Methodology for Dedicating Efforts to Educating the Public on Contemporary Financial Transactions

First: The ability to dedicate time and attention to Studying contemporary cases.

Because resolving emerging issues depends on *Ijtihad*[1], the researcher responsible for examining them must be fully qualified for *Ijtihad* and fulfill the following requirements:

1- Comprehensive understanding of the Quran.

2- Comprehensive understanding of the Prophetic hadith (Sunnah).

3- Knowledge of legal consensus (Ijma'): awareness of issues where past consensus was reached to prevent contradictory or invalid rulings.

4- Deep mastery of the Arabic language: advanced knowledge of grammar, rhetoric, vocabulary, and linguistic nuances.

5-Should have the skill of ijtihad i.e. to have a jurisprudence talent that helps him to understand the jurisprudence's issues.

6-Should be honest in his words and actions, avoid the major sins and not insist on doing minor sins.

7- Should be aware of the higher objectives of the religion (Maqasid al-Shari'ah): by grasping the main purposes of Islamic law (preserving faith, life, intellect, lineage, and wealth) and understanding the lived reality to apply rulings effectively.

8- To be able to elicit/drive the rules from the contemporary scholars' books.

9- Understanding the lived reality and the circumstances around it to apply rulings effectively .

[1] Ijtihad: The total expenditure of effort by a qualified jurist (*Mujtahid*) to deduce operational Islamic rulings (*ahkam shar'iyyah*) from detailed scriptural evidence (*al-adillah al-tafsiliyyah*).

Secondly: The steps a scholar goes through to determine a ruling for a new financial case:

1- Praying to Allah, asking him to inspire his mind and provide him with right foresight in this contemporary case.

2-A deep understanding of the subject of the case can help to give a judgment with confidence.

3- Searching for the emerging case in the legal texts from the Qur’an and the Prophet’s Sunnah.

4- Examining this case in light of the Companions’ sayings and arguments.

5-Searching for the ruling in the jurisprudence of the four imams of the schools of jurisprudence.

6-Searching in the new sources of information in recent scholars’ articles.

7- Using his own opinion in giving the correct rule.

8-If the he still could not reach any legitimate rule for this newly merged case; he should refrain from ruling (Fatwa).

Incorporeal Rights

Definition of Rights:
An exclusive entitlement by which the Law (*Sharīʿah*) establishes an authority or an obligation.

Types of Rights: (political -civil)

1. **Political rights**

These are the rights which have been established by the law for the individuals to organize the ruling and its different authorities, like the right of election and nomination.

2. **Civil rights**

Aimed to establish the individual's interests directly, and it divides into two divisions**:(General-private)**

A) General Rights:

Aimed to surround the human's person with the obligated care and respect. They are also termed inherent personality rights (rights inherent to the person), the denial of which is considered a degradation of human dignity i.e. the human right for his body safety, his inviolability of his residence. etc.

B) Private Rights:

It arises as a result of bonds between individuals under the rules of private law with its different branches from civil law and personal affairs and others. It divides into two divisions: **(Family-financial)**

1- **Family rights:** Decided by the rules of personal affairs like the right of custody and the rights of divorce etc.

2- **Financial rights:** Which could be evaluated with money, it has three types:

Personal rights	**Material rights**	**Incorporeal rights**
It is a law relation between two persons like a creditor and debetor, it's called the **commitments**	It is a direct authority given by the law to a person on material thing, it is called **property rights**	(the rights of innovation) it is authority of a person on something **incorporeal**