

## The Jurisprudential (Fiqh) Opinions of Ibn Al-Fars Al-Andalusi (d. 597 AH) in His Book *Ahkam Al-Quran* [The Rulings of Quran]: The Capability to Perform Hajj as a Model

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### **Abstract**

*This research aims to conduct a comparative study of some Hajj-related issues pertaining to the capability to perform Hajj according to the Maliki scholar Ibn Al-Fars Al-Andalusi in his book "Ahkam Al-Quran [The Rulings of Quran]." This book is considered an encyclopedia in its field, encompassing numerous jurisprudential and foundational issues. Ibn Al-Fars presents valuable opinions in the book, aligning with the Maliki school of thought without blind adherence. The researcher chose to focus on the capability to perform Hajj due to its significance and the importance of the Hajj pilgrimage itself. The research falls into two sections: the first introduces Ibn Al-Far's biography, and the second examines the issues of the capability to perform Hajj comparatively with other Islamic schools of thought. The researcher favors the strongest arguments and those closest to the contemporary context.*

**Keywords:** *Ibn Fars, Opinions, Capability, Hajj.*

### **INTRODUCTION**

Indeed, the best pursuit for a human being after knowing Allah, the Exalted and Sublime, is to discern the lawful (halal) and the prohibited (haram) in rulings, and to distinguish between sound and corrupt actions. This is where the science of jurisprudence (fiqh) comes into play, providing a comprehensive explanation of these matters. Among the branches of jurisprudence is the science of verses related to rulings, which serves as a means to identify the lawful and the prohibited. This has prompted several scholars to dedicate themselves to this field, devoting their efforts to writing and compiling works that draw upon the essence of rulings and derive them through the process of deduction. Among these scholars is the eminent jurist and scholar Ibn Al-Faris Al-Andalusi the Granadian, who passed away in 597 AH.

He authored several books on the rulings of the Quran, focusing more on jurisprudential rulings than any other matter. His works represent an extension of the interpretive methodology adopted by jurists from among the scholars of exegesis (tafsir), who integrated foundational and jurisprudential principles into their books. This Andalusian interpretation is not devoid of valuable linguistic insights, preferences, and scholarly exertions derived from profound thought and deep understanding of the texts, extracting the concealed rulings therein. Among the rulings Ibn Al-Farṣ addressed in his interpretation is that related to the obligation of Hajj (pilgrimage). Therefore, I have chosen to select certain issues from his research, particularly those concerning the capability (istita'ah) to perform Hajj. Hence, the title of research was "(Jurisprudential Opinions of Ibn Al-Farṣ, d. 597 AH, in his Book 'Ahkam Al-Quran [Rulings of the Quran]: The capability to Perform Hajj as a Model)". I have divided it into two sections: the first section deals with the life of Ibn Al-Farṣ, which is discussed in two aspects. As for the second section, it covers some issues regarding capability, also discussed in two aspects, followed by a conclusion where the most important findings were highlighted.

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## **First Section: The Life Of Ibn Al-Farṣ: Two Aspects**

### **His Name and Lineage**

Firstly: Name and Lineage: His full name is Abd Al-Mun'im ibn Muhammad ibn Abd Al-Rahim ibn Muhammad ibn Faraj ibn Khalf ibn Sa'id ibn Hisham Al-Khazraji, the Granadian, from the descendants of Sa'id ibn Sa'd ibn Ubada. He is known as Ibn Al-Farṣ, nicknamed Abu Muhammad, though some also call him Abu Abdullah. Al-Khazraji is a patronymic or tribal affiliation that refers to the Banu Khazraj, a tribe from the Ansar (allies of the Prophet Muhammad) who belonged to the Qahtani branch of Arabs. They were the descendants of Khazraj bin Haritha bin Tha'laba bin Amr bin Amir bin Al-Azd. The Banu Khazraj lived in Medina along with the Banu Aws, and there were long wars between the two tribes. (Asma'ani, 1418), (Sharifa, and Abbas, 1973), (Al-Haras, and Araab, 1403)

Secondly: Abd Al-Mun'im ibn Al-Farṣ was born in the city of Granada in the year 525 AH, as reported by his son Abdulrahman and his student Abu Muhammad Abdullah ibn Al-Hasan Al-Qurtubi. His student Abu Al-Rabi' ibn Salim added that he was born at the end of the year. (Sharifa, and Abbas, 1973). However, Abu Sulayman ibn Hawt Allah and Abu Al-Qasim ibn Farqad stated that he was born in the year 524 AH. (Al-Khizi, 1997), (Annan, n.d). It is likely that the first opinion regarding his birth in the year 525 AH is more accurate. This is because it is transmitted from his son, who is known for accurately conveying information from his father, similar to how Abu Muhammad ibn Al-Qurtubi is trusted in his narrations. Additionally, the narration of Abu Al-Rabi' ibn Salim provides further precision and scrutiny regarding his birthdate, indicating that his birth might have straddled the end of one year (24<sup>th</sup>) and the beginning of another (25<sup>th</sup>), causing some confusion. (Busarih, 2019)

