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Fundamentalist Approach of Allama Al-Zalami in his Book Usul Al-Fiqh in its New Texture[1]

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ABSTRACT

The book Usul al-Fiqh in its new texture by the scholar Professor Dr. Mustafa Al-Zalmi was of great importance in the field of jurisprudence, and it was necessary to shed light on the consideration held by Dr. Al-Zalmi that he (with his book Usul al-Fiqh in its new texture), and how he tried to collect all this scientific material in a systematic book Like this, he combines the science of interpretation, hadith, the principles of jurisprudence, the science of jurisprudence, and the logic of the jurists in the deduction , in addition to the broad comparison between the provisions of Islamic jurisprudence and positive law in most of the sections of this book, the research aims to study the fundamentalist approach of the scholar Al-Zalmi in his book Usul al-Fiqh in its new texture. The paper was divided into an introduction, three topics, a conclusion, sources, and references. The title of the first topic was the biographical and scientific biography of Dr. Mustafa Al-Zalmi and his book Usul al-Fiqh in its new texture. As for the second requirement, it was the jurisprudential and fundamentalist arrangement of the rule of transformation of the contract and its connection with the rule of the works of speech is more important than neglecting it. Their methods of deduction and weighting. The second topic, the title was: Fundamental additions to Dr. Al-Zalmi, and it contained nine axes, all of which are found in his fundamentalist writings. Al-Zalmi had several fundamentalist, jurisprudential, and legal proposals for the development of the scientific, practical, and educational process in the field of jurisprudence and principles and comparative studies between Islamic jurisprudence and man-made laws. Fundamentally, which makes it categorically acknowledges that these rules are the reference and the Islamic law and its multiple sources, reinforced by examples of comparative legitimacy and legal.

Keyword: *Dr. Mustafa Al-Zalmi; Usul al-Fiqh; new texture; fundamentalist.*

INTRODUCTION

Allah Almighty preserved this religion with its people and made it protectors for it from all increase and decrease, and in the righteous and the martyrs, among them also the sincere working scholars, and among those who were visible to the scholar, Professor Dr. Mustafa Al-Zalmi. The book was Fundamentals of Jurisprudence in its new texture, and light must be shed on the consideration that Dr. Al-Zalmi held that he (with his book Fundamentals of Jurisprudence in its new texture), and how he tried to collect all this scientific material in a systematic book such as this, combining the science of interpretation, hadith, the principles of jurisprudence, the science of jurisprudence and the logic of the jurists in Inference, as well as the extensive comparison between the provisions of Islamic jurisprudence and positive law in most of the sections of this book. The aim of this work is to study the fundamentalist approach of Allama Al-Zalmi in his book Usul Al-Fiqh in its new texture. The title of the first topic was the biographical and scientific biography of Dr. Mustafa Al-Zalmi and his book Usul al-Fiqh in its new texture. As for the second requirement, it was the jurisprudential and fundamentalist arrangement of the rule of transformation of the contract and its connection with the rule of speech actions is more important than neglecting it. The second topic was titled: Fundamental additions to Dr. Al-Zalmi, and it contained nine axes that are all found in his fundamentalist writings, while the third topic took

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the title: Fundamental principles that Al-Zalmi's book Usul al-Fiqh brought its new texture, then the conclusion, sources, and references.

THE FIRST TOPIC: THE BIOGRAPHICAL AND SCHOLARLY BIOGRAPHY OF DR. MUSTAFA AL-ZALMI AND HIS BOOK USUL AL-FIQH IN ITS NEW TEXTURE

First: His name, lineage, and place of birth [(1)].

He is Mustafa Ibrahim Muhammad Amin Al-Zalmi, the Iraqi Kurdish Al-Azhari, and he was born in 1924 AD, in the village (Zalm) of the Halabja district in the Sulaymaniyah governorate.

Second: its upbringing [(2)].

He grew up in his father's house in the village of Zalm, and entered the religious school in 1934 AD, then he traveled to Iran and moved from one school to another. He studied under the sheikhs and scholars in Iraq and Iran, grammar, morphology, debating science, logic, rhetoric, fundamentals of religion, fundamentals of jurisprudence, Mathematics, and Astronomy He obtained a scientific degree in Islamic sciences, transmission, and mentality from Sheikh Noureddine in 1946 AD, then he returned to his village and taught in religious schools.

