

**THE RULES OF SEEKING PERMISSION IN SURAH AN-NUR A  
COMPARATIVE STUDY BETWEEN THE INTERPRETATIONS OF THE  
RULINGS OF THE QUR'AN BY AL-JASSAS (D. 370 AH) AND AL-JAMI' LI-  
AHKAM AL-QUR'AN BY AL-QURTUBI (D. 671 AH)**

*AS REGRAS PARA PEDIR PERMISSÃO NA SURATA AN-NUR UM ESTUDO  
COMPARATIVO ENTRE AS INTERPRETAÇÕES DAS REGRAS DO ALCORÃO POR  
AL-JASSAS (M. 370 AH) E AL-JAMI' LI-AHKAM AL-QUR'AN POR AL-QURTUBI (M.  
671 AH)*

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**Athraa Mohammed Abbas Al-Zubaie\***

\*Iraqi University, College of Education for Women, Department of Quranic Sciences and Islamic Education,  
Baghdad, Abu Ghraib, Iraq  
[athraa.m.abbas@aliraqia.edu.iq](mailto:athraa.m.abbas@aliraqia.edu.iq)

**Israa Karim Abdullah\***

\*Iraqi University, College of Education for Women, Department of Quranic Sciences and Islamic Education,  
Baghdad, Al-Adhamiya, Iraq

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### **Abstract**

This research aims to demonstrate the rulings on seeking permission mentioned in Surah An-Nur, through a comparative study between the interpretations of Al-Jassas's "Ahkam Al-Qur'an" and Al-Qurtubi's "Al-Jami' li-Ahkam Al-Qur'an." The study clarifies the points of agreement and disagreement between the opinions of each of the two imams regarding the rulings on seeking permission, and presents the views of jurists and their guidance, with a focus on the linguistic and technical concept of seeking permission, and an explanation of the wisdom behind its legitimacy, and its ruling.

**Keywords:** Rulings. Seeking Permission. Al-Jassas. Al-Nour. Al-Qurtubi.

### **Resumo**

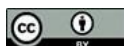
*Esta pesquisa tem como objetivo demonstrar as regras sobre a solicitação de permissão mencionadas na Sura An-Nur, por meio de um estudo comparativo entre as interpretações de "Ahkam Al-Qur'an", de Al-Jassas, e "Al-Jami' li-Ahkam Al-Qur'an", de Al-Qurtubi. O estudo esclarece os pontos de concordância e discordância entre as opiniões de cada um dos dois imãs em relação às regras sobre pedir permissão e apresenta as opiniões dos juristas e suas orientações, com foco no conceito linguístico e técnico de pedir permissão e uma explicação da sabedoria por trás de sua legitimidade e sua regra.*

**Palavras-chave:** Regras. Pedir Permissão. Al-Jassas. Al-Nour. Al-Qurtubi.

## **1 INTRODUCTION**

Praise be to God who revealed the Quran as guidance for mankind, and prescribed for His servants the rules to regulate their lives and transactions. Then prayers and peace be upon our Prophet Muhammad (peace and blessings be upon him).

**Now then:**



The science of rulings is one of the most important Islamic sciences for understanding the objectives of Islamic law, because it is considered the foundation upon which the organization of a Muslim's life is based, through the derivation of legal rulings that achieve a general interest for the individual and society. Among the important rulings is the ruling on seeking permission in Surah An-Nur. A comparative study between the interpretations of (Ahkam Al-Qur'an) by Al-Jassas, and (Al-Jami' li-Ahkam Al-Qur'an) by Al-Qurtubi, as this research is based on five demands as follows:

**First requirement: Definition of seeking permission linguistically and technically, the wisdom behind its permissibility, and its ruling.**

**The second requirement: The ruling on seeking permission to enter inhabited houses.**

**Third requirement: Ruling on seeking permission from slaves and boys.**

**Fourth requirement: Ruling on entering uninhabited houses.**

**Fifth requirement: Ruling on children seeking permission upon reaching puberty.**

The study aims to highlight the similarities and differences by presenting and explaining the opinion of both Imams Al-Jassas and Al-Qurtubi (may God have mercy on them), while explaining which is more correct, while providing a comprehensive presentation of the rulings on seeking permission in Surat An-Nur through the interpretation of (Ahkam Al-Qur'an) by Al-Jassas, and (Al-Jami' li-Ahkam Al-Qur'an) by Al-Qurtubi from a jurisprudential and educational perspective.

#### **Section Four: Rules for Seeking Permission**

**The first requirement: Defining permission linguistically and technically, the wisdom behind its legitimacy, and its ruling.**

**First: Permission in Arabic:** It is derived from the verb "to ask permission," on the pattern of "istifa", its triliteral root being "adhan," from which comes "to permit him to do something," meaning to allow him to do it, or to listen to him, i.e., to inform someone of the permission and authorization for something, as in the Almighty's saying:<sup>(1)</sup>That is, by His will and command.<sup>(2)</sup>

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<sup>(1)</sup>Surah Al-Baqarah, part of verse: 279.

<sup>(2)</sup>Lisan al-Arab, by Muhammad ibn Mukarram ibn Ali, Abu al-Fadl, Jamal al-Din Ibn Manzur al-Ansari al-Ruwayfi' al-Ifriqi (d. 711 AH), footnotes by al-Yaziji and a group of linguists, Dar Sader – Beirut, 3rd

### **Secondly: The technical definition of seeking permission:**

Scholars have several definitions of seeking permission, but their summation suggests one meaning, even if the words and conditions differ:

- 1- The Hanafi school defined it as: “requesting permission and information, whether the resident is in the house or not.”<sup>3)</sup>
- 2- The Malikis defined it as: “requesting permission to enter someone else’s house.”<sup>4)</sup>
- 3- The Shafi'i school of thought defines it as: "Requesting permission to enter a place that the person seeking permission does not own."<sup>5)</sup>
- 4- The Hanbalis defined it as: “It is from the concept of familiarity, which means inquiry and exploration, from the root meaning ‘to be familiar with something,’ when one sees it clearly and openly.”<sup>6)</sup>

From the previous definitions, it becomes clear to us that although the wording of seeking permission differs among the jurists, its meaning is one, which is to request permission and authorization for something.

