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# PROVING THE OWNERSHIP OF FADAK BASED ON JURISPRUDENTIAL RULE YAD

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## ABSTRACT

Fadak is a flourishing and fertile land located near Khyber; and geographically it is located in the north of Medina and its distance to Medina is more than 100 kilometers. Before gifting the Fadak, it was part of Fi, and it refers to trophies received by Islamic community at the time of prophet (PBUH) without war and bleeding. At the time of prophet (PBUH) Fadak was gifted according to Ayah "give to the near of kin their rights" and captured by Hazrat'e Zahra (SA). The study which has been conducted in librarian study method, conducted the researcher to evaluate the ownership of Fadak from holy Quran view and the verses related to the issue, view of commentators about the verses and also sayings and narrations during the time of prophet (PBUH) and Infallible Imams (AS) and also the opinion of Jurisprudents about sayings and narrations. Generally in this study Jurisprudential issues related to proving Fadak ownership of Hazrat'e Zahra will be reviewed. "Yad Jurisprudential rule" is of the famous and liable Jurisprudential rules, not only accepted by all Islamic Jurisprudents but also all wise people and also cited by them. According to "Yad rule', since Fadak was captured by Hazrat'e Zahra, she is the owner, and the first caliphate claim based on proving Fadak ownership and introducing witnesses by Hazrat'e Zahra (SA) has no religious and legal basis, and it is without reason. Therefore one of the applications of Yad rule is approving ownership, which it can cite this rule to prove Fadak issue and the right of Hazrat'e Zahra (SA), as described in article 35 of civil code that: occupation is the reason for ownership as property, unless the contrary is proved.

**Keywords: Jurisprudential Rule, Yad, Ownership, Fadak, Fatima**

## INTRODUCTION

Historical story Fadak issues that coincide with the death of the Prophet and the early days of Islam has been considered and it should be considered one of the most tragic passages from Islamic history. Since Fadak, just do not spend that usurped the land of Fadak but equal to usurp the sovereignty of the province, it is important to address this issue. However, since the rule of iodine, One of the rules is well known that in many fields of law and adherence to all current transactions It can be said that all the provisions of the transaction is, why Fadak of Hazrat Zahra (SA) were? **[3]** Discuss this topic, and different traditions in history is such that Fadak Prophet (PBUH) and Fatimeh (SA) or the Fadak inherited the Prophet (pbuh) to Fatimeh (SA) is Prophet Muhammad (PBUH) called and canceled the order and granted him a document Fadak as the Prophet was delivered to him. At the invitation of the population, a significant proportion of income paid Fadak as Fatemeh divide between people. Hazrat Zahra (SA), in the land of Fadak and his representative and paying the necessary calculations, it was - that seventy thousand to a hundred and twenty thousand gold coins have written - serving Muhammad (PBUH) was submitted. **[4]** Every year on the strength of Fadak took the money and the rest was divided among the poor and to the prophet (pbuh) continued this way. (Ansari, Rajai, B., 1/20) However, in the desert land of Fadak historic Hejaz been unknown, but there has been extensive discussion and find different ideas and different doctrinal issues among Islamic sects and denominations, particularly the question of the legitimacy of Hazrat Zahra (AS) at Fadak property Fadak and the Caliphate and Imamate and the innocence of Family of the Prophet (AS) at that point in the history of the Islamic state, I think it was on to the plan and review it, I can load and spiritual values and beliefs that 've Enjoyed both themselves and others **[6].**

Geographical location Fadak

Fadak, prosperous and fertile land, which was located near the Khyber and geographically located in the north of Medina, and the distance to the city is more than 100 km. Fadak original inhabitants of the Jewish people who were associated with the Khyber. The land called "Fadak Bin Ham, son of Noah's son Ham" has been named the first person who lived there. Fadak, castles Khyber place reliance upon the Jews of the Hejaz and, as we have already mentioned that was the source of water and fertile land was vast palm groves And the quality of great importance to agriculture has enjoyed **[7]**. Fadak revenue each year nearly 24 thousand dinars and in

some traditions, it was proposed to 70 thousand dinars. (Majlesi, 1364, p. 163).