### **His Death**

There are two opinions regarding the date of his death:

The first opinion states that he passed away in the year 599 AH, as reported by Ibn Farhun in his book "Al-Dibaj Al-Madhhab" and by Muhammad Mukhluf in "Shajarat Al-Nur Al-Zakiyya." (Farhoun and Makhluḥ, 2006)

The second opinion holds that he died in the year 597 AH, on the fourth Sunday of Jumada Al-Akhirah. This opinion is reported by Imam Ibn Al-Abbar in his book "Al-Takmilah fi Kitab Al-Sila." The second opinion is considered more reliable due to its greater reliance on mentioning this specific detail. (Al-Gernati, 1996)

## **Second Section: Ibn Fars's opinions regarding some issues of capability in Hajj have two aspects**

Aspect One: What Constitutes Valid Capability for Hajj

Linguistically, "istita'ah" means the ability or capability to do something, whether one actually does it or not. (Ibn Manzour). Technically or idiomatically: For jurists, it refers to a condition for the obligation of Hajj. If "istita'ah" and "qudrah" (ability) are considered synonymous, then jurists use both terms interchangeably. In the context of Hajj, "istita'ah" means the capability to perform it. (Kuwaiti encyclopedia of jurisprudence, vol:3 p330)

Ibn Al-Farṣ's opinion regarding the matter:

Ibn Al-Farṣ argues that "istita'ah" capability in Hajj means the ability to reach the Kaaba, whether on foot or by riding, through a safe route. This constitutes capability (istita'ah). (Busarih, 2019)

Ibn Al-Farṣ's evidence for this issue lies in the verse **وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ اِلَيْهِ سَبِيْلًا**

“And Hajj (pilgrimage to Makkah) to the House (Ka'bah) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)”. And if the situation is as we have described, then the

capability to perform Hajj is present. And the saying of Allah: *وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ يَأْتُوكَ رِجَالًا وَعَلَىٰ كُلِّ ضَامِرٍ يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ*

“And proclaim to mankind the Hajj (pilgrimage). They will come to you on foot and on every lean camel, they will come from every deep and distant (wide) mountain highway (to perform Hajj)”.

The value of Ibn Al-Farṣ's opinion in the Maliki School:

Ibn Al-Farṣ's stance on this matter aligns with the widely accepted view within the Maliki school of thought, which is attributed to Imam Malik himself and is upheld by various scholars.

## The Jurisprudential Opinions on The Valid Capability For Hajj

### The First Opinion

The capability to perform Hajj is defined as the physical health and strength to travel either on foot or by riding, the safety of the route, and the availability of provisions sufficient to reach the Sacred House of Allah. This view is held by Imam Malik and the Zaydiyyah sect. (Al-Khearchi and Khalil, 1989), (Al-Gernati, 1988), (Alish, 1989), (Abu-Abdullah, 1398). According to this opinion within the school, a person who is capable of walking is considered capable (mustaṭi') of performing Hajj, provided that the route is safe, the person is in good health, and there are provisions available to sustain the journey to the Sacred House of Allah. (Al-Kassani, 1982). This aligns with the opinion of Ibn Al-Farṣ Al-Andalusi, as we mentioned in the introduction of this issue, deviating from the predominant view of the Maliki school. (Al-Hanfi, 1313, Al-Zeil'i, Al-Merghiati, Muawdth 308AH, and Abdulmawjood)

Their argument (Hujjah) regarding this matter lies in the verse *وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا*

“And Hajj (pilgrimage to Makkah) to the House (Ka'bah) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)”.

The evidence they present is that whoever is physically sound and capable of reaching Mecca, whether by walking with difficulty or riding by purchase or lease, is obligated to perform Hajj.

### Response

The Prophet (PBUH) explained "istita'ah" as mentioned in the verse to include both provisions and means of transport, as will be detailed in the evidence for the second opinion. Therefore, it cannot be affirmed for one without the other. Hence, it becomes evident that the capability to walk alone is not sufficient for performing Hajj. Furthermore, it is countered that a person may have provisions and means of transport but may not be physically able to walk, whereas another may be able to walk but lacks provisions and means of transport. (Al-Kassani, 1982), (Abu-Abdullah, 1398)

### The Second Opinion

"Istita'ah" (capability) is defined as having both provisions and means of transport. This view is attributed to Al-Hasan Al-Basri, Mujahid, Sa'id ibn Jubayr, and Ishaq. Imam At-Tirmidhi mentioned this view and considered it authentic according to the scholars. This is also the opinion of Abu Hanifa and Ahmad, may Allah have mercy upon them. This view aligns with a type of the first opinion within the Shafi'i school. Their argument (Hujjah) for their view lies in the verse *وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا* And Hajj (pilgrimage to Makkah) to the House (Ka'bah) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)