### **Third: The wisdom behind the permissibility of seeking permission:**

God Almighty has prescribed seeking permission in His Holy Book; it is a ruling of the religion and a law of Islam, aimed at protecting privacy, preserving honor, and

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edition, 1414 AH/1994 CE, chapter on the letter Alif, (entry for ear): 9/13; and al-Qamus al-Muhit, by Majd al-Din Abu Tahir Muhammad ibn Ya'qub al-Firuzabadi (d. 817 AH), edited by the Heritage Research Office at the al-Risalah Foundation, under the supervision of Muhammad Na'im al-Arqasusi, al-Risalah Foundation, Beirut – Lebanon, 8th edition, 1426 AH/2005 CE, chapter on the letter Nun, section on the letter Hamza: 1/1175; and Taj al-'Arus min Jawahir al-Qamus, by Muhammad ibn Ahmad ibn Abd al-Razzaqah al-Husseini, Abu al-Fayd, nicknamed Murtada, al-Zubaydi (d. 1205 AH), edited by a group of researchers, Dar al-Hidayah, (n.d.), (n.d.), (entry for ear): 34/163.

<sup>3)</sup>Bada'i' al-Sana'i' fi Tartib al-Shara'i', Ala' al-Din, Abu Bakr ibn Mas'ud al-Kasani al-Hanafi, nicknamed “Malik al-'Ulama” (d. 587 AH), (n.d.), Dar al-Kutub al-'Ilmiyya, 2nd ed., 1406 AH-1986 AD: 5/124, and al-Mu'tasir fi al-Mukhtasar min Mushkil al-Athar, Yusuf ibn Musa ibn Muhammad, Abu al-Mahasin Jamal al-Din al-Malati al-Hanafi, (d. 803 AH), 'Alam al-Kutub - Beirut, (n.d.), (n.d.): 2/233.

<sup>4)</sup>Al-Dhakhira, Abu al-Abbas Shihab al-Din Ahmad ibn Idris ibn Abd al-Rahman al-Maliki, famously known as al-Qarafi (d. 684 AH), edited by Muhammad Hajji and others, Dar al-Gharb al-Islami - Beirut, 1st edition, 1994 AD: 13/295, and Al-Fawakih al-Dawani on the treatise of Ibn Abi Zayd al-Qayrawani, Ahmad ibn Ghanim (or Ghanim) ibn Salim ibn Muhanna, Shihab al-Din al-Nafrawi al-Azhari al-Maliki (d. 1126 AH), Dar al-Fikr, (n.d.), 1415 AH - 1995 AD: 2/323.

<sup>5)</sup>Fath al-Bari bi Sharh al-Bukhari, Ahmad ibn Ali ibn Hajar al-Asqalani (d. 852 AH), numbering of its books, chapters and hadiths: Muhammad Fuad Abd al-Baqi, edited and corrected by: Muhibb al-Din al-Khatib, Al-Maktabah al-Salafiyyah - Egypt, 1st edition, 1390 AH: 11/3.

<sup>6)</sup>Futuh al-Ghayb fi Kashf 'an Qina' al-Rayb (which is al-Tayyibi's commentary on al-Kashshaf), by Sharaf al-Din al-Husayn ibn 'Abd Allah al-Tayyibi (d. 743 AH), edited by Iyad Muhammad al-Ghawj, Academic Department: Dr. Jamil Bani 'Ata, General Supervisor of Production Scientific commentary on the book: Dr. Muhammad Abdul Rahim Sultan Al-Ulama, Dubai International Holy Quran Award, 1st edition, 1434 AH - 2013 AD: 11/54.

safeguarding rights.<sup>7)</sup> Seeking permission is for the sake of preserving the sanctity of homes and not violating their privacy. They are called dwellings because of the tranquility found within them. Homes are a blessing from God Almighty, which He has bestowed upon His servants. That is why He, the Exalted, said:<sup>(8)</sup> Peace and tranquility in homes can only be achieved by seeking permission.<sup>9)</sup>

Seeking permission prevents looking into the privacy of others without permission or seeing forbidden things that are not permissible to look at; therefore, it is forbidden to enter without permission because the owner of the house may be in a state of undress.<sup>10)</sup> Therefore, it was narrated on the authority of Sahl bin Saad that he said: “A man peered through a hole in the Prophet’s room, may God bless him and grant him peace, and the Prophet, may God bless him and grant him peace, had a stick with which he was scratching his head. He said: If I had known that you were looking, I would have poked it in your eye. Permission was only instituted for the sake of sight.”<sup>11)</sup>

Seeking permission prevents surprise and embarrassment, without falling into inappropriate situations. A person may be in a state in which no one should see him, or preoccupied with a private matter, and a visitor, relative, friend, or servant enters while he is naked, thus disturbing and embarrassing him. For this reason, and to preserve this privacy, God Almighty prescribed seeking permission and greeting, and made it one of the etiquettes of entering houses. It is a special respect for each individual, and this is

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<sup>7)</sup>The torrential flood flowing over the flower gardens, Muhammad bin Ali bin Muhammad bin Abdullah Al-Shawkani Al-Yamani (d. 1250 AH), Dar Ibn Hazm, 1st edition, (n.d.): 1/744.

<sup>8)</sup>Surah An-Nahl, part of verse: 80.

<sup>9)</sup>See: The Rulings of the Qur’an, Judge Muhammad bin Abdullah Abu Bakr bin Al-Arabi Al-Ma’afiri Al-Ishbili Al-Maliki (d. 543 AH), reviewed its sources, extracted its hadiths and commented on it by: Muhammad Abdul Qadir Atta, Dar Al-Kutub Al-Ilmiyah, Beirut - Lebanon, 3rd edition, 1424 AH - 2003 AD: 3/148.

