

الجمهورية الجزائرية الديمقراطية الشعبية

وزارة التعليم العالي والبحث العلمي

كلية أصول الدين والشريعة والحضارة الإسلامية

قسم : الفقه وأصوله

الرقم التسلسلي :

جامعة الأمير عبد القادر

للعلوم الإسلامية - قسنطينة -

رقم التسجيل :/.....

الشك وأثره في الأحكام عند المالكية

دراسة نظرية تطبيقية باب العبادات نموذجاً

مذكرة مقدمة لنيل شهادة الماجستير في الفقه المالكي وأصوله

بإشراف :

الدكتور نذير حمادو

إعداد الطالب :

عماد حشيش

لجنة المناقشة

الاسم واللقب	الرتبة	الجامعة الأصلية	الصفة
الدكتور : عبد القادر جدي	أستاذ محاضر	جامعة الأمير عبد القادر - قسنطينة -	عضوا ورئيسا
الدكتور : نذير حمادو	أستاذ محاضر	جامعة الأمير عبد القادر - قسنطينة -	مشرفا ومقررا
الدكتور : نور الدين ميساوي	أستاذ محاضر	جامعة الأمير عبد القادر - قسنطينة -	عضوا
الدكتورة : جميلة بوخاتم	أستاذ محاضر	جامعة الأمير عبد القادر - قسنطينة -	عضوا

السنة الجامعية : 1428 - 1429 هـ / 2007 - 2008 م

الملاح

And I deeply looked for certainty of Malikite roots construction on basis of this Doubt , as what is thought in the work of madinahs' people by giving consideration to dispute and attendance which is one of the Doctrine's root , and in opposite I did not found to these roots or to others of the Doctrine any relation with the Doubt except in attendance in some of its images .

But the fundamentalistic and jurisprudence rules referred to the Doubt are available in sufficient form in Malikite Doctrine this shows their interests in the case of this theme .

At the end ; I devoted myself to the heart of the research - paper in order to answer the great problematic in it , including : is there any impact of Doubt in rules according to Malikites or not ? and I found that there is an impact on it through what was transmitted from their speeches about the question even are less or rare , that transmission was as the theoretical side to this result , and I reported a bouquet of practical instances that stressed it , restricted to the worship side only as a model among the various classes of jurisprudence .

Synthesis of research - paper about Doubt and its impacts according to the Malikite Doctrine rules (laws)

In this research we shall know about a group of topics which is linked in near or far manner about the question of Doubt , and I have responded to various problematics I have passed on through chapters of the thesis .

I treated the topic of Doubt , and I have chosen the following definition that Doubt is an expression of : (credence without absoluteness ; it can have two alternatives or more equally) , As I have mentioned to the determination of Doubt's parts , among them the part of obsession which is an expression of developed Doubt ; because it is allied to the self at least once a day , and this part is regarded as a dangerous of sickness problem (case) some individuals suffer from it , and its main cause - as the scholars (savants) say - either is the ignorance of religion , or lack in the mind's instinct , and I have spoken about the signs that can help in the knowledge of this disease , and the ways that can be a cause in its remedy .

Also I mentioned in this research the suitable terms near to Doubt such as : suspicion , fancy , dubious and the difference between them , and I have investigated in the opinion of Malikites toward the terms of Doubt and suspicion ; after I found a speech of one of savants who noted that these terms have no difference according to the scholars' speeches , and in my investigation I found that they differ only in restricted sections for the Malikite Doctrine and they warned about them in their works (classifications) .

And I discovered through this topic the feature by which the Doubt is characterized from the others and this is the cutting matter which reaches the difference between it and the near terms to it , this feature is equality , which means two or more equal things without declension , and I discovered also that this feature exists also in other fundamentalistic terms , this matter led by to look on the relation between the equalities existing in these terms and the Doubt which is featured also by equality ; these terms like : common , global , and permissible ... , I found that the existing feature between them is the same as that of the Doubt , this pushed me - inside my self - to be certain that this equality is found in any term of Doubt and in hat is declined among its alternatives was of suspicion and what was declension was of fancy .