The Moslem army conquered Fadak

In the seventh year of petrous and about four years before the death of the Prophet Muhammad came and conquered Fadak to the command. The decree stipulated that action by the person to the Prophet and Imam Ali (AS) and Muslims do not participate in it. Prophet after the Jewish forces in the Khyber and and Tayma shattered, for an end to the Jewish power in the land, they decided to conquer Fadak. The Prophet (pbuh) and Hazrat Ali (AS) were removed overnight from the army and brought her to the side of the castle Fadak. The conquest of Khaybar and Fadak to news of terror had found refuge in the castle of the Prophet and Ali were on the side walls of the fort. Imam Ali (AS) used this opportunity, The shoulder of the Prophet (PBUH) was the fortress walls went up on top of the wall was then that he began to say prayers **[9]**. Fortress of the Muslim soldiers on top of the castle are thought Fadak, Castle doors opened and the boy ran out and the Prophet that they were waiting outside the castle They were involved with their children and they could be captured. (Majlesi, 1403, vol 21, p 105) Fadak Jews for their freedom pledged to half or a third of its product revenue each year to the Prophet and thus have a contract with the Prophet signed and sent the Jews People came and Fadak were then protected under Islamic rule mutually pledged their regional security. One of the most important rules of Islamic jurisprudence "should rule 'that in most books of fiqh rules set Imami school, This rule has been discussed and talked about the reasons and applications. Rule "should" from two aspects will be addressed. One of those two aspects, became the cause and source of ownership. . This aspect of the debate Heyzat lawful recovery of uncultivated and have argued, for example, when you fish or hunt wild animals by creating a stream or river encloses the fish, the fish would come to his property and possessions because, domination and "should" is. The second aspect of the discussion of the evidence and proof of ownership. We also rule "must" and the second aspect will be discussed **[8]**. It seems that Fatima is present only in political activity in all three registered Shia and Sunni sources. Decline after the conquest of Mecca, Abu Sufyan protect, defend his Shhamtmndanh of Ali after the death of the Prophet and Abu Bakr as caliph elected opposition and violent conflict with life, to claim his father's property and challenging Abu particularly Fadak Khyber share that totally was not accepted by Abu Bakr. Unlike Zahedan thoroughly lose hold of the world, next to the historical and

religious sources active participation of Fatima have recorded at home and in the community. F. legal knowledge and justice he is the sign of his presence in the community. (Shahidi, 1379, p. 19) Fadak and keep the innocence of Muhammad (PBUH) by gentlemen infallible Imams (AS) of Abu Bakr and Umar continued to usurp Fadak Talm mother said and did when Remembering the mother Fatima were tears in her innocence and innocence on the Fadak and Hazrat Zahra (s) numerous traditions through the Infallible Imams (aS) has several characteristics that clarifies the incident **[3]** Yes, No Fatima Fadak file so strong and clear that centuries of human competent courts against the injustice that Abu Bakr and Umar, Fatimeh had their fair judgment. Imams (as) and the Shias have historically tried to document the story of Fadak oppressed and plundered rights go Family of the Prophet is not forgotten and will live on, and they do not look at it as a historical problem and thus kept constant and the limits of it so that if a victim of real estate to be expropriated, exactly meet their limits. The Imams (AS) and administer the Supreme Fadak was a sense that the Prophet had usurped the inheritance and prophet, imam of the Islamic public that Fatima and Ali (AS) and children it was the authoritative interpreter. Then, the true meaning of Fadak in eloquent words of Ali (AS) Nhjalblagheh and its symbolic meaning in the narrative of Imam Mosa kazm (AS) apply.

**METHODOLOGY**

According to the theoretical research, the method according to the standards and principles of theoretical research is based on literature review and analysis of reasoning and logic used. The views and opinions presented in explaining concepts and ends with conclusions.

**Data Collection**

This research is a theoretical investigation will be conducted using library resources. Information needed by the library, digital library, profile publications, articles and virtual space we get.

Iodine is one of the most basic rules and principles of Islamic jurisprudence and the narrative and documentary evidence is reliable. Like the famous Speech of the Prophet and Ali Hand Man who catch anything on His responsibility to dismiss it. Several narratives imply that if something bad was going to have to work on it once the ownership and possession of the property is not. The most important point in relation to this rule is to review the issue of Fadak and Abu Bakr and Umar opposition to Allah and the Prophet (PBUH). These people reject the testimony of Ali (AS), the law of Islam and the prophet (pbuh) opposed. It should only be for the reason

that Ali married Fatimah after he testified in favor of the martyrdom of Ali (AS) and refuse to accept it. While kinship alone will not prevent them from giving testimony to the importance of this issue is that there is no doubt that the Prophet Fadak to Fatima had gifts and more Muslims knew that the Prophet (PBUH). Fadak had alleged that the property right in saying. The ownership of Hazrat Zahra (SA) on Fadak, no matter who is wearing the Muslims, especially Abu Bakr and Umar. The issues of Fadak to Fatima was oblivious and Fadak main objective of Fatima was not. Ali (AS) and Hassanein (AS) puts its witnesses and prove to the Muslim inhabitants of Medina, the words of the Prophet, Abu Bakr and Umar Ali (AS) and his children are rising up to protest openly. Fatima Abubakar wants to bring more certainty that if the twenty Fadak to her back. For Fatima was clear that Abu any means, even lie close to the Prophet, his fight to bring back Fadak to her. Without any doubt, those who believe in Allah and His Messenger, and the rank and status of Ali and Zahra with Rsvlkhda (p) is aware, Fatima Abubakar wants to bring more certainty that if the twenty Fadak to her back. For Fatima was clear that Abu any means, even lie close to the Prophet, his fight to bring back Fadak to her. Without any doubt, those who believe in Allah and His Messenger, and the rank and status of Ali and Zahra with Prophet (s) are aware of the hadith of Abu Bakr, who lie.