The basis of their argument is that Allah has made capability a condition for the obligation of Hajj through this verse, and capability here does not necessitate ownership of provisions and means of transport. (Al-Kassani, 1982)

### Response

Imam Malik was inquired about this verse, and it was said to him that it refers to provisions and means of transport. He responded, "By Allah, it is nothing but the capability of a person." This indicates that a person may have provisions and means of transport but may not be physically able to walk, while another may be able to walk. Additionally, it is countered that the Prophet (PBUH) explained "istita'ah" (capability) with provisions and means of transport, as will be detailed in the second evidence. (Al-Kassani, 1982). Anas (may Allah be pleased with him) narrated that the Messenger of Allah (PBUH) was asked about the verse ( **وَلِلَّهِ عَلَىٰ النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا** )

“And Hajj (pilgrimage to Makkah) to the House (Ka’bah ) is a duty that mankind owes to Allāh, those who can afford the expenses (for one’s conveyance, provision and residence)”. It was asked, "What is the way?" He replied, "Provisions and means of transport." (Atta, 1494AH)

## Response

The hadith is considered weak due to the presence of Ibrahim bin Yazid al-Khuza'i in its chain of narration. Ahmad and Al-Nasa'i classified him as "abandoned in narration," and Al-Tirmidhi mentioned that some scholars criticized him due to his memory. (Al-Kassani, 1982). Al-Hakim narrated the hadith and declared it sound according to Muslim's conditions, although it was not included in their collections. Al-Tirmidhi classified it as a sound hadith with some weaknesses, and scholars acted upon it. Al-Bayhaqi narrated another version from al-Hasan, in which he asked the Prophet (PBUH) about the way to Hajj, and the Prophet replied, "Provisions and means of transportation." This corroborates the hadith of Ibrahim bin Yazid al-Khuza'i. Al-Sana'ani said, "Although the chains of this hadith are weak, their multiplicity strengthens its weakness." (Al-Khouli, 1379). Ibn Al-Faris Al-Andalusi said about this hadith that "one of its narrators is Ibn Ma'in and others, and the interpretation fits well." (Al-Kassani, 1982)

## The Third Opinion

Ibn Hazm Al-Zahiri divided the capability to perform Hajj into three categories:

Physical health and the ability to walk, and earning enough from work to cover the expenses of Hajj and return.

Wealth that allows him to travel by sea or land and live on it until he returns from Hajj.

Having someone who can perform Hajj on his behalf for a fee or without a fee if he is unable to travel.

Ibn Hazm stated that whichever of these means enables a Muslim to perform Hajj, it becomes obligatory upon him. "The third aspect mentioned by Ibn Hazm Al-Zahiri is the second type of capability according to Imam Shafi'i." (Almuhali, n.d)

Their argument (Hujjah) for their view is based on the saying of Allah Almighty ( **وَلِلَّهِ عَلَىٰ النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا** )

“And Hajj (pilgrimage to Makkah) to the House (Ka’bah ) is a duty that mankind owes to Allāh, those who can afford the expenses (for one’s conveyance, provision and residence)”.

They argue that the term "istita'ah" (capability) in this verse is general and includes all forms of capability, whether financial or physical. The wording of the verse necessitates this generality and does not specify any particular form of capability.

## Response

It is responded that the Prophet (PBUH) interpreted this "istita'ah" mentioned in the verse as referring to provisions and means of transport, thus it is obligatory to refer back to his interpretation. (Al-Muhli, n.d)

Ibn Abbas narrated that a woman from Khath'am came during the Farewell Pilgrimage and said, "O Messenger of Allah, the obligation of Allah upon His servants regarding Hajj has reached my father, who is an old man and cannot ride a mount. Should I perform Hajj on his behalf?" He replied, "Yes."

## The Argument

This narration indicates that if someone is not physically capable or healthy enough to perform Hajj, it is obligatory for them if they find someone to perform Hajj on their behalf. This supports the permissibility of delegation in Hajj for those unable to perform it themselves due to age or similar reasons. (Al-Azzawi, 2013)

## Preference

It can be countered that delegation in Hajj is permissible for those unable to perform it themselves due to reasons like old age. Therefore, they can appoint someone to perform Hajj on their behalf.