<sup>10)</sup>See: Al-Hawi Al-Kabir fi Fiqh Madhhab Al-Imam Al-Shafi’i, which is a commentary on Mukhtasar Al-Muzani, by Abu Al-Hasan Ali bin Muhammad bin Muhammad bin Habib Al-Basri Al-Baghdadi, known as Al-Mawardi (d. 450 AH), edited by: Sheikh Ali Muhammad Muawwad - Sheikh Adel Ahmed Abdel-Mawjoud, Dar Al-Kutub Al-Ilmiyah, Beirut - Lebanon, 1st edition, 1419 AH - 1999 AD: 13/464.

<sup>11)</sup>The Concise Authentic Chain of Transmission of the Matters of the Messenger of God, may God bless him and grant him peace, his Sunnah and his days, by Imam Abu Abdullah, Muhammad bin Ismail bin Ibrahim bin Al-Mughirah bin Bardizbah Al-Bukhari Al-Ju’fi (d. 256 AH), edited by: a group of scholars, Dar Tawq Al-Najat - Beirut, 1st edition, 1422 AH - 2002 AD, Book of Seeking Permission, Chapter on Seeking Permission for the Sight of the Eye, 8/54, Hadith No. (6241).

what is expressed as personal freedom, so that a person can fix his condition and prepare himself before someone enters upon him suddenly.<sup>12)</sup>

Seeking permission is also asking for permission, whether one lives in the house or not, and the proof is the Almighty's saying:<sup>(13)</sup>The argument in this text is that seeking permission is not only for the residents themselves, but also for themselves and their property; because just as a person uses the house as a cover for himself and his family, he also uses it as a cover for his property, and just as he dislikes others seeing him, he also dislikes them seeing his property.<sup>14)</sup>

#### **Fourth: The ruling on seeking permission:**

Seeking permission is obligatory for every responsible (sane and adult) person when entering a stranger's house. No one is allowed to enter another's house without their permission. Therefore, seeking permission is obligatory when intending to enter houses.<sup>15)</sup>Because of what God Almighty says:<sup>(16)</sup>The word "houses" is used generally because it is indefinite in the context of prohibition.<sup>17)</sup>

We infer from the generality of the noble verse that it indicates the prohibition for believers to enter the houses of others before seeking permission and greeting the people of the house; as it made an exception to this ruling for the houses of the believers themselves, with the exception particle "other than," and what is meant by seeking permission is: seeking permission, and this is the correct meaning and most of the people of interpretation agree with it. Seeking permission is: a verbal noun from familiarity, and it was said: until you greet and seek permission, which is to ask permission from the people of the house to enter upon them, by saying: Peace be upon you, may I enter?<sup>18)</sup>

<sup>(12)</sup>See: Al-Fikr Al-Sami fi Tarikh Al-Fiqh Al-Islami, Muhammad bin Al-Hassan bin Al-Arabi bin Muhammad Al-Hajawi Al-Tha'alibi Al-Ja'fari Al-Fasi (d. 1376 AH), Dar Al-Kutub Al-Ilmiyah - Beirut - Lebanon, 1st edition, 1416 AH - 1995 AD: 1/69, and Al-Hawi Al-Kabir, by Al-Mawardi: 13/464.

<sup>(13)</sup>Surah An-Nur, part of verse: 28.

<sup>(14)</sup>See: Al-Bada'i' wal-Sana'i' fi Tartib al-Shara'i', by al-Kasani: 5/124.

<sup>(15)</sup>See: Al-Hawi Al-Kabir, by Al-Mawardi: 13/464, and the Kuwaiti Encyclopedia of Islamic Jurisprudence, Ministry of Awqaf and Islamic Affairs - Kuwait, Dar Al-Salasil - Kuwait, 2nd edition, 1404 AH: 2/389.

<sup>(16)</sup>Surah An-Nur, part of verse: 27.

<sup>(17)</sup>See: Al-Mustasfa, Abu Hamid Muhammad ibn Muhammad al-Ghazali al-Tusi (d. 505 AH), edited by: Muhammad Abd al-Salam Abd al-Shafi, Dar al-Kutub al-Ilmiyya, 1st edition, 1413 AH - 1993 AD: 231.

<sup>(18)</sup>See: Al-Bayan wa al-Tahsil wa al-Sharh wa al-Tawjih wa al-Ta'lil li-Masa'il al-Mustakhrajah, Abu al-Walid Muhammad ibn Ahmad ibn Rushd al-Qurtubi (d. 520 AH), edited by Dr. Muhammad Hajji and others, Dar al-Gharb al-Islami, Beirut - Lebanon, 2nd edition, 1408 AH - 1988 AD: 18/469, and Al-Majmu' Sharh al-Muhadhdhab, Abu Zakariya Muhyi al-Din ibn Sharaf al-Nawawi (d. 676 AH), Dar al-Fikr, (n.d.): 4/619, and Al-Dhakhira, by al-Qarafi: 13/296.

Or he should ask permission from the people of the house to enter upon them, testing who is there, and whether there is anyone there or not. He should inform them that he is entering upon them and feel comfortable with their permission for him, so that they become comfortable with his asking their permission.<sup>19)</sup>

### **The second requirement: The ruling on seeking permission to enter inhabited houses**

#### **The Quranic text:**

God Almighty said:<sup>20)</sup>

#### **Studying the issue:**

**Firstly:** All the jurists agreed (<sup>21)</sup>Both Imams Al-Jassas and Al-Qurtubi (may God have mercy on them) agreed with them on the ruling regarding seeking permission. According to them, seeking permission is an established right for the owners of houses, so it is not permissible to enter them without the permission of their owners, whether the door of the house is open or closed.<sup>22)</sup>

#### **Evidence from the book:**

God Almighty said:<sup>23)</sup>

#### **The point of the indication:**

We cite the noble verse from the words of Imam al-Jassas (çHe said: “The act of seeking permission is called seeking familiarity because when they seek permission or

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<sup>19)</sup>See: Al-Muqaddimat Al-Mumahhidat, Abu Al-Walid Muhammad Ibn Ahmad Ibn Rushd Al-Qurtubi (d. 520 AH), edited by: Dr. Muhammad Hajji, Dar Al-Gharb Al-Islami, Beirut - Lebanon, 1st edition, 1408 AH - 1988 AD: 3/444.

