

RULING ON DIVORCE BY AN ENCHANTED MAN IN ISLAMIC JURISPRUDENCE

Dr. Abbood bin Alee bin Dir'

Abstract

The author gives the following conclusions:

Magic is a fact as proved by the Holy Qur'an and Prophet's *Sunnah*.

Magic is of several types.

Magic has effect on the enchanted person by the permission of Allah.

The divorce pronounced by an enchanted person includes several cases as follows:

A person enchanted with something that has nothing to do with marriage; the preponderant opinion is that his divorce takes effect.

A person who falls under a mild effect of magic; his act of divorcing his wife takes effect.

A person who falls under a severe effect of magic; his act of divorcing his wife does not take effect.

If the words, acts, will and choice of the enchanted person are affected to the extent of hallucination and obsessions about divorce, his act of divorcing his wife does not take effect in all these cases.

CHILD'S RIGHT OF SUPPORT

Dr. Noorah Muslim Al-Mihmaadee

Abstract

The child is the one of an age less than that of puberty.

The support a child is entitled to includes sufficient amounts of bread, food, clothes, accommodation and other necessary living means provided to the one who takes care of him.

The child is entitled to support according to proofs from the Holy Qur'an, Prophet's, consensus of scholars and intellectual reasoning.

The author concludes her study by listing the measures through which the Islamic Sharee'ah guarantees the right of the child to support. The most important ones are the following:

The child's support should be provided from his property if he has any.

The child's support should be provided by his father if the latter is alive.

The child's support should be sufficient and if disputes arises as to its amount, the ruler is the one who estimates the amount of support.

The father's solvency is not a condition for him to support his child.

Mixing the property of the orphan with that of the guardian is conditional on safeguarding and investing it properly.

A foundling child's support should be provided by the state treasury.

The child kept by his mother is provided support by his father and if he has no father, his relatives should provide support.

THE CONDITION OF UNANIMOUS AGREEMENT OF SUPREME COURT JUDGES IN CASES OF CAPITAL DISCRETIONARY PUNISHMENT

Dr. Abdullah bin Barjas Ad-Dosaree

Abstract

A discretionary punishment is the one that is not provided for textually.

In the Kuwaiti Encyclopedia of Jurisprudence it is defined as a punishment that is not determined by the provisions of *Sharee'ah* which is the right of Allah or a human being for a sin for which there is no textual punishment or redemption.

Discretionary punishments cover physical ones such as the capital crime or whipping.

The most important recommendations and conclusions of the study include the following:

Discretionary punishments are legitimate and the judge may choose the

proper punishment.

A discretionary punishment is subject to pardoning by the ruler contrary to textual punishments which cannot be pardoned by the ruler.

A criminal may be punished by a discretionary capital punishment.

Discretionary whipping may be of any number of whips provided that a discretionary punishment does not exceed the textual punishment of a crime of the same nature.

According to Islamic jurisprudence, there is no objection to have more than one court; namely degrees of litigation.

To err in pardoning is better than to err in punishment.

CONTEMPORARY SLAUGHTERING PROVISIONS

Dr. Musfir bin Alee Al-Qahtanee

Abstract

The study concludes as follows:

All types of fish are edible without being slaughtered.

All jurists agree that the slaughtering tool should be sharp so as to cut or penetrate with the sharp edge rather than weight, that it should not be a tooth or a claw and that it is better to be made of stainless steel.

Slaughtering provided for in the

Islamic *Sharee'ah* is that the animal should not be brought to the state of dizziness.

The place of slaughtering should be at the larynx according to the unanimous opinion of scholars. The four veins and arteries should be cut.

The name of Allah should be mentioned at the time of slaughtering

It is not permissible to eat from any animal slaughtered for anyone other than Allah.

DISPUTES ON RESPONSIBILITY FOR DAMAGE IN CASES OF COMPENSATION

Dr. Ridhaa Mutawalee Wahdaan

Abstract	result of the actions of the	To conclude, responsibility
Governing Principles:	administration	for damage needs to prove that
1 st Principle: Damage	With regard to the issue	a certain event has taken place
2 nd Principle: Conditions of	of multiple reasons, jurists	as claimed by the plaintiff.
occurrence of damage	argue that the damage is	However, the respondent may
3 rd Principle: Responsibility	attributed to the strongest	refute the claims of the plaintiff
for damage	reason producing the damage	and explain that the proof of
4 th Principle: Damage as a	or to the most recent reason.	responsibility is not valid.

INHERITANCE BY CONSANGUINEOUS RELATIVES IN THE ISLAMIC SHARĒ'AH

Dr. Hassan Tayseer Shammoot

Abstract

The author concludes the following:
Consanguineous relatives are the ones who have no textual shares and are not agnates at the same time.

The four schools of jurisprudence agree that consanguineous relatives are entitled to inheritance because there is no Islamic treasury.

There is no difference between jurists that consanguineous relatives may not inherit if a relative entitled to a textual share or an agnate is present.

Consanguineous relatives may not be deprived from inheritance in the presence of either spouse

Consanguineous relatives are given their ranks depending on the rank of the heir through whom they relate to the heritor.

STIPULATION OF MENTIONING THE REASON OF ENTITLEMENT IN THE LAWSUIT

Sheikh Abdus-Salaam Al-Ubaydee

Abstract

Financial lawsuits are of three types as follows:

1st Type: Indebtedness lawsuits. For the lawsuit to be valid, the following should be mentioned: Kind, Type, Description, and Amount

The preponderant opinion of jurists is that it is not necessary to mention the reason of entitlement in indebtedness lawsuits.

2nd Type: Real Estate Lawsuits

The preponderant opinion is that mentioning the reason of entitlement is not stipulated for the real estate lawsuit to be valid.

3rd Type: Movables Lawsuits

The preponderant opinion is that mentioning the reason of entitlement is dependent on the different subject of each lawsuit.