

# THE LEGAL BASIS FOR THE FREEDOM OF POLITICAL OPINION

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**ABSTRACT:** *Political rights and freedoms, the field is very wide, including the joints of the state and the foundations of society and the system of governance, and the distribution of powers, and the extent of the involvement of the nation in power, and the boundary between the rights of individuals and the right of society or the nation, the state and others, aims My studies rooting the legitimate freedom of political opinion in accordance with the only legitimate rulers on the right of Muslims to express an opinion in the selection of the management helm of power and the conduct of the general situation in the society, and the practice of consultation and advise, and the Promotion of Virtue and Prevention of Vice and political criticism and to hold accountable rulers and freedom of expression of political opinion, is that all of this should not depart from the controls of Sharia and its foundations. The political freedom in our Sharia is based on guiding the people of the solution and the contract in solidarity with the guardian of the Muslims, based on the approach of the Sharia glue, which stops the rights without exaggeration and negligence. This and our search comes (Sindh legitimate for the freedom of political opinion) in two sections and a conclusion.*

**Keywords:** Political Opinion, Freedom

## 1. INTRODUCTION

Imam al-Ghazali defined it as the reclamation of creation and guidance to the straight path Manji in this world and the Hereafter [8], and known as Nasafi: Haath parish, including kindness and corrects violent [9], and Ibn Aqil al-Hanbali knew the policy as what was actually with people closer to good, and away from corruption [10], and knew Bjjermi: is to reclaim the affairs of the parish and manage their affairs [11].

I see through the definitions of the previous statement, all here are in the same meaning: the parish policy to achieve its interests, according to the laws of God, in this world and the hereafter. Third: Definition of freedom of political opinion:

The term "freedom" is not mentioned either in the Qur'an or in the Sunnah, meaning the explicit meaning that includes the freedom of political opinion and the meanings associated with the freedom of opinion and expression in the modern media and political terminology.

And the absence of the word does not deny the meaning of the meaning, and given the meaning, it is one of the fundamental meanings and principles contained in the legal texts, starting from the absolute freedom from slavery to other than God to the need to clarify the truth and ignorance and enjoining the good and forbidding evil and observing the rulers and governors and enjoined them known And advised them to those many meanings, which he mentioned in the research Thnaya God willing but by looking at these legal texts in general, it can be said that: The freedom of political opinion in Islamic law is: the rights that regulate the relationship of man to society and the state [12], or that makes the freedom to adopt what he wants of political views, as well as to freedom of organizations and parties on the ideas espoused by individuals [13].

And the original ruling is due to the people of expertise and competence with science and opinion, as they are directing the ruling in the conduct of a general character, or international, as an advertisement pressing t b, or truce, or the conclusion of a treaty, or the freezing of relations, or budget, or the allocation of expenses For a particular purpose,

or other public conduct in which the opinion of the individual is not interrupted.

And Tamim Dari that the Prophet ρ He said: (religion advice) we said: Who? He said: (God and his book and His Messenger and the imams of the Muslims and their nation)) [14].

The bottom line that freedom is not as imported political freedom that gives the right to the years and gives it to the world of the learner, but political freedom based on guiding people and the contract of solidarity with the guardian of the Muslims, relying on it to approach the glue law guaranteeing rights without excess or negligence.

### 1- Research Questions

- Freedom language: origin free, and edited by any: the freed, and free people: the most honorable and best of them, and free women: precious.
- Freedom idiomatically: Imam Ghazali knew God's mercy true freedom according to the legal perspective as (salvation from the families of the desires and leaves mankind and the remembrance of Allah Almighty and engage in obedience).

### Literature Review

Al-Ghazali (may Allaah have mercy on him) considered that the meaning of freedom is achieved by realizing the meaning of slavery to Allaah. He says: "But the true slave of Allaah is the one who is first free from anyone other than Allaah. He has become free at all. If this freedom progresses, the heart becomes empty. And then he went beyond this to the place of the last of his so-called freedom: that is to age also from his will to God in terms of it, but convincing what God wants him to round or away will in the will of God) [3]. After a statement and a report on the meaning of freedom among the older ones, I would like to mention a number of definitions for it, what Muhammad Tabila said was freedom: "It is for the good person to do what he wants, provided that he does not harm others" [4].

And defined by Tahar Ben Ashour as: "Khater instinctively in the human souls, the development of human powers of

thinking, words, and deeds, and their mental talent starts contestant innovation and audit, it is not entitled to exaltation the enrollment of only a restriction push it from its owner harm fixed, or bring him to benefit" [5].