<sup>20)</sup>Surah An-Nur, verse 27.

<sup>21)</sup>See: Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj, Shams al-Din, Muhammad ibn Muhammad, al-Khatib al-Shirbini (d. 977 AH), edited and annotated by: Ali Muhammad Muawwad - Adel Ahmad Abd al-Mawjud, Dar al-Kutub al-Ilmiyya, 1st edition, 1415 AH - 1994 CE: 5/534, and Kashshaf al-Qina' 'an Matn al-Iqna', Mansur ibn Yunus ibn Idris al-Bahuti al-Hanbali (d. 1051 AH), Dar al-Kutub al-Ilmiyya, (n.d.): 2/159, and Bulghat al-Salik li-Aqrab al-Masalik al-Ma'ruf bi-Hashiyat al-Sawi 'ala al-Sharh al-Saghir, Abu al-'Abbas Ahmad ibn Muhammad al-Khalwati, known as al-Sawi al-Maliki (d. 1241 AH), (n.d.), Dar al-Ma'arif, (n.d.): 4/762, and Hashiyat Radd al-Muhtar, 'ala al-Durr al-Mukhtar: Sharh Tanwir al-Absar, Muhammad Amin, known as Ibn 'Abidin (d. 1252 AH), Dar al-Fikr - Beirut, 2nd edition. 1412 AH - 1992 AD: 6/413.

<sup>22)</sup>See: Ahkam al-Qur'an, Ahmad ibn Ali Abu Bakr al-Razi al-Jassas al-Hanafi, (d. 370 AH), edited by Abd al-Salam Muhammad Ali Shahin, Dar al-Kutub al-Ilmiyya, Beirut, Lebanon, 1st edition, 1415 AH - 1994 AD: 3/401, and Al-Jami' li-Ahkam al-Qur'an, Abu Abd Allah, Muhammad ibn Ahmad al-Ansari al-Qurtubi (d. 671 AH), edited by Ahmad al-Bardouni and Ibrahim Atfayish, Dar al-Kutub al-Misriyya, Cairo, 2nd edition, 1384 AH - 1964 AD: 12/213.

<sup>23)</sup>Surah An-Nur, part of verse: 27.

greet, the people of the houses feel at ease because of that. If they entered without permission, they would feel uneasy and it would be difficult for them.”<sup>24)</sup>

**Secondly: A comparison between the two imams regarding the ruling on seeking permission:**

It becomes clear to us through this ruling that the two Imams, Al-Jassas and Al-Qurtubi (may God have mercy on them), despite their differing schools of jurisprudence, agreed on the obligation to seek permission before entering houses, because it is a legitimate right of their owners, and it is not permissible to enter without permission, in order to protect honor and preserve the sanctity of houses.

**Third: The result of the problem:**

It becomes clear to us from the ruling on this matter that the majority of jurists, as well as the two imams al-Jassas and al-Qurtubi (may God have mercy on them), agree on the obligation of seeking permission, and that seeking permission is a right due to the owners of houses before entering, whether the houses are open or closed; because it is a legal obligation to preserve honor and rights, and the evidence is the Almighty’s saying:  
(<sup>25)</sup>

**Third requirement: The ruling on seeking permission from slaves and boys**

**The Quranic text:**

God Almighty said:<sup>26)</sup>

**Studying the issue:**

**First: The opinion of Imam al-Jassas (؇):**

Imam al-Jassas mentioned (؇) It is obligatory to seek permission for servants and children who have not reached puberty during the three times of privacy: (before dawn, at midday (siesta), and after dinner).<sup>27)</sup>

**Evidence from the book:**

God Almighty said:<sup>28)</sup>

**The point of the indication:**

<sup>(24)</sup>The Rulings of the Qur’an, by Al-Jassas: 3/401.

<sup>(25)</sup>Surah An-Nur, part of verse: 27.

<sup>(26)</sup>Surah An-Nur, verse 58.

<sup>(27)</sup>See: Ahkam al-Qur’an, by al-Jassas: 3/405.

<sup>(28)</sup>Surah An-Nur, part of verse: 58.

The evidence in the noble verse is clear and explicit in obligating (servants and children), who have not reached puberty, to seek permission at three times; this is because these times, which are: (before dawn, the time of the afternoon nap, and after the evening prayer), may be a likely time for the exposure of private parts, and it is easier for it to be permissible to look at a woman's hair, or her chest, legs, and other parts of her body. This is an explicit indication of the obligation to seek permission at these times for those who have not reached puberty, such as servants and children.<sup>29)</sup>

### **Secondly: The opinion of Imam al-Qurtubi (؇):**

Imam al-Qurtubi believes (؇It states that free children who have not reached puberty, and servants, must seek permission at the times mentioned and stipulated in the Holy Verse, which are (before dawn, during the afternoon nap, and after the evening prayer).<sup>30)</sup>

#### **Evidence from the book:**

God Almighty said:<sup>(31)</sup>

#### **The point of the indication:**

The reasoning in the text is clear and explicit, and it is specific to some people (such as underage children and servants). People did not have curtains in their homes, so a child or servant might enter upon his family, so God Almighty commanded them to seek permission in these three private places.<sup>(32)</sup>

#### **Third: The opinions of the jurists:**

Scholars differed on the ruling regarding this verse: whether it is definitive or abrogated.

#### **The first opinion: The view of the majority of scholars:**

The majority of scholars have concluded that the verse is definitive and that seeking permission from children and slaves is obligatory during these three times mentioned.<sup>(33)</sup>

<sup>(29)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/405.

<sup>(30)</sup>Al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/303.

<sup>(31)</sup>Surah An-Nur, part of verse: 58.

<sup>(32)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/303, 304.