**DISCUSSION AND CONCLUSIONS**

Our results show that:

1. Our task is to keep alive the story of Fadak and innocence of Hazrat Zahra (SA) and the Imams of Prophet, and it must be kept up to Fadak be viewed as a historical problem, but in a sense Fadak and provincial government that after the death of the Prophet from the Prophet were usurped. Therefore, one of the symbols of regeneration and survival of Fadak, literature that addressed the infallible Imams (as) followers language school Fatemeh flowing.[4]

2- Sermon Muhammad (PBUH) Mosque of the Prophet insisted evidence that Muhammad (PBUH) in the case of Fadak just to get a piece of land and material heritage, although it was not a question of Fadak was very reasonable plan. The emotional aspect of it is not a little thing, but most of the other stuff like philosophy rulings, the Prophet Muhammad (SAW), the introduction of Ali (AS) was introduced and the caliph and stated that his actions is no reason to conquest place was great while it does not qualify. 3. Apart from the world seeking justice is what the Prophet (PBUH), he was not entitled to seek the wealth of the world, and the assertion of a right, natural,

legal and reasonable, necessary and popular spirituality and devotion to God and the dignity of Fatima (s) is much higher than that of the uprising and the struggle for Fadak or carnal desire to belong to the world. In particular, based on the traditions and public property, the Exalted Prophet Muhammad (pbuh) was sent to the dear lady who soon joins him.

3- Discussion and insisted Hazrat Zahra (SA), to decry Sqyfh leaders and vindication of his family's chastity and purity, because the main action, the government and undermine their power and made him many arguments about Fadak was that the Muslims of the the legitimacy of the family of the Prophet and the Muslims of future generations)

4-Discussion and insisted Hazrat Zahra (SA), to decry Sqyfh leaders and vindication of his family, chastity and purity, because the main action, the government and undermine their power and made them about FADAK many arguments that the then future generations of Muslims and Muslims legitimacy family of the Prophet (PBUH) even in a minor issue turned on the Taliban and the rightfulness Sqyfh truth.

5- Another reason why Muhammad (PBUH) to secure Fadak, defense force and stand in front of the greatness that was marred. The enemies who tried to usurp Fadak they wanted in the first place of Hazrat Zahra (sa) at Fadak unjustly seizing their effects, and in the second phase and the third phase of the creditor's right to be on the show that Why did the first day of Hazrat Zahra (AS) himself has not delivered Fadak? The most obvious resistance to the action of the innocent, the question of vindication and prevent evil enemies aims to question the sanctity of infallibility does not.

6-Ali and Muhammad (PBUH) in several stages ultimatum, as well as heretical Islamic fist opened. With a full confession fact heretical Islamic effects and well presented, and the goal was achieved.

7-The actions of Muhammad (PBUH), the rules of international judge sentenced them. How to seize property that is occupied person without due process and trial and hearing the plaintiff and the defendant by force, their agents and representatives of Hazrat Zahra (sa) from Fadak out, indicating the beginning of bullying and chaos with this kind of chaos in society and the dictatorship of the fight.

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**REFERENCE**

**[1]** The Holy Quran.

**[2]** Nahjalblagheh

**[3]** Eshtehardi, M. (2003). A look at the life of Muhammad (PBUH). Tehran, holy.

**[4]** Babaei, A. (2004). Interpretation chosen sample. C 1, 3, thirteenth edition, Tehran, Al Library.

**[5]** Hossein Hamadani, M. (1404). Bright lights. First Edition, Volume 12, Tehran, Lotfi Press.

**[6]** Kulayni, OR. (1990). Just the basics. 3.6 (c), Tehran, Al Daraktb.

**[7]** Scholastic, M. (1999). Translated by Ahmad quiet. Interpretation, guidance, Mashhad, Islamic Research Foundation.

**[8]** Hashemi, h. (2003). Expediency. Tehran, Center for Cultural Research Seminary.

**[9]** Hekmatnia, M. (2001). Theoretical Foundations of intellectual property with an emphasis on Islamic jurisprudence. Doctoral dissertation privacy, Tarbiat Modarres University.