Third: his scientific biography [(3)].

Dr. Al-Zalmi was eager for knowledge and was passionate about learning law, so he studied law in Baghdad and completed a master's degree in Sharia at the University of Baghdad in 1969 AD, then he traveled to Cairo and studied a diploma in comparative jurisprudence at Al-Azhar University, then he obtained a master's degree in comparative jurisprudence in 1971 AD, then he obtained a master's degree in law From Al-Azhar University in 1973 AD, and completed a doctorate in comparative jurisprudence at Al-Azhar University in 1975 AD, then returned to Baghdad and completed a doctorate in law in 2005, AD. He was granted the title of Professor from the University of Baghdad in 1987 AD, and he was granted the title of an Experienced Professor in 1990 AD.

Fourth: Teaching, supervision and publications [(4)].

He practiced teaching various Sharia and legal sciences in the faculties of law at the University of Baghdad, Al-Nahrain University, and Al-Mustansiriya University from 1946 AD until 2007 AD. He supervised more than a hundred master's theses or doctoral thesis in law and Sharia, and the doctor - may God have mercy on him - has a rich library of various scientific publications, both legitimate and legal. its new texture. The reasons for the difference of jurists in the legal rulings. The provisions of marriage and divorce in Islamic jurisprudence, a comparative study with the law. Suspended divorce in Islamic law, divorce in the laws, laws, and customs during four thousand years. The entrance to the study of Islamic law in a new style. Criminal responsibility in Islamic law, a comparative study of the theory of commitment to repay the underserved. The theory of guarantee in Islamic jurisprudence and civil laws. Clarify the benefits of explaining the rules. Provisions of inheritance, wills, and the right of transfer. Obligations in Islamic law and Arab civil legislation. Obligations in the light of logic and philosophy.

Fifth: His sheikhs [(5)]

Dr. Al-Zalmi was taught by many sheikhs and scholars in Iraq and Iran, including:

1- In Iraq: Sheikh Arif Takiyi, Sheikh Mahmoud in the district of Halabja, and Sheikh Hassan Al-Abaidi (he studied grammar and morphology sciences with them, such as the book Al-Tasrif Al-Zanzani and Al-Awael Al-Jurjani and Al-Ajrumiyyah by Al-Zamakhshari, and Al-Idhhar Al-Jani and other books): He also studied with Sheikh Al-Sahib Al-Tawili the science of research and debate And with Sheikh Abd al-Karim, the teacher, the science of rhetoric and the lengthy one of al-Taftazani, and he studied with Sheikh Muhammad, known as the president in the Kalala province of Sulaymaniyah. He studied with him the fundamentals of religion and the anatomy of the spheres.

2- In Iran: Sheikh Zahed in the district of Bawa, and Sheikh Abd al-Qadir al-Dakakayi, with whom he studied beliefs and the first part of the collection of mosques by Ibn al-Subki.

Sixth: His status and the scholars' praise for him [6]

He praised Dr. Al-Zalmi, may Allah have mercy on him - and praised his scientific stature by many scholars who were contemporary with him and who were apprenticed at his hands, and I mention, for example, but are not limited to: The fundamentalist scholar Taha Jaber said about him: "How I wish to find examples of you in their knowledge, experiences, and abilities to study and analyze the message of Imam Al-Shafi'i - Which determined diligence by analogy.

Seventh: His death [7]

Dr. Al-Zalmi passed away in Erbil on Saturday 28 Shaaban 1437 AH, June 4, 2016 AD.

THE SECOND TOPIC: AL-ZALMI'S APPROACH IN HIS BOOK USUL AL-FIQH IN ITS NEW TEXTURE [8].

In this book, Dr. Mustafa Ibrahim Al-Zalmi covers the science of (Usul al-Fiqh in its new texture), which means dealing with the subject from a contemporary point of view. It is indispensable to understand and peruse it by men of jurisprudence, law, and the judiciary who seek to avoid superficiality in understanding and interpreting texts, adapting facts, and deriving judgments.