<sup>(33)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/302, and the Kuwaiti Encyclopedia of Islamic Jurisprudence, issued by: Ministry of Awqaf and Islamic Affairs - Kuwait: 34/131, and Al-Tafsir al-Munir fi al-Aqidah wa al-Shari'ah wa al-Manhaj, by Dr. Wahbah bin Mustafa al-Zuhayli, Dar al-Fikr al-Mu'asir - Damascus, 2nd edition, 1418 AH: 18/294.

**Evidence from the book:**

God Almighty said:<sup>(34)</sup>

**The point of the indication:**

The noble verse is specific to the general statement of God Almighty <sup>(35)</sup>This noble verse is general in its application at all times, as for the Almighty's saying: <sup>(36)</sup>This verse is specific to certain individuals who seek permission and to certain times, namely: (those whom your right hands possess, and those who have not reached puberty). The three times are: (before the Fajr prayer, at noon, and after the Isha prayer).<sup>(37)</sup>

**The second opinion: The saying of Saeed bin Al-Musayyab <sup>(38)</sup>And Sa'id ibn Jubayr <sup>(39)</sup>:**

Those who hold this view argue that the verse is abrogated, and that it is no longer applicable because the need for which it was legislated has disappeared.<sup>(40)</sup>

**Evidence from the book:**

God Almighty said:<sup>(41)</sup>

**The point of the indication:**

<sup>(34)</sup>Surah An-Nur, verse 59.

<sup>(35)</sup>Surah An-Nur, verse 27.

<sup>(36)</sup>Surah An-Nur, part of verse: 58.

<sup>(37)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/302.

<sup>(38)</sup>Sa'id ibn al-Musayyab ibn Hasan ibn Abi Wahb al-Qurashi al-Makhzumi, the master of the Tabi'in, a Medinan, born in the year 13 AH, combined jurisprudence, hadith, piety, and asceticism. He was the most knowledgeable of the rulings of Umar ibn al-Khattab (He died in Medina (in the year 94 AH). See: Hilyat al-Awliya' wa Tabaqat al-Asfiya', Abu Nu'aym Ahmad ibn 'Abd Allah al-Asbahani (d. 430 AH), (n.d.), Al-Sa'adah Press - next to the Governorate of Egypt, (n.p.), 1394 AH - 1974 AD: 2/161, and Al-A'lam, Khayr al-Din ibn Mahmud ibn Muhammad ibn 'Ali ibn Faris, Al-Zarkali al-Dimashqi (d. 1396 AH), Dar al-'Ilm lil-Malayin, 15th ed., 2002 AD: 3/102.

<sup>(39)</sup>Sa'id ibn Jubayr al-Asadi, by affiliation, al-Kufi, Abu 'Abd Allah, the most knowledgeable of the Successors without exception, was born in 45 AH. He was of Abyssinian origin and a client of Banu Waliba ibn al-Harith ibn Banu Asad. He acquired knowledge from 'Abd Allah ibn 'Abbas and Ibn 'Umar. He died in 95 AH. See: Wafayat al-A'yan wa Anba' Abna' al-Zaman, by Abu al-'Abbas Shams al-Din Ahmad ibn Muhammad ibn Ibrahim ibn Abi Bakr ibn Khallikan al-Barmaki al-Irbili (d. 681 AH), edited by Ihsan 'Abbas, Dar Sader, Beirut, (n.d.), 1317 AH/1900 CE: 2/371; and Tahdhib al-Tahdhib, by Abu al-Fadl Ahmad ibn 'Ali ibn Muhammad ibn Ahmad ibn Hajar al-'Asqalani (d. 852 AH), (n.d.), al-Matba'at Da'irat al-Ma'arif al-Nizamiyya, India, 1st edition, 1326 AH/1908 CE: 4/11.

<sup>(40)</sup>See: Al-Nasikh wal-Mansukh, Abu Ja'far al-Nahhas Ahmad ibn Muhammad (d. 338 AH), edited by: Dr. Muhammad Abd al-Salam Muhammad, Al-Falah Library - Kuwait, 1st edition, 1408 AH - 1988 AD: 591.

<sup>(41)</sup>Surah An-Nur, verse 27.

The first verse in the Almighty's saying: <sup>(42)</sup>This verse abrogates the statement of God Almighty: <sup>(43)</sup>This indicates that it is permissible to enter at times other than these three without permission.<sup>44)</sup>

**Fourth: A comparison between the two imams regarding the ruling on seeking permission to enter upon close relatives (children and servants):**

After presenting the opinions of both Imams Al-Jassas and Al-Qurtubi (may God have mercy on them), it becomes clear that despite their differing approaches to jurisprudence and interpretation, the two Imams agreed on the ruling regarding seeking permission before entering upon close relatives. They also agreed on the obligation for underage children and servants to seek permission before entering upon close relatives during the three times mentioned in the Holy Quran: (before Fajr prayer, midday (siesta), and after Isha prayer). Both Imams cited the Almighty's words:<sup>45)</sup>They also agreed that the ruling is fixed and not abrogated.

**The prevailing opinion:**

After presenting the opinions and their evidence, it becomes clear to us that the ruling on seeking permission at these three times is firmly established and not abrogated. This is what the majority of scholars have concluded, and both Imams Al-Jassas and Al-Qurtubi, may God have mercy on them, agreed with them. The evidence is the Almighty's saying: <sup>(46)</sup>That is, there is no harm or sin upon you or them in entering after these three times without permission.<sup>47)</sup>The ruling remains in place and is fixed in its original form and has not been abrogated, and this is the most likely opinion, and God Almighty knows best.

**Fourth requirement: The ruling on entering uninhabited houses**

**The Quranic text:**

God Almighty said:<sup>48)</sup>

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<sup>(42)</sup>Surah An-Nur, verse 58.

<sup>(43)</sup>Surah An-Nur, verse 27.

<sup>(44)</sup>See: Ruh al-Ma'ani fi Tafsir al-Qur'an al-'Azim wa al-Sab' al-Mathani, Shihab al-Din Mahmud ibn 'Abd Allah al-Husayni al-Alusi (d. 1270 AH), edited by: 'Ali 'Abd al-Bari 'Atiyya, Dar al-Kutub al-'Ilmiyya – Beirut, 1st edition, 1415 AH-1995 AD: 9/406.