However, the definition of the oldest is deeper in terms of significance, because it implies the emphasis on liberation from the riches of the soul and desires, which is the basis on which all other meanings of freedom, including political freedom, are based. Without freedom from desires and their families, the Muslim is in great confusion and it is difficult for him to abandon his desire. His report for any issue related to him on a personal level or any public issue concerning the community [6].

Therefore, freedom in the Islamic perception is a trust and responsibility, awareness of the right and commitment to it, sincerity in its request, and sacrifice for it, not absolute freedom which takes a chaotic character that is neither directed nor limited.

Second: Political Language: Relative to policy, the source policy of SAS in the sense: the commandment and order and forbidden, it is said: zipper parish if ordered and terminated. And the licorice: the head, it is said: Sassuham Sosa, and if the head was said: Susu and Basah. And the order is the policy: Done, and the parish of the parish is politicized [7].

Politics Terminology: Scientists have defined the term politics with several

## 2- Methodology

Areas of Political Freedoms in Islamic Law Political rights and freedoms, the field is very wide, including the joints of the state and the foundations of society and the system of governance, and the distribution of powers, and the extent of the people's participation in governance, and the boundaries between the rights of individuals and the right of society or the nation or the state [15], and it will be limited to my studies in this requirement on some of these political rights and freedoms, such as the right to vote and the human right to freedom of expression and the right of peoples to control rulers and hold them accountable, so as to hang it in the field of research.

### First: The right to vote:

Selection Language: Taken from toast, and elected the thing: chosen. And the election: selection and selection, from which the elite are: the selected group [16].

Election idiomatically: known as Sanhour: "normal way to set the center of running the presidency" [17]. A defined also as "a means devolution of power in democratic systems" [18].

The election in the Islamic system is: "means the right of the public mouthpiece of the nation, entitled to legally, to choose their representatives, and acting on its behalf in the implementation of street speech, regarding the preservation of religion and world politics" [19]. Al-Mawardi said: It is to elect the people of the solution and the contract of them who see him fit for the imam with the availability of conditions for this position [20], which is chosen. As the researcher of the past and present scholars, a hint or a statement on the issue of the succession of the caliph or imam, clearly negates the principle of combining the evidence of his assertion and entrenchment, namely the principle of the right of the nation (the people of solution and

contract) in the choice of the imam, The tasks of Imamah [21]. It is the method adopted by the Ahl al-Sunnah of the Maalikis [22] and Tap [23] and Shafi'i [24] and Hanbali [25]) and other teams Islamic non-Shia [26] that the issue of attribution of the Great Imamate is the authority of choice, which means approval of the people and the contract of the nation and satisfaction.

Ibn 'Abdeen said: The imam becomes an imam with two orders of allegiance from supervisors and dignitaries, and that his judgment is carried out in his flock for fear of his oppression and his arrogance [27]. Imam al-Juwaini said: The way to prove it (ie, the imamate) is the text and the choice, and it has been achieved through conclusive methods and brilliant proofs that the doctrines of the texts have been invalid. This division and consideration remain only the ruling on the validity of the choice. If we want to rely on proof of choice, Texts, we gave to the consensus, saying that the Caliphs adults have passed their days and ended Nubhm and withdrew on the tops of Muslims obeyed, and was the document of their allegiance [28].

The imam chooses the people of the solution and the contract of the nation, Imam al-Baqalani said: Imam becomes Imam of the contract of the imam of the best Muslims who is the people of the solution and the contract and those entrusted in this regard; because it has only the way of text or choice and corruption of the text evidence of the choice that we go to him [29]. And Imam al-Ghazali (may Allaah have mercy on him) said: The imamah does not take place unless the fork is realized, and the fork is based on allegiance. Imam al-Ghazali said: The Imamah we have a fork, and the fork is a pledge [30]. Ibn Taymiyyah says: The Imamate is proven by the consent of the people of the thorn [31], and does not become a man an imam until the people of the fork who agree with them obey the intent of the Imamate [32].

This is a clear indication that the path adopted by the Sunnis and the other non-Shia Islamic groups, as stated previously, in the issue of attribution of the authority of the great imamate is the choice, which means the consent of the people of the solution and the contract of the nation and its satisfaction.