In order to better understand the science of the principles of jurisprudence and its branches, the author of the book begins by defining it first, linguistically and idiomatically, its origins and the beginning of its codification. Shari'a rulings (the Holy Qur'an and the Sunnah of the Prophet) and the sources of dependency that are agreed upon (consensus, custom), and the dependent textual evidence in which there is disagreement (the authoritative saying of the Companion, legislated before us) and then the sources of rational dependency, which are five (measurement, interest, approval, pretexts to close and open them, and companionship).

Where he was looking at the practical legal rulings, such as the mandated legal ruling and the positive legal ruling, and the semantics of the texts and the methods of deriving rulings (texts) in which: the special, the command, the prohibition, the absolute and the restricted, as well as the semantics of the texts in terms of utterance and understanding, including (the definitive indication, the presumptive indication, and the mysterious significance), and the book concludes with the subject of ijtihad and imitation: its causes, importance, and effects... It is also considered one of the pioneering books in the field of renewal in the science of jurisprudence through a set of procedures that the doctor took during its authorship and which he stipulated in his author, which is represented in:

i. Refining the book's investigations and avoiding reviewing fundamentalist controversial opinions that have no fruit [9].
ii. The exclusion of fundamentalist topics that have been destroyed and have no value left in this modern era [10].
iii. Develop some concepts of the science of the principles of jurisprudence, for example: adding new divisions to the sections of the provisions of the Qur'an, and correcting the definition of the fundamentalists of the concept of the principles of jurisprudence, as will be explained later, Allah willing, and its uniqueness. With opinions, the most important of which is the absence of abrogation in the Holy Qur'an, which is not discussed here.
iv. Adding the investigations of the purposes of Sharia within the investigations of the book and adding new rules [11].
v. The multiplication of new jurisprudential applications keeping pace with the modern era and linking them to the rules of the principles of jurisprudence, which is the most important feature in the approach of writing this book, especially with the need for the science of principles to clarify it and reveal its ambiguity with its scarcity and repetition in other books, both advanced and contemporary.
vi. Intermarriage with legal materials, especially the articles of Iraqi law within the investigations of the science of jurisprudence.

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AL-ZALMI'S EFFORTS IN THE JURISPRUDENTIAL AND FUNDAMENTALIST ASPECTS OF LEGAL TEXTS AND RULES THROUGH HIS BOOK (THE FUNDAMENTALS OF JURISPRUDENCE IN ITS NEW TEXTURE).

The first requirement: the jurisprudential and fundamentalist arrangement of the rule: possession in the movable title deed.

Al-Zalmi considers the evidence of companionship as the basis for the legal rule (possession in the movable at ownership) since the close link between this rule and the companionship of the characters considered in the ruling is the legal basis and the jurisprudential rooting of this rule. It is permissible to deal with it or actually use it as one of the other real rights [(12)].

As for the elements of possession: the designation of possession in its advanced sense must have two important elements [(13)], first: the material element: which is physical control over something subject to possession, whether it is movable or real estate, and it differs according to the money possessed, so the house is by living in it, the land by investing it, the car by using it, and so on. Possession of every movable is by controlling it and using it for what it is usually used for. It may be directly from the possessor himself, and it may be through someone on his behalf. Secondly - the moral element: is the intention (intention) to own, so this element must be available to the possessor personally because it is a subjective and psychological element, so it is not permissible to represent him.

As for the conditions for applying this rule and its impact: The application of this rule (possession in the movable is a bond and ownership) requires the availability of the following conditions [(14)]:

First: The possessor is movable material money that can be moved from one place to another without damage, but if it is real estate, it is required with possession that the statute of limitations is available, and this varies according to different laws in time and place.

Secondly: The morale of the applicant must be mentioned in the first section.

Third: That the possessor is in good faith, say, and that the reason for ownership is correct, and accordingly: if these conditions are met, the possession will be inventory and it alone will be one of the reasons for gaining ownership of the movable property. And the nature of different laws in time and place.

The legal basis for this rule and the most important theories contained in it: There are three different theories to know the legal basis on which this rule is based. Whereas movable property in Roman law acquired its ownership by prescription, such as real estate, then this rule was transferred to the old French law, and care was taken for the stability of dealing with movables little by little until the statute of limitations was abolished without changing the nature of the system of ownership of movables by possession.