<sup>(45)</sup>Surah An-Nur, part of verse: 58.

<sup>(46)</sup>Surah An-Nur, part of verse: 58.

<sup>(47)</sup>See: Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an, Abu Ja'far, Muhammad ibn Jarir al-Tabari (d. 310 AH), edited by: Ahmad Muhammad Shakir, Al-Risalah Foundation, 1st edition, 1420 AH-2000 AD: 19/214.

<sup>(48)</sup>Surah An-Nur, verse 29.

**Studying the issue:**

All jurists and commentators, including the two imams al-Jassas and al-Qurtubi (may God have mercy on them), agreed that it is permissible to enter uninhabited houses without permission.<sup>49)</sup>

**Evidence from the book:**

God Almighty said:<sup>50)</sup>

**The point of the indication:**

We cite from the Quranic text that God Almighty has removed the requirement of seeking permission to enter any uninhabited house, because the reason for seeking permission to enter is due to the fear of violating privacy. If uninhabited houses contain someone's belongings, then one may enter them without permission, in order to remove the sin of entering them.<sup>51)</sup>

**However, they differed in defining uninhabited houses:****The Quranic text:**

God Almighty said:<sup>52)</sup>

**Studying the issue:****First: The opinion of Imam al-Jassas (؇):**

Imam al-Jassas sees (؇Uninhabited houses are those located on roads and in markets, such as houses that are specifically for strangers to stay in and to fulfill their needs, and in which there are interests for the general public, and their sanctity is not like the sanctity of inhabited houses.<sup>53)</sup>

**Evidence from the book:**

God Almighty said:<sup>54)</sup>

**The point of the indication:**


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<sup>(49)</sup>See: Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an, by al-Tabari: 10/151, Ahkam al-Qur'an, by al-Jassas: 3/46, al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/221, al-Muwafaqat, by Abu Ishaq Ibrahim ibn Musa ibn Muhammad al-Lakhmi al-Shatibi (d. 790 AH), edited by Abu Ubaidah Mashhur ibn Hasan Al Salman, introduction by Bakr ibn Abdullah Abu Zaid, Dar Ibn Affan, 1st edition, 1417 AH - 1997 AD: 3/347, and the Kuwaiti Encyclopedia of Islamic Jurisprudence, Ministry of Awqaf and Islamic Affairs - Kuwait: 3/147, 148.

<sup>(50)</sup>Surah An-Nur, verse 29.

<sup>(51)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/406, and Al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/221.

<sup>(52)</sup>Surah An-Nur, verse 29.

<sup>(53)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/406.

<sup>(54)</sup>Surah An-Nur, part of verse: 29.

God Almighty has denied any sin (or wrongdoing) when entering uninhabited houses without permission, because they are public places, prepared for common use, unlike inhabited houses, which God Almighty has made obligatory to seek permission when entering.<sup>55)</sup>

**Secondly: The opinion of Imam al-Qurtubi (ؑ):**

Imam Al-Qurtubi (may God have mercy on him) believes that what is meant by uninhabited houses are houses in which there are goods that are permissible for people to use, such as shops, inns, and bathhouses, and permission is not required in them because they are not considered private residences, but rather they are public and contain benefits for people to fulfill their needs.<sup>56)</sup>

**Evidence from the book:**

God Almighty said:<sup>57)</sup>

**The point of the indication:**

We cite as evidence the Almighty's words: <sup>(58)</sup>That is, God Almighty has permitted the lifting of the requirement to seek permission in any house that is not inhabited, and His saying, may He be exalted <sup>(59)</sup>That is, including its permissible benefits and needs. In Arabic, "mataa" means benefit. A student enters "khans," which are schools, to seek knowledge; a resident enters "khans," which are hotels; and a customer enters a shop to buy, and so on.<sup>60)</sup>

**Third: The opinions of the jurists:**

**First opinion: Muhammad said <sup>(61)</sup>From the Hanafi school:**

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<sup>(55)</sup>See: The Rulings of the Qur'an, by Al-Jassas: 406, 407.

<sup>(56)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/221.

<sup>(57)</sup>Surah An-Nur, verse 29.

<sup>(58)</sup>Surah An-Nur, part of verse: 29.

<sup>(59)</sup>Surah An-Nur, part of verse: 29.

<sup>(60)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/221, 222.

<sup>(61)</sup>Muhammad ibn Ali ibn Abi Talib, al-Hashimi, al-Qurashi, Abu al-Qasim. His mother was Khawla bint Ja'far from the Hanafi school. He was a trustworthy narrator. He is attributed to his mother to distinguish him from his two brothers, al-Hasan and al-Husayn. He died in 84 AH. See: Al-Kuna wa al-Asma' (Epithets and Names), by Muslim ibn al-Hajjaj, edited by Abd al-Rahim Muhammad Ahmad al-Qashqari. The original edition was a Master's thesis in Hadith and its Sciences at the Islamic University, Madinah, supervised by Sheikh Hammad ibn Muhammad al-Ansari, Deanship of Scientific Research at the Islamic University, Madinah, 1st edition, 1404 AH/1984 CE: 2/686; and Siyar A'lam al-Nubala' (Biographies of Noble Figures), by Shams al-Din Abu Abd Allah Muhammad ibn Ahmad ibn Uthman ibn Qaymaz al-Dhahabi (d. 748 AH), edited by a group of scholars under the supervision of Sheikh Shu'ayb al-Arna'ut, Al-Risalah Foundation, 3rd edition, 1405 AH/1985 CE: 4/110, 111.

