, Al-Zayla'i, Explaining the Facts, Part 6, Pg. 110, Ibn Abdeen, Hashiyah Ibn Abdeen, Part 6, Pg. 546.
(123) Ibid.
(124) Al-Aini, Building, Part 13, p. 107.
(125) Al-Zayla'i, Explaining the Facts, Volume 6, p. 110.
(126) Narrated by Ahmad in his Musnad, Hadith No. 20695, Part 34, Pg. 299, and by Al-Bayhaqi in his Sunan al-Kubra, Book of usurpation, the chapter on Whoever seizes a board and puts it into a ship or builds a wall on it, Hadith No. 11545, Part 6, pg. , Book of Sales, Hadith No. (2885), Part 3, pg. 424, and the hadith is authentic, narrated by Ibn Al-Mulqen, see: Ibn Al-Mulqen, Omar bin Ali bin Ahmed, Abstract of Al-Badr Al-Munir, I 1, 1989 AD, Al-Rushd Library for Publishing and Distribution, Riyadh, Part 2, p. 88. Narrated by Al-Albani, see: Al-Albani, Sahih Al-Jami Al-Sagheer, Volume 2, pg. 1268.
(127) Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 452.
(128)A leprechaun is every animal except a human being, and a beast is called a leopard because it does not speak. See, Al-Nawawi, Sharh Sahih Muslim, vol. 11, p. 225.
(129)Jabbar meaning any waste. See: Al-Khattabi, Milestones of Sunan, Part 4, pg. 39.
(130) Narrated by Al-Bukhari in his Sahih, Book of Blood Money, Chapter: The Metal is Mighty and the Well is Mighty, Hadith No. (6912), vol. 9, p. 12.Narrated by Muslim in his Sahih, Kitab al-Hudud, Chapter: Jarh al-'Ajam', al-Ma'a'n and al-Bir Jabbar, Hadith No. (1710), vol. 3, p. 1334.
(131)Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 452.
(132) Ibid.
(133)Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 452.
(134)Al-Mawardi, Al-Hawi Al-Kabeer, Volume 13, p. 453.
(135) Ibid.