Based on this theory, the possessor owns the movable with the existence of the statute of limitation even if the period is a moment [(15)], and Dr. Al-Zalmi criticizes this theory by saying: (This theory is pure sophistry because the passage of time is taken from the fact of the statute of limitations and there is no immediate statute of limitation in the world of logic and sound reason [(16)], the second The legal presumption theory, according to which possession arises immediately for the benefit of the possessor, and it is a presumption indicative of the possessor's ownership of the transferred money, and on this basis, through it, he can respond to the claim of entitlement that is filed against him by the previous owner. By acknowledging or reneging on the oath other than possession [(17)], the third: the modern theory: that the law itself is one of the causes of ownership, as possession alone gives the possessor of the movable his ownership by virtue of the law, and it is a situation similar to the case of ownership by appropriation [(18)], and Dr. Al-Zlami criticized this theory and proved It has the following notes [(19)]:

1- It is a kind of reasoning for the thing by itself: as if it says: Possession in the movable is a reason for ownership because it alone and its attributes are a reason for ownership, and reasoning says: The reasoning of the thing by itself is invalid.

2- It is devoid of stating any basis and was formed to demonstrate it.

3- Possession alone is not a reason for ownership by virtue of the law itself. Rather, the law itself recognizes that there are other reasons for acquiring ownership.

After reviewing the theories related to the movable, which its proponents see as the legal basis for the rule of possession in the movable as the title deed, Dr. Al-Zalmi excelled in explaining the jurisprudential and jurisprudential complexity of this rule: where he believes that (accommodating the original characteristic of judgment) is the basis of this rule, and he justifies this conclusion that possession is a manifestation of ownership and one of its original characteristics that entitles it to the full ownership of the possessor from (disposal, use, and exploitation) and possession is added to it so that these four are among the advantages and characteristics of ownership. As for naming by some jurists, the elements are based on their confusion between elements and characteristics [(20)].

The second requirement: the fundamentals and jurisprudential arrangement of the rule of transforming the contract (and its connection to the rule of the works of speech is more important than neglecting it)

The fact of the contract: the agreement of two or more wills to produce an effect that the Sharia and the law rely on [(21)], and the wording of the contract is carried on the truth, then it becomes a metaphor based on the rule (actions of words take precedence over neglecting it), and this is what is said in the contract (invalidity) if the reason for invalidity, for example Naming something insignificant in relation to the real value of the sale, then it is not possible to carry the contract on its real meaning, so it is carried on the figurative meaning, which is the closest disposal in which the elements of sale are available, such as a gift - for example - with the possibility of the will of the contracting parties going to that at the discretion of its knowledge of the invalidity of the original disposal. It becomes clear to us from this introduction that the theory of contract transformation has three elements [(22)], namely:

1- That the original contract or disposal is invalid, and if it is possible to correct it and carry it on its true meaning, then it does not turn into a metaphor, because the original in the words is the truth.
2- The original contract or disposition should include all the elements of the contract or the transfer to which it was transferred. If a new element is added to it, it is not called (a transformation of the contract), but it is (a correction of the contract).
3 - It is permissible for the will of the potential contracting parties to deviate from the contract or to invalidate the original disposition transferred from it, and they have known the invalidity of the original disposition transferred from it, and this represents: that if one person pledged to another to be his heir to the invalidity of the original disposition transferred from him, after his death and there was no reason between them for inheritance from relatives Or marital, and if the undertaker dies insisting on his pledge, his disposal turns from being an inheritance to a will, because it is not possible to carry it on its true meaning (inheritance) due to the lack of a reason for it, so it is carried on its figurative meaning because the closest disposal to inheritance is the will because its elements are available in this pledge. Therefore, if the undertaker knew of the invalidity of his pledge, he would have made the will, because he wanted to provide the pledger with a financial service, and as it is achieved in the inheritance, it is achieved in the will, and Allah knows best. If the truth is not possible, it becomes a metaphor. Thus, we can prove the link between the theory of (the transformation of the contract) and the statement of this fundamentalist rule, so that it becomes clear to us with certainty that Muslim scholars preceded the jurists of law in approving this theory and that its rooting is fixed in the fundamentals of Islamic jurisprudence. German theory and the formulation of German jurists.

The third requirement: is jurisprudential rooting and the fundamental arrangement of (the unlawful reason or motive) in the law.