Muhammad ibn al-Hanafiyyah believes that what is meant by uninhabited houses are the houses of Mecca.<sup>(62)</sup>

**The second opinion: Qatadah said (63) And Mujahid (64):**

Those who hold this view argue that what is meant by uninhabited houses are: houses located on roads, where travelers stay and place their belongings, and they are ordered to enter them without permission.<sup>(65)</sup>

**The third opinion: The saying of Al-Hasan Al-Basri and Ibrahim Al-Nakha'i (66):**

Those who hold this view argue that uninhabited houses are: shops, market stalls, and merchants' warehouses, where people keep their belongings and goods.<sup>(67)</sup>

**The fourth opinion: Ata's statement (68):**

Ata'a believes that uninhabited houses are: ruined houses that people enter to

<sup>(62)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/221.

<sup>(63)</sup>Qatadah ibn Di'amah ibn Qatadah ibn 'Aziz, Abu al-Khattab al-Sadusi, al-Basri, one of the prominent Quranic commentators and memorizers, was born in Basra in 61 AH. In addition to his knowledge of Hadith, he was a leading authority on the Arabic language and its vocabulary. He died in Wasit during the plague in 118 AH. See: Al-Tabaqat al-Kubra, by Abu 'Abd Allah Muhammad ibn Sa'd ibn Mani' al-Hashimi, by affiliation, al-Basri, al-Baghdadi, known as Ibn Sa'd (d. 230 AH), edited by Muhammad 'Abd al-Qadir 'Ata, Dar al-Kutub al-'Ilmiyyah, Beirut, 1st edition, 1410 AH - 1990 CE: 7/171; and Tadhkirat al-Huffaz, by Shams al-Din Abu 'Abd Allah Muhammad ibn Ahmad ibn 'Uthman al-Dhahabi (d. 748 AH), annotated by Zakariya 'Umayrat, Dar al-Kutub al-'Ilmiyyah, Beirut, Lebanon, 1st edition, 1419 AH - 1998 CE: 1/92.

<sup>(64)</sup>Mujahid ibn Jabr, Abu al-Hajjaj al-Makki, a Tabi'i (successor of the Companions), born in 21 AH, was a commentator on the Quran from Mecca, a master of Quranic recitation and exegesis. He learned exegesis from Ibn Abbas. It is said that he died while prostrating in prayer. He passed away in 104 AH. See: Sifat al-Safwa, by Jamal al-Din Abu al-Faraj Abd al-Rahman ibn Ali ibn Muhammad al-Jawri (d. 597 AH), edited by [name missing]. Q: Ahmad ibn Ali, Dar al-Hadith, Cairo, Egypt, (n.d.), 1421 AH - 2000 AD 1/413, and Mizan al-I'tidal fi Naqd al-Rijal, Shams al-Din Abu Abdullah Muhammad ibn Ahmad ibn Uthman ibn Qaymaz al-Dhahabi (d. 748 AH), edited by Q: Ali Muhammad Al-Bajawi, Dar Al-Ma'rifah, Beirut - Lebanon, 1st edition, 1382 AH - 1963 AD: 3/493, and Al-A'lam, by Al-Zirakli: 5/278.

<sup>(65)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/406.

<sup>(66)</sup>Ibrahim al-Nakha'i: He is Ibrahim ibn Yazid ibn Qays ibn al-Aswad, Abu Imran al-Nakha'i, one of the senior Tabi'in (Successors of the Companions). He was born in 46 AH. He was a memorizer of hadith and trustworthy in narration. He was from Kufa. Al-Safadi said of him: "He was the jurist of Iraq and a leading scholar." He died in 96 AH. See: Taqrib al-Tahdhib, by Abu al-Fadl Ahmad ibn Ali ibn Muhammad ibn Ahmad ibn Hajar al-Asqalani (d. 852 AH), edited by Muhammad Awamah, Dar al-Rashid, Syria, 1st edition, 1406 AH/1986 CE: 95; and al-A'lam, by al-Zarkali: 1/80.

<sup>(67)</sup>See: Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an, by al-Tabari: 19/151, and Ahkam al-Qur'an, by al-Jassas: 3/406.

<sup>(68)</sup>Ata ibn Abi Rabah, whose name was Aslam ibn Safwan al-Qurashi, was born in the year 27 AH. He was a scholar of Hadith and jurisprudence, one of the Tabi'in (followers of the Companions) in the first and second centuries AH. He learned from Aisha, the Mother of the Believers (ﷺ narrated by Abu Hurayrah, Ibn Abbas, Abdullah ibn Amr, Ibn al-Zubayr, and others. He died in 114 AH. See: Siyar A'lam al-Nubala' by al-Dhahabi: 5/78, and Tahdhib al-Tahdhib by Ibn Hajar al-Asqalani: 7/199, 200.

fulfill their needs.<sup>69)</sup>

#### **Fourth: Comparison between the two imams in defining uninhabited houses:**

By presenting the opinions of both Imams Al-Jassas and Al-Qurtubi (may God have mercy on them), it becomes clear to us that they agreed on the ruling regarding the definition of uninhabited houses. They explained that these are the houses located on roads and where people take refuge, such as inns and market houses, which are specifically for the accommodation of strangers and the fulfillment of their needs, and in which there are interests for the general public. Likewise, both of them agreed on the permissibility of entering these uninhabited houses without permission, and the evidence is the Almighty's saying: <sup>(70)</sup>This is evidence that uninhabited houses are included in the general meaning of the verse.

#### **Fifth: The prevailing opinion:**

After stating the opinions of the jurists and the views of the two imams, Al-Jassas and Al-Qurtubi (may God have mercy on them), it becomes clear to us, and God knows best, that uninhabited houses are places that no one lives in, but rather they have been prepared for public use, such as markets, shops, caravanserais, and ruined houses. These places contain goods and public benefit for people, and there is no harm in entering them, because permission is a right of the owner or resident therein, by right of ownership. But if that is absent, then permission is forfeited. Therefore, the scholars have permitted entering these uninhabited houses.<sup>71)</sup>The evidence from the Book is the Almighty's saying: <sup>(72)</sup>The evidence from the Sunnah is what was narrated from Mujahid ((I He said: "Ibn Umar did not ask permission to enter the houses in the market."<sup>73)</sup>

#### **Fifth requirement: The ruling on children seeking permission upon reaching puberty**

##### **The Quranic text:**

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<sup>(69)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/406, and Al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/221.