## Preference

After presenting the opinions of the jurists and their evidence, it seems to me that the majority's opinion (Hanafi, Maliki, and Hanbali schools of Islamic jurisprudence) regarding the capability to perform Hajj (Istiṭā'ah) is the most sound. They relied in their interpretation of capability (al-istiṭā'ah) on the hadith of the Prophet Muhammad, (PBUH), which defines capability as having the necessary provisions (Zād) and means of transport (Rāḥilah). Since Hajj is a worship that involves traveling a long distance, they stipulated provisions and means of transport as requirements for its obligation, similar to the requirements for jihad. What Malik mentioned about the capability to walk not being sufficient is because it is strenuous, even if walking is habitual. Consideration should be given broadly across all circumstances, not just specific cases, akin to the general ease of travel, which applies to those who find it difficult and those who do not. Statements from the Companions have interpreted capability as requiring provisions and means of transport, and there is no dissenting opinion on this. It is reported from Umar ibn Al-Khattab, that he said: "Capability for Hajj is provisions and a means of transport," narrated through the path of Dahhak from Abu Abbas, indicating provisions and a camel. Ibn Umar said: "Whoever has provisions to fill his stomach and a means of transport to ride upon, then he has the capability." These are the statements of the Companions regarding capability. The arguments put forth by the Dhahiri school regarding the general concept of capability are not convincing, because if capability were to be generalized, there would be no specific need to mention it. Furthermore, comprehensive hadiths on this matter clarify the intended meaning of capability, affirming the requirements of provisions and means of transport. Any other interpretation beyond this remains generalized and is not supported. Allah knows best.

## The Second Topic: Is the Presence of a Mahram (a family member who is permanently not allowed to marry the woman he accompanies) a Condition for a Woman's Capability to Perform Hajj?

The presence of a Mahram (a family member who is permanently not allowed to marry the woman he accompanies) is a debated condition for a woman's capability to perform Hajj.

### Ibn Faris Al-Andalusi's Opinion

Ibn Faris Al-Andalusi, a Maliki scholar, argued that a woman can perform Hajj without a Mahram if she finds a trustworthy group of companions. He based his opinion on the Quranic verse ( *وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا* )

*“And Hajj (pilgrimage to Makkah) to the House (Ka'bah ) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)”.*

Ibn Faris's view is considered the accepted one in the Maliki school.

The views of Jurisprudence Schools on the Mahram Requirement:

### The First Opinion

This opinion, held by the Maliki, Shafi'i, Zāhirite, Imami, and Ibadi schools, does not require the presence of a Mahram (a family member who is permanently not allowed to marry the woman he accompanies). They argue that the Quranic verse mentioning the Mahram was intended for times of war or insecurity.

### **Maliki School**

The Maliki school expanded on this opinion, stating that a woman can travel for Hajj or a vowed Hajj without a Mahram (a family member who is permanently not allowed to marry the woman he accompanies) or husband if she finds a trustworthy group of companions, provided she is also trustworthy herself. The companions should be a group of righteous women or men.

### **Shafi'i School**

The Shafi'i school holds that if a woman finds two or more trustworthy female with whom she is safe, this suffices in place of a Mahram (a family member who is permanently not allowed to marry the woman he accompanies) or husband for the obligation of Hajj al-Islam (the obligatory Hajj). This is the correct view in the Shafi'i school. The presence of a Mahram is not required for any of them because their collective presence deters unwanted attention. Even if only one trustworthy woman is present, Hajj is not obligatory for the woman, but she is permitted to perform Hajj Al-Fard (the obligatory Hajj) or Hajj al-Nudhr (vowed Hajj). She is even allowed to travel alone to perform Hajj al-Fard or Hajj al-Nudhr if she feels safe.

### **The Argument**

They base their argument on the Quranic verse *وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا*

“And Hajj (pilgrimage to Makkah) to the House (Ka'bah ) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)”.

This verse states that the capability (Istiṭā'ah) to perform Hajj is obligatory for both men and women. This means that if a person has the means to travel to Mecca and perform the Hajj rites, then it is obligatory for them to do so. If a woman has a husband or a means of transportation, she is considered able to perform Hajj and is therefore obligated to do so.

They also based their argument on the Hadith narrated by Adi bin Hatim.

In support of this ruling, there is the hadith of Adi bin Hatim, in which the Prophet Muhammad (PBUH) asked him, "Adi! Did you go to Al-Hira?" I replied, "I didn't, but I was told about it." He said, "If you should live for a long time, you will undoubtedly see that a woman going from Al-Hira will (safely reach Mecca and) make the Tawaf of the Ka'ba, fearing none but Allah". This hadith indicates that it is permissible for a woman to travel for Hajj without her husband or a mahram (a family member who is permanently not allowed to marry the woman he accompanies) if she is safe. Some may object to this interpretation, arguing that it only shows that such travel is possible, not that it is permissible. However, the response to this objection is that this hadith is a narrative in the context of praise and highlighting the greatness of Islam, and therefore it should be interpreted as indicating permissibility. Another argument in favor of permissibility is that the requirement for a mahram is only for young women who are at risk of being harmed. Older women are not considered to be at risk, and therefore do not require a mahram (a family member who is permanently not allowed to marry the woman he accompanies). Furthermore, traveling in a safe group can deter any potential harm from befalling women.

### **The Second Opinion: Requiring a Mahram (a family member who is permanently not allowed to marry the woman he accompanies) for Journeys of Three Days or More**

This opinion, held by the Hanafi and Hanbali schools of Islamic jurisprudence, as well as by Hasan Al-Basri, Nukhayli, Ishaq bin Ibrahim, Ibn Al-Mundhir, and the Ashab Al-Ra'i, mandates the presence of a mahram (a family member who is permanently not allowed to marry the woman he accompanies) for women traveling distances exceeding three days.