There are several theories to know the effect of the reason on the validity of the contract, especially the illegal reason, the most important of which are two theories: the first: is the traditional theory, which held that the reason is of three types:

1- The originating reason: such as the contract of sale, lease, and the like.
2- The (direct) intentional reason, which is the seller's intention to obtain the price and the buyer's intention to obtain the valuer (the goods).
3 - The motive (indirect) motive reason, regardless of its legitimacy - and this differs according to different people in what they aim to sign the contract [(23)].

The second: is the modern theory: which holds that the motive reason is the one that influences the contract, whether it is legal or illegal, and it is the prevailing trend in modern jurisprudence and modern laws [(24)], and from here we say: There is no disagreement about the validity of the contract whose cause is a legitimate motive mentioned in

The origin of the contract or not mentioned, as well as there is no dispute about the invalidity of the contract whose intentional cause (the direct purpose) is illegal, and it was mentioned in the core of the contract. And through the foregoing, we find that we can determine the subject of the dispute regarding the validity or invalidity of the contract (the illegal reason not mentioned in the core of the contract or not agreed upon before the contract), and for the purpose of clarifying the ruling on this issue, we are looking at the statement of the connection between (the illegal reason and the evidence for blocking pretexts is in the fourth type of it, which is (the legitimate means whose end is unlawful), and perhaps the place of disagreement and the reason for the forms in it is based on the reliance on the apparent will of the two contracting parties or the inner will of them [(25)].

In this regard, Dr. Al-Zalmi proved that the Islamic Shari'ah jurists preceded the jurists of law in establishing advanced theories and knowing the validity of a contract based on one of the two wills. The inward will is considered when they contradict each other, and accordingly, there is no effect on the unlawful motive or motive reason unless it is mentioned in the core of the contract, which is what Imam Al-Shafi'i and his supporters went to [(26)], and this trend was influenced by the Germanic law, and the laws affected by it [(27)], because the principle is to work by will The phenomenon is that the unlawful motive has no effect on the validity of human behavior unless it is part of it.

The second direction: is reliance on the inward will, and from here the unlawful motivational reason has an effect on the validity of human actions even if it is not mentioned in the core of the contract as long as the other party knows about it or is able to know about it, which is the direction of the Maliki and Hanbali jurists (may Allah have mercy on them) [(28)]. This is the direction adopted by the Latin legislation and the laws affected by it [(29)], where they considered the unlawful motive reason to invalidate the contract even if it was not mentioned in the contract if the other party knew about it or was able to know about it. The contract whether the reason for the illegitimate motive is mentioned in the core of the contract or not, it was possible to deduce it from the nature of the subject matter of the contract [(30)], or that Islamic law does not allow for the determination of general rules according to which contractual obligations are based on the basis of reason as decided and settled in modern law [(31)].

The fourth requirement: is the new texture in dealing with the sayings of the jurists and fundamentalists and explaining their methods of deduction and weighting.

The one who reads Dr. Al-Zalmi's book (Usul al-Fiqh fi its new fabric); Through the wonderful style of the author (may Allah have mercy on him), you will find him dealing with the issues of Allah, presenting their evidence with some guidance, discussing and preferring them, consolidating the methods of inference and weighting, whether in jurisprudential or fundamentalist issues, equally illuminating rationality, how it is formulated in a systematic author like this, and in this regard, he enlightened his method in this way: The first example: In the guide (The Prophet's Sunnah) and its fundamental investigations: Dr. Al-Zlami dealt with the conditions of scholars for working with a single report, and he mentioned all the sayings of the jurists in protesting with a single report, and he was fair to the jurists who stipulated certain conditions for working with a single report in the old days of deriving rulings, and by way of representation :

From what he mentioned of the Hanafi conditions for working with the news of the unions: (The narration should not contradict analogy if the narrator is not a faqih), he specified the point of disagreement in this condition precisely as if the narrator was known for jurisprudence and diligence like the rightly guided caliphs, he should act according to what they narrate of hadith, whether the narrator agrees with the analogy or not. But if it is not known for jurisprudence, then if it agrees with the analogy, then it works according to it. Likewise, if it agrees with the analogy and contradicts another, but if the single report that is narrated by other than the jurisprudence contradicts it, then it is not acted upon according to the Hanafi school.