<sup>(70)</sup>Surah An-Nur, part of verse: 29.

<sup>(71)</sup>See: Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an, by al-Tabari: 19/153.

<sup>(72)</sup>Surah An-Nur, part of verse: 29.

<sup>(73)</sup>Al-Adab Al-Mufrad, Muhammad ibn Ismail Al-Bukhari (d. 256 AH), verified and compared to its originals by: Samir ibn Amin Al-Zuhairi, benefiting from the annotations and comments of Muhammad Nasir Al-Din Al-Albani, Maktabat Al-Maarif - Riyadh, 1st edition, 1419 AH - 1998 AD, Chapter (How to ask permission on a horse), 617, Hadith number: (1098), Imam Al-Bukhari said: "A hadith with a sound chain of transmission."

God Almighty said:<sup>74)</sup>

**Studying the issue:**

The majority of jurists, as well as the two imams al-Jassas, agreed <sup>(75)</sup>Al-Qurtubi <sup>(76)</sup>(May God have mercy on them both), provided that children, when they reach puberty, must seek permission like adults, at all times; because the age of puberty is the basis of religious obligation, and thus the legal rulings move from being permissible to being obligatory, as in all other legal rulings.<sup>77)</sup>

**Evidence from the book:**

God Almighty said:<sup>78)</sup>

**The point of the indication:**

The verse indicates that it is not permissible for free adults to enter houses at any time without permission, and that children, upon reaching puberty, are like adults and are not permitted to enter except with permission, just as children and slaves sought permission in the three times mentioned above, which the Holy Qur'an referred to.<sup>79)</sup>

**Evidence from the Sunnah:**

On the authority of Anas bin Malik (IHe said: "I used to serve the Messenger of God, may God bless him and grant him peace, and I used to enter upon him without permission. One day I came and entered upon him, and he said: 'O my son, something has happened, so do not enter upon me except with permission.'"<sup>80)</sup>

**The point of the indication:**

The hadith indicates that children, when they reach puberty, are not allowed to enter houses, neither during the three times of privacy nor at other times, except with the permission of their owners. Their ruling is the same as that of adult men and free women regarding seeking permission. The verse specifically mentions children to clarify their

<sup>(74)</sup>Surah An-Nur, verse 59.

<sup>(75)</sup>See: The Rulings of the Qur'an, by Al-Jassas: 3/430.

<sup>(76)</sup>See: Al-Jami' li-Ahkam al-Qur'an, by Al-Qurtubi: 12/308.

<sup>(77)</sup>See: Bada'i' al-Sana'i' fi Tartib al-Shara'i', by al-Kasani: 5/125, al-Fawa'ih al-Dawani 'ala Risalat Ibn Abi Zayd al-Qayrawani, by Shihab al-Din al-Nafrawi: 2/327, and the Kuwaiti Encyclopedia of Islamic Jurisprudence, issued by: Ministry of Awqaf and Islamic Affairs - Kuwait: 3/146.

<sup>(78)</sup>Surah An-Nur, part of verse: 27.

<sup>(79)</sup>See: Ahkam al-Qur'an, by al-Jassas: 3/430, and Al-Jami' li-Ahkam al-Qur'an, by al-Qurtubi: 12/308.

<sup>(80)</sup>Musnad of Imam Ahmad ibn Hanbal, Imam Ahmad ibn Hanbal (d. 241 AH), edited by: Shu'ayb al-Arna'ut - 'Adil Murshid, and others, supervised by: Dr. 'Abdullah ibn 'Abd al-Muhsin al-Turki, Al-Risalah Foundation, 1st edition, 1421 AH - 2001 CE, Chapter on the Musnad of Anas ibn Malik (I), 20/409, Hadith number: (13176), Shuaib Al-Arna'ut said: "Its chain of transmission is good."

transition from one ruling to another. Before puberty, their ruling regarding seeking permission was limited to three times only, but after puberty, their ruling is the same as that of adults, so seeking permission means that it is required at all times.<sup>81)</sup>

**Secondly: A comparison between the two imams regarding the ruling on children seeking permission after reaching puberty:**

By studying this issue, it becomes clear to us that both Imams Al-Jassas and Al-Qurtubi (may God have mercy on them) agreed on the ruling regarding children seeking permission after puberty. They clarified that if children reach puberty, they must seek permission at all times, not just during the three times stipulated. They cited as evidence the Almighty's saying:<sup>82)</sup>

**Third: The result of the problem:**

It becomes clear to us from the ruling on this matter that the majority of jurists, as well as al-Jassas and al-Qurtubi (may God have mercy on them), agreed that when children reach puberty, they must seek permission at all times; this is because they have transitioned from childhood to adulthood, meaning they have become obligated to follow the rulings and etiquette of Islamic law, and they must adhere to these rulings, just as adults are obligated. The evidence for this is the Almighty's saying: <sup>(83)</sup>The argument based on the noble verse is that it is obligatory for someone who has reached puberty to seek permission, and to equate him with adults.

## 2 CONCLUSION

The study indicates that the rulings on seeking permission are a legitimate act of worship aimed at preserving the rights of individuals and protecting their privacy. The Holy Quran clarifies and details these legal rulings. A comparison between the interpretations of Imams al-Jassas and al-Qurtubi (may God have mercy on them) reveals points of similarity and difference. Despite some differences between the commentators, the primary goal of each is to achieve the ethical and social order derived

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<sup>(81)</sup>See: Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an, by al-Tabari: 19/215.

<sup>(82)</sup>Surah An-Nur, part of verse: 27.

<sup>(83)</sup>Surah An-Nur, verse 59.

from the Holy Quran. The study also emphasizes the...AComplete adherence to these Sharia rulings is necessary because they have an impact on organizing Islamic society.

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**Authors' Contribution**

All authors contributed equally to the development of this article.

**Data availability**

All datasets relevant to this study's findings are fully available within the article.

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