## **Arguments In Support of the Second Opinion:**

Ibn Abbas narrated that he heard Prophet Muhammad (PBUH) presenting a sermon in which he stated "A man must not be alone with a lady unless there is a mahram (a family member who is permanently not allowed to marry the woman he accompanies), and a woman must not go abroad unless there is a mahram." A man then inquired, "O Messenger of Allah, my wife has set out on a pilgrimage, and I have enlisted for a military expedition." The Prophet responded, "Go and perform Hajj with your wife." The Prophet's instruction to the man to return and accompany his wife on Hajj, despite his prior commitment to an obligatory duty (jihad), indicates the necessity of a mahram's presence for a woman performing Hajj. Ibn Umar narrated that the Prophet (PBUH) said "A woman must not travel for three days except with a mahram". This hadith clearly prohibits a woman from traveling without a mahram for journeys exceeding three days. (Al-Zauba'I, 2011). The absence of a mahram (a family member who is permanently not allowed to marry the woman he accompanies) exposes a woman to potential harm and temptations. Abdullah ibn Abbas narrated that the Prophet (PBUH) said "A woman must not perform Hajj except with a mahram". The hadith explicitly forbids Hajj for a woman without a mahram.

## **Preference**

After reviewing the statements and evidence of both parties on this matter, I see that the first opinion, which does not stipulate a mahram (a family member who is permanently not allowed to marry the woman he accompanies) for a woman's ability to travel, is more likely to be correct. This is because the hadiths that prohibit a woman from traveling are inconsistent and differ in mentioning the number of days. Sometimes they prohibit travel for less than three days, and sometimes they prohibit travel for more than three days. However, the hadith that prohibits her from traveling does not state that traveling for three days or more is more prohibited than traveling for less than three days. Therefore, we are not left with the option of either applying all of the texts literally or rejecting them all. Instead, we find texts that clarify the ruling of these hadiths. Nafi' reported from Ibn 'Umar that he said "The Messenger of Allah (PBUH) said 'Do not avert the handmaids of Allah from the houses of Allah. In the other narration "From Abdullah ibn Umar, he heard Prophet Muhammad (PBUH) saying "If your women request for your permission to go to the mosques, then let them go." (Narrated by Bukhari 305/1 and Muslim, 327.vol:1)

This is an order from him (PBUH) to husbands and others not to prevent women from going to the mosques. The Sacred Mosque is the most dignified and important mosque in terms of rank and worship, so how can a woman be prevented from performing Hajj herself? Allah also says in His Book ( *وَلِلَّهِ عَلَى النَّاسِ حِجُّ* )  
*الْبَيْتِ مَنْ اسْتَطَاعَ إِلَيْهِ سَبِيلًا*

*"And Hajj (pilgrimage to Makkah) to the House (Ka'bah ) is a duty that mankind owes to Allāh, those who can afford the expenses (for one's conveyance, provision and residence)" (Sura Al-Omrans, verse: 97)*

Hajj is a journey, and we find that journeys are divided into two categories: obligatory journeys and non-obligatory journeys. Some journeys are obligatory, but not all of them. Hajj is one of the obligatory journeys, and we cannot take some of the texts and leave others. Rather, we must obey all of them and act upon all of them. The prohibition of women from traveling except with a mahram (a family member who is permanently not allowed to marry the woman he accompanies) or husband is general for all travel. Therefore, it is obligatory to except what some of the texts have come with and to require some of the journeys on her from the general prohibition. Hajj is an obligatory journey, so it must be excepted from the general prohibition to enable her to perform the obligatory duty of Hajj, which is one of the pillars of Islam. How can we justify saying that she is prevented from performing a pillar of faith, especially if she meets the conditions of financial and physical ability, in addition to the other conditions of Hajj, such as sanity, puberty, freedom, and Islam?

One of the preponderances of this opinion is that the presence of a group of women or a safe group can take the place of the mahram, as happens today in modern means of transportation such as airplanes, buses, trains, and ships. These means carry large numbers of people, all of whom are people who intend to go to the

Sacred House, and they travel and stay in hotels full of people, whether on the way or in the places of the rites. Thus, temptations are prevented, and Allah knows best.

## CONCLUSION

Imam Ibn Fars is considered one of the prominent jurists of the sixth century, a leading figure of the Maliki school in Andalusia. His breadth of knowledge, expertise, meticulousness in legal rulings, and depth of thought mark him as a significant scholar. His family's legacy in knowledge and scholarship greatly influenced his passion for seeking knowledge, attracting numerous teachers and students seeking to benefit from him.

Ibn Fars's meticulous attention to legal issues, and his extensive treatment of them without tedious elaboration or unnecessary brevity, positions him as a valuable reference in comparative jurisprudence. His works predominantly present legal rulings across known schools of thought, with his preference often evident in selected opinions, yet without bias towards the Maliki school.