Dr. Al-Zalmi was fair to the Hanafi here in explaining their method by refuting the suspicion that came to them that they give preference to opinion and analogy over the established text, and their method of directing this condition between the narration of the jurist and non-faqih because the transmission of the hadith was extensive among the narrators, so if the narrator was not a jurist, he did not believe that he would go with anything Of its meanings, so suspicion enters it, and it is not present in the analogy, so the analogy takes precedence over the single news in the work at that time [(33)]. This method is scientifically wonderful and concise. The student of legal and legal knowledge can make it a basis for dealing with the sayings of the schools, their methods of deduction, and their different evidence, in order to find out the most correct opinion with some fairness [(34)].

THE THIRD TOPIC: THE FUNDAMENTALIST ADDITIONS TO DR. AL-ZALMI

Al-Zalmi, in the introduction to his book Usul al-Fiqh in his new text, indicates that the classification is not devoid of one of the eight meanings (null invention, fragmentary plural, incomplete completion, general elaboration, lengthy refinement, mixed arrangement, vague designation, or error detection [35]. The researcher of what Dr. Al-Zalmi wrote sees that all these meanings are found in his fundamentalist writings, and what draws our attention is his invention of destitute women, as shown in the following examples and models that we mention in the following paragraphs:

First: Concerning the first source, the Holy Qur'an

Dr. Mustafa Al-Zalmi describes the Holy Qur'an as the last divine constitution that came to amend the previous divine constitutions that were revealed to the prophets and messengers. The constitution is planning and designed to organize life and lay down the overall rules that the positive legislator adheres to. The Qur'an was limited to the general rules and authorized the human mind to refer to the particulars to those all [36]. Here, the constitution must be defined and its function explained. The constitution is one of the necessities of the state, just as the political system is linked to the state [37].

Second: the provisions of the Qur'an

Al-Zalmi has his own opinion in explaining the types of rulings in the Holy Qur'an, as he has deviated from the three-fold division of the rulings contained in the Qur'an, which are doctrinal, practical and moral rulings (contrary to what the scholars of the fundamentals of jurisprudence have, and he came with a five-fold division, adding to the three sections two other sections: universal rulings He says in this regard that the tripartite division is a common mistake and even an attack on the Qur'an because each of its verses shows a ruling related to the organization of one of the worldly and hereafter lives (it is) that is, the Qur'an (as a storehouse that includes all needs) [38].

Third: Copying

This is one of the matters related to the first source, and Zalmi has a special opinion on it. The topic of abrogation, which, according to the opinion of the later scholars, is "removing the Shari'a ruling with Shari'a evidence" [39], and the predecessors defined it as everything that occurs to the apparent meaning of the text, such as the specification of its generality, absolute restriction, clarification of its entirety, the inclusion of its ruling, mitigation, cancellation of the ruling, or the like [40]. After an extensive discussion of the opinions of supporters and opponents of the existence of abrogation in the Qur'an, Professor Al-Zalmi came to the following opinion:

That abrogation in its general sense according to the righteous predecessors is permissible and it was mentioned in the Holy Qur'an, and that what I mean by abrogation is its meaning among the later fundamentalists, which is the abolition of a previous revelation in the Qur'an with a later revelation, because it does not happen after the death of the Prophet by consensus, and it does not happen without the Qur'an from Sunnah or consensus or other than that. And every claim in this regard is false, as he sees that there is no abrogation in the Qur'an in its specific sense [41].

Fourth: On the subject of consensus

Al-Zalmi believes that since the capacity for ijtihad is missing today in the Islamic world, the capacity for weighting is available to many who have experience in the principles and branches of Sharia, except that they lack two things:

1- Openness and flexibility far from fluidity.
2- Abandoning sectarian fanaticism, and in this regard, it is suggested: forming a committee of those who meet these two conditions to agree and unanimously choose the most correct opinion from the jurisprudential schools, in every controversial issue, to consider this unanimous opinion as binding legislation for all, and thus the Islamic world will be saved from conflicting fatwas and different rulings judicial [42].