Ibn Fars varied in his methods of selection and preference, sometimes explicitly stating his opinion or highlighting weaknesses in opposing views to ascertain correctness. His expressions were strongest when affirming the evident superiority of a chosen opinion over others within a similar spectrum of strength.

"As-Sahih" (the correct) and "ad-Dhahir" (the apparent) are among the clear terms Ibn Fars frequently employed to articulate his preferences and judgments. Conversely, "ad-Da'if" (the weak) was often used when refuting or weakening certain opinions.

## REFERENCES

- Al-'Abdili, M. b. Y. b. A. (1998). *Al-Taj wa al-Aklil fi Mukhtasar Khalil (The Crown and the Diadem: An Abridgment of Khalil)* (2nd ed.). Dar al-Fikr, Beirut.
- Al-'Adwi, 'A. al-S. (1412). *Hashiyat al-'Adwi 'ala Sharh Kifayat al-Talib al-Rabbani (Marginal Notes of al-'Adwi on the Explanation of the Sufficiency of the Seeking Student)*. Dar al-Fikr, Beirut.
- Al-'Ajili, S. b. M. (n.d.). *Hashiyat al-Jamal 'ala Sharh al-Manhaj (Marginal Notes of al-Jamal on the Explanation of al-Manhaj)*. Dar al-Fikr, Beirut.
- Al-'Ajili, S. b. M. (n.d.). *Hashiyat al-Jamal 'ala Sharh al-Manhaj (Marginal Notes of al-Jamal on the Explanation of al-Manhaj)*. Dar al-Fikr, Beirut.
- Al-Ansi, A. b. Q. (n.d.). *Al-Taj al-Mazhab fi Ahkam al-Mazhab (The Crown of the School of Thought in the Rulings of the School of Thought)*. Maktabat al-Yaman.
- Al-A'zawi, H. M. A. (2013). *Ikhtiyarat al-Qadi Abu Bakr Ibn al-Arabi al-Maliki fi Fiqh al-Hajj fi Kitab Ahkam al-Qur'an: A comparative study (Master's thesis)*. Iraqi University, College of Sharia.
- Al-Baihaqi, A. b. al-H. b. 'A. b. M. (1994). *Al-Sunan al-Kubra (The Major Collection of Narrations)*. Edited by Muhammad 'Abd al-Qadir 'Aṭa. Maktabat Dar al-Baz, Mecca al-Mukarramah.
- Al-Bukhari, M. b. I. b. I. (1987). *Sahih al-Bukhari (The Authentic Collection of Bukhari)*. Dar Ibn Kathir al-Yamamah, Beirut. Edited by Dr. Mustafa Dib al-Baghdadi (3rd ed.).
- Al-Dar al-Qutni, 'A. b. 'U. (1966). *Sunan al-Dar al-Qutni (The Narrations of al-Dar al-Qutni)*. Edited by Sayyid 'Abd Hashim al-Yamani al-Madani. Dar al-Ma'rifah, Beirut.
- Al-Dasuqi, M. 'A. (1989). *Hashiyat al-Dasuqi 'ala al-Sharh al-Kabir (Marginal Notes of al-Dasuqi on the Grand Explanation)*. Dar al-Fikr, Beirut.
- Al-Dhahabi, A. b. M. (1997). *Tabaqat al-Mufassirin (Classes of the Interpreters)*. Maktabat al-'Ulum wa al-Hikmah al-Sa'udiyah (1st ed.). Edited by Sulayman ibn Salih al-Khazraji.
- Al-Dhahabi, S. d. M. b. A. (1983). *Sir A'lam al-Nubala' (Biographies of the Nobles)*. Edited by Shu'aib al-Arna'outi. Mu'assasat al-Risalah, Beirut (1st ed.).
- Al-Dirdar, A. d. (n.d.). *Al-Sharh al-Kabir Sidi Ahmad al-Dirdar Abu al-Barakat (The Grand Explanation of Sidi Ahmad al-Dirdar Abu al-Barakat)*. Edited by Muhammad 'Alish al-Kharashi on the Abridgment of Sidi Khalil. Dar al-Fikr al-Taba'ah, Beirut.
- Al-Hakim al-Naysaburi, M. b. 'A. (1990). *Al-Mustadrak 'ala al-Sahihayn (The Supplement to the Two Sahihs)*. Dar al-Kutub al-'Ilmiyah, Beirut (1411 AH/1990 CE). Edited by Mustafa 'Abd al-Qadir 'Aṭa.
- Al-Hamawi, Y. b. 'A. (n.d.). *Mu'jam al-Buldan (The Dictionary of Countries)*. Dar al-Fikr, Beirut.
- Al-Kalbi al-Garnati, A. al-Q. M. b. A. (1988). *Al-Qawa'in al-Fiqhiyyah (The Fiqh Principles)*. Al-Dar al-'Arabiyyah li al-Kitab, Libya.