Fifth: On the subject of legislation by us

Dr. Al-Zalmi believes that those before us legislated in the belief rulings legislated for us, as he says: The foundations of the religion of human beings in every time and place are the same and there is no difference in them, and the belief rulings of human families do not differ from one nation to another, and no law distinguishes them from a law, and its statement is not unique to a messenger without Messenger, because religion is one, and religion is more specific than the practical law, so every religion is a law, but not every law is a religion, because it includes the branches of religion as well, from the practical legal provisions that are called jurisprudence, so the foundations of religion (such as faith in Allah, His angels, His messengers, and the Last Day) are fixed since the first revelation that came down to Our master Adam until the last revelation that came down to our master Muhammad (may Allah bless him and grant him peace), and there has been no change in religion in the laws of all the prophets and messengers, so he remains immortal as long as life remains and the mind is intact and the perception is conscious in this great universe, whether man lives on planet Earth or in Another planet [(43)].

Sixth: On the subject of measurement

After his listing of the definitions contained in the books of the fundamentalists in the matter of measuring, al-Zalmi reproduced a new, concise definition of measuring, so he has the measuring "referring the newly created particles to the universals that have intelligible meanings (the universals of the Qur'an and the Sunnah that have intelligible meaning), that is, the universals (the universals of the Qur'an and the Sunnah that are intelligible to the meaning) whose causes are understood" and declares that he deduced the definition is from the general Shari'a rule (that the ruling revolves with its cause, whether it is present or not [(44)], and after mentioning the four pillars of analogy, he sees that there is an overlap between analogy and interest because the cause for him is the interest adopted in the legislation of the judgment and the intended purpose of acting upon it [(45)].

4.7 Seventh: On the subject of the benefit

Dr. Al-Zalmi believes that there is confusion between judgment and interest, which results when defining interest by some scholars, including Imam Al-Ghazali, who defines interest as "bringing benefit or repelling harm [(46)], Al-Zalmi says about what Al-Ghazali said, and Al-Ghazali's words indicate that the retribution by which a person preserves himself is the interest and that the severance by which a person preserves his money is the interest and so on, and this is a clear confusion between the ruling and the interest resulting from its implementation, which is the purpose of the Lawgiver for creation [(47)], Al-Zalmi chose for himself a new definition of interest in Shari'ah, for it is, according to him, "a material or moral benefit, worldly or hereafter, which the taxpayer reaps from his work in what is obligatory, delegated, or permissible, and warding off corruption [(48)]. He believes that the difference between the fundamentalists and the jurists in working with the sent interest is due to two reasons:

1- Not specifying the intended meaning of the interest.
2- Confusion between the interest being a revealing evidence of Allah's judgment and it's being revealing evidence for it, and he believes that if we define what is meant by the considered interest that is due to necessities, needs, and improvements, and we explain its source to the rulings as a revealing evidence, then the dispute will be removed or the dispute will become a formal dispute) [(49)].

Eighth: Concerning approbation

Dr. Mustafa Al-Zalmi has a special point of view on the approbate, and after he referred to the definitions of previous scholars of origins on the definition of approbate, he believes that their definitions do not apply to the criteria of definition, which is that it should be clear, comprehensive, and prohibitive. Therefore, we see him come up with a new definition of this source from the sources of the Shari'a ruling, so the desirability according to him is: a rational jurisprudence process that aims to give preference to working with the evidence of the exceptional ruling over working with the evidence of the original ruling in a specific incident if the mujtahid finds it better according to a Shari'a criterion or custom [(50)].

Ninth: What is related to the desirability

Dr. Al-Zalmi chooses a new definition of desirability because according to his opinion, the previous definitions of desirability involve wasting time and not coming to a fruitful result. For example, the definition of Al-Shawkani [(51)] is seen in his book, as he sees that the ancient fundamentalists discussed it in a deep philosophical style that is

characterized by the nature of disagreement in its authenticity and therefore not importance, Researchers in the modern era did not come up with anything new in terms of objectivity and formality. Rather, their efforts were limited to repeating what was said and not reviewing the fundamentalist differences in this origin without presenting a clear result that would benefit the judge, mufti, or legal researcher when relying on him in rulings. Al-Zalmi's chosen definition of desirability is: that desirability is the continuation of a previous ruling from a later time on the basis of the lack of proof of its abolition (52)

THE FOURTH TOPIC: THE FUNDAMENTAL PRINCIPLES THAT CAME WITH AL-ZALMI'S BOOK, THE PRINCIPLES OF JURISPRUDENCE IN ITS NEW TEXTURE