- Al-Kasani, A. d. (1982). *Bada'i' al-Sana'i' fi Tarttib al-Shara'i'* (Wonders of Craftsmanship in the Arrangement of Laws) (2nd ed.). Dar al-Kitab al-Arabi, Beirut.
- Al-Kulayni, M. b. Y. (2007). *Al-Furu' fi al-Kafi* (The Branches of the Kafi). Manthurat al-'Umur, Beirut, Lebanon (1st ed.).
- Al-Mardawi, A. b. S. (2000). *Al-Insaf fi Ma'rifat al-Rajih min al-Khilaf 'ala Madhhab al-Imam Ahmad ibn Hanbal* (Fairness in Knowing the Preponderant Opinion from the Differences of Opinion According to the School of Thought of Imam Ahmad ibn Hanbal). Edited by Muhammad Hamed al-Faqih. Dar Ihya' al-Turath al-Arabi, Beirut, Lebanon.
- Al-Mawardi, A. b. M. b. H. (n.d.). *Al-Hawy al-Kabir fi Fiqh al-Imam al-Shafi'i* (The Great Compendium of Jurisprudence According to the School of Thought of Imam al-Shafi'i). Edited by Sheikh Ali Muhammad Ma'wad and Sheikh Adel Ahmad 'Abd al-Majid. Dar al-Kutub al-'Ilmiyah, Beirut, Lebanon.
- Al-Najim, Z. b. N. (n.d.). *Al-Bahr al-Raiq Sharh Kanz al-Daqa'iq* (The Flowing Sea: Explanation of the Treasure of Subtleties). Dar al-Ma'rifah, Beirut (2nd ed.).
- Al-Nawawi, Y. (2000). *Rawdat al-Talibin wa 'Umdat al-Muqtadin* (The Garden of Seekers of Knowledge and the Pillar of the Pious). Al-Maktab al-Islami, Beirut (2nd ed.).
- Al-Qurtubi, A. 'U. Y. b. 'A. b. 'A. (1997). *Al-Kafi fi Fiqh Ahl al-Madinah* (The Sufficient in the Jurisprudence of the People of Medina). Dar al-Kutub al-'Ilmiyah, Beirut (1st ed.).
- Al-Saharawi, K. A. (2006). *Badh al-Majhud fi Hall Alfath Abi Dawud* (Exerting Effort in Investigating the Words of Abu Dawud) (1st ed.). Markaz al-Sheikh Abi al-Hasan al-Nadwi, India. Edited and commented on by Professor Dr. Taqi al-Din al-Nadwi.
- Al-Sam'ani, A. K. (2008). *Al-Ansab* (Genealogies) (1st ed.). Dar al-Janani, Beirut. Presented and commented on by Abdullah Omar al-Baroudi.
- Al-San'ani, M. b. I. (1984). *Subul al-Salam Sharh Bulugh al-Maram min Adillah al-Ahkam* (The Paths of Peace: Explanation of Reaching the Goal from the Evidence of Rulings). Edited by Muhammad ibn 'Abd Al-'Aziz. Dar Ihya' al-Turath al-'Arabi, Beirut (4th ed.).
- Al-Shafi'i, M. (n.d.). *Al-Umm* (The Mother). Dar al-Ma'rifah, Beirut (2nd ed.).
- Al-Sharbini, M. (n.d.). *Al-Iqna' fi Hall Alfath Abi Shuja'* (Investigation of the Words of Abu Shuja'). Dar al-Fikr, Beirut.
- Al-Siwasi, K. d. M. b. 'A. al-W. (n.d.). *Sharh Fath al-Qadir* (Explanation of the Opening of the Mighty). Dar al-Fikr, Beirut (2nd ed.).
- Al-Tamimi, R. S. (2010). Difficulties in teaching Arabic in the colleges of administration and economics in Baghdad. *Al-Ustad Journal*, College of Education, Ibn Rushd, University of Baghdad, Issue 114.
- Al-Tamimi, R. S. (2012). The effect of computer use on the achievement of students of the College of Administration and Economics, University of Baghdad, in the Arabic language subject. *Journal of the College of Basic Education*, Al-Mustansiriya University, Issue 74, Volume 18.
- Al-Tamimi, R. S. (2014). Causes of spelling weakness among students of the College of Administration and Economics at the University of Baghdad and methods of addressing them from the point of view of teachers and students. *Journal of the College of Basic Education*, Al-Mustansiriya University, Issue 86, Volume 20.
- Al-Tamimi, R. S., & Ghanim, K. S. (2021). The effect of Daniel's model on the development of critical thinking in the subject of Arabic language among students of the College of Management and Economics. *Psychology and Education*, 58(1), 1-17.
- Al-Tamimi, R. S., Ghanim, K. S., & Farhan, N. D. (2023). The effect of productive thinking strategy upon the student's achievement for the subject of research methodology in the College of Islamic Sciences. *Journal of Namibian Studies*, 34(1), 78-92.
- Al-Tirmidhi, M. b. 'I. b. S. b. M. b. al-Dahhak (1975). *Sunan al-Tirmidhi* (The Tirmidhi Collection of Narrations). Edited by Ahmad Muhammad Shakir, Muhammad Fu'ad 'Abd al-Baqi, and Ibrahim 'Atwah 'Awd. Sharikat wa Matba'at al-Babi al-Halabi, Egypt (2nd ed.).
- Al-Zaila'i, A. 'U. b. A. (1984). *Tabyin al-Haqa'iq Sharh Kanz al-Daqa'iq* (Clarification of Truths: Explanation of the Treasure of Subtleties). Al-Matba'ah al-Asriyah, Egypt.
- Al-Zubaidi, L. H. M. (2011). *Arkan al-Hajj wa al-Umrah: Dirasah Fiqhiyah* [The rulings of Hajj and Umrah: Jurisprudential studies] (1st ed.). Markaz al-Bohouth wa al-dirasat al-Islamiyah, Diwan al-Waqf al-Sunni, Baghdad.
- 'Attash, M. b. Y. (1985). *Sharh Kitab al-Nil wa Shifa' al-'A'lil* (Explanation of the Book of the Nile and the Cure of the Ill). Maktabat al-Irshad, Jeddah (3rd ed.).
- Ghanim, K. S. (2020). Attitudes of Arabic language teachers towards the use of technological means in light of the Corona pandemic. *International Journal of Innovation, Creativity and Change*, 13(5), 1-12 [Primrose Holl Publishing Group].
- Ghanim, K. S., & Al-Tamimi, R. S. A. R. (2021). The impact of mind-clearing method in teaching reading book to second class intermediate students. *Turkish Journal of Computer and Mathematics Education*, 12(13), 345-360 [Karadeniz Technical University, Cardins Technical University].
- Ghanim, K. S., Shihab, M. M. T., & Hussien, F. S. (2020). The effect of e-learning on the acquisition of reading in reading and texts, and the development of creative reading skills and innovative thinking concepts for literary fifth students. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17(7), 89-105 [Pallarch Foundation].
- Ibn 'Abd al-Malik Al-Marrakushi, M. (1973). *Al-Dhail wa al-Takmilah* (The Supplement and Completion). Edited by Dr. Muhammad ibn Sharifah and Dr. Ihsan 'Abbas. Dar al-Thaqafah, Beirut.
- Busarih, A, T. (2019). *Ibn Fars - Ahkam Al-Qur'an* (2nd ed.). Dar Ibn Hazm, Beirut, Lebanon.