Al-Zalmi's book was distinguished by fundamental principles or scientific conventions that we did not find in other contemporary books. The most important of these are:

1. His denial of the abrogation of the Holy Qur'an by the Mutawatir Sunnah, as he affirms that the Mutawatir Sunnah is definitive, but the texts of the Holy Qur'an are stronger than it because its wording and meaning are from God Almighty, contrary to the Sunnah, so it was revealed by the Prophet (may God bless him and his family and grant him peace). It is specified by it and not abrogated, and he mentioned an example of this in the verse of the commandment) (53).
2. That the sources of mental dependency are rather weightings for action and means used by the mujtahid to discover the rulings of facts that were not stipulated in it. For example, desirability is defined as a rational jurisprudence process that aims to give preference to working with the evidence of the exceptional ruling over working with the evidence of the original ruling in a specific incident if the diligent finds it better according to a Sharia standard (54).
3. His refusal to divide interests into consideration, neglected, and dispatched, and his justification for that is that all legitimate interests are considered, so there is no canceled interest, because cancellation requires prior recognition of the canceled interest, then canceling it, which is invalid. Likewise, there is no interest sent that is not subject to God's knowledge and will, and accordingly, he divided the interests into consideration and not considered (55).
4. It is unique in naming the divisions of the mandated legal ruling as it is the discourse of the legislator, so it is a characteristic of it as affirmation, mandate, prohibition, coercion, and permissibility (56), while we find the designations of these divisions in the books of assets with the effect of this discourse, which is the jurisprudential ruling of obligation, deputation, prohibition, dislike, and the permissibility (57). Or the description of the required, obligatory, recommended, forbidden, disliked, and permissible action (58).

CONCLUSION

1. Professor Al-Zalmi came up with new definitions for the sources of Islamic law, such as interest and approval, and the definition that Al-Zalmi chose for these sources resulted in building new rulings for these sources in terms of divisions and authoritativeness.

2. The response and discussion brought by Professor Al-Zalmi are not ignored, especially in places related to the Holy Qur'an, such as his description that it is a constitution and that the sections of the rulings contained therein are five, not three, as well as his opinion on the subject of abrogation.

3. Despite the scholarly audacity that al-Zalmi is known for, we sometimes see him not revealing his frank opinion on some sensitive issues, such as the possibility of convening a consensus in our present era.

4. Dr. Al-Zalmi had a special structure in studying the topics of Islamic jurisprudence in this book, which gave him a new texture.

5. One of its prominent features is his call in this book for the advanced and continuous research of emerging and contemporary issues and keeping pace with scientific progress and the development of the times, reinforced by several examples in various places.

6. Dr. Al-Zalmi had several fundamentalist, jurisprudential, and legal proposals to develop the scientific, practical, and educational process in the field of jurisprudence, principles, and comparative studies between Islamic jurisprudence and man-made laws.

7. In this book, Dr. Al-Zalmi made a very clear effort and innovative work in reviewing some legal rules and their texts, trying to give them a jurisprudential and fundamentalist basis, which makes it necessary to acknowledge with certainty that these rules are their reference and perspectives are the Islamic Sharia and its multiple sources, reinforced by examples of comparative legitimacy and legality.

RECOMMENDATIONS

1. The need to study the writings of Prof. Dr. Mustafa Al-Zalmi in various fields.

2. Encouraging (postgraduate, master's and doctoral students) to study the works of Prof. Dr. Zalmi and benefit from them in their scientific research

3. Introducing the books of Prof. Dr. Al-Zalmi in the curricula of the faculties of Sharia and Law.

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FOOTNOTE

1. See: Al-Azhar Magazine - Men in Memory - Sheikh Dr. Mustafa Al-Zalmi. Gilgamesh Center for Kurdish Studies and Research - Kurdish personalities - (a scholarly figure, the scholar, Dr. Mustafa Al-Zalmi. Madiha Saleh Mahdi, Dr. Mustafa Al-Zalmi and his fundamentalist and legal opinions, 1st edition, (Iraq-Baghdad, 1435 AH / 2013 AD), p.11
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4. Dr. Mustafa Al-Zalmi and his fundamentalist and legal opinions, p. 14, p. 30, p. 44.
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10. such as the issue of rational improvement and ugliness, and other verbal issues.
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