*The Jurisprudential (Fiqh) Opinions of Ibn Al-Fars Al-Andalusi (d. 597 AH) in His Book Abkam Al-Quran [The Rulings of Quran]: The Capability to Perform Hajj as a Model*

- Ibn Al-Khatib, S. (n.d.). Al-Ihata fi Akhbar Garnata. Maktabat al-Khanji, Cairo.
- Ibn Al-Zubair, A. b. J. (1994). Silat al-Silat (The Connection of the Connection). Edited by Dr. 'Abd al-Salam al-Huras and Sheikh Sa'id A'rab. Ministry of Awqaf, Kingdom of Morocco.
- Ibn Bashkuwal, K. b. 'A. al-M. (n.d.). Al-Silat (The Connection). Edited, corrected, and reviewed by 'Izzat al-'Attar al-Husayni. Maktabat al-Muthanna, Baghdad, and Maktabat al-Khanji, Cairo.
- Ibn Hazm Al-Zahiri, 'A. b. A. b. S. b. H. (n.d.). Al-Muhalla (The Compendium). Edited by the Committee for the Revival of Arab Heritage. Dar al-Afaq al-Jadidah, Beirut.
- Ibn Makhluḥ, M. b. M. b. M. (2006). Shajarat al-Nur al-Zakiyyah fi Tabaqat al-Malikiyyah (The Tree of Shining Light on the Classes of the Maliki School of Thought). Edited by Dr. 'Ali 'Omar. Maktabat Al-Thaqafah Al-Diniyah, Cairo (1st ed.).
- Ibn Qudamah Al-Maqdisi, 'A. b. A. (n.d.). Al-Kafi fi Fiqh al-Imam al-Mujabbal (The Sufficient in the Jurisprudence of the Revered Imam). Al-Maktabah Al-Islamiyah, Beirut.
- Kaḥḥalah, 'U. R. (2006). Mu'jam Qabā'il al-'Arab al-Qadimah wa al-Hadithah (Dictionary of the Tribes of the Ancient and Modern Arabs). Mu'assasat Al-Risalah, Beirut (8th ed.).
- Muslim, A. b. (n.d.). Sahih Muslim (The Authentic Collection of Muslim). Dar Ihya' Al-Turath Al-'Arabi, Beirut. Edited by Muhammad Fu'ad 'Abd Al-Baqi (n.d.).