Despite the fact that they have adopted other methods in the imam's installation other than the method of choice, such as the method of covenant and succession or the method of oppression and domination and seizure of a dispute, but the matter that is held by the consensus of the nation and no dispute is the way of choosing from the nation represented by the people of solution and contract. The bottom line is that the election in the Islamic system is based on the people of the solution and the contract. Among them are those who are fit for the order of this nation according to the conditions and controls of the nation's scientists. It is fit and it does not fit.

### Second: Freedom of opinion and expression:

The freedom of opinion and expression in democratic systems means that everyone has the right to show and show what is within his ideas and to express them individually. He can gather people and express his thoughts on them, no matter how these ideas and views are compatible with the Sharia or the contradiction, Halal or haraam, true or false. And may express them by various means of expression,

visual, audio, and read to other means of expression.

However, in the Islamic regime be conditional on freedom of opinion and constrained by the limits of Shara, and positive and check their meaning in the social, religious, political and other reform, not exploited to the detriment of the public interest or the others, God said: ((And say to say that Ebadi is the best that the devil Anzg including a)) to Isra: 53. God said: ((And those who are on the tongue are exposed)) Believers: 3. There have been many pieces of evidence in the prophetic Sunnah, which have been interpreted or understood, including the promotion of the right to express opinion and expression within this framework, including:

1. What was narrated in the Battle of Badr when he referred to those who were with him to come down a certain house in Badr, asked him one of the Companions, which is Habib bin Mundhir said: O Messenger of God, I saw this house, Amenzlk God I do not have to move forward or late for him, or is opinion and war and plot? The Messenger of Allah said ρ He said: "This is not in the house, so let the people rise until we come to the lowest water of the people. Then we will descend, then we will sink behind it from the heart. Then we will build a basin filled with water and then we will fight the people and we will drink and not drink." He said ρHim: ((I have the opinion)) [33].

He wanted τ That the army takes over the water and prevents the enemy from it, so that I will help him and help him, and this is the opinion corresponding to the war required of the enemy is weakened and its suffering because of the reasons that accelerate its destruction, and the Prophet ρ He got up with the people until he came down to the house where Habib pointed out and did what he pointed out. The greatest leader returned to the opinion of a soldier of his soldiers when he was right to point his ρThese two so Aloslan: freedom to express an opinion of all members of the parish, and refer to the right of the sponsors, as they adopted the happiness of the nation and its greatness, and their nation feel unity between the parish and sponsors, and each nation derives the necessary systems in her life [34].

2. Narrated by Abu Sa'eed al-Khudri τ That the Messenger of Allah or the Prophet was in what he said: ((Do not prevent a man prestige people to say rightly if he knew)) [35], he said: Abu Sa'eed cried and said: And God saw things and we [36]. These evidence and others in the prophetic Sunnah, to indicate a clear indication of the report of Islam to the principle of freedom of opinion and expression, demanding the commissioners and urges them to crack the right and show it and not hide it for fear of anyone. If the Shari'a has allowed the Muslim to express his opinion and express what he believes and believes, it cannot prevent him from expressing in the proper manner or form to convey and communicate this opinion, as long as there is no violation of the law. This is the essence of the matter of good and forbidding vice in the Islamic system, Hence the right to observe and hold accountable the rulers.

**Third: The right of peoples to observe and hold accountable the rulers:**

Islam is the participation of governance between the ruler and the ruled, and the Governor has the authority to achieve

the interests of the people, and the purposes of society, and the development of the famous maxim of scholars (the actions of the ruling vested interest) [37] [38].

And that every qualified individual in the Islamic nation 's demands to monitor rulers on the one hand, and advised them on the other hand, it is a duty in his right hand, Shara, and individuals Palace thus suffered the scourge and their uncle punishment says: ((and fear tumult, not Tseben those who wronged you special)) Anfal: 25, and the Almighty says: ((The believers and the believers, some of whom are parents of some, enjoin what is good and forbid evil )) Repentance: 71.

And the rulers enter into the general believers who follow each other, and enjoin some of them and forbid evil [39], and it is the Promotion of Virtue and Prevention of Vice and the advice and Shura is broad-based, which is based upon monitoring and accounting under the Muslim state, a religious duty and a necessity of political freedoms and without it there is not freedom. It was narrated in the hadiths that indicate that and prove it, and from the following:

From Abdullah bin Masood τ That the Messenger of Allah ρ He said: "There is no prophet sent by God in a nation before me, but he had his nation of talkers, and owners take his year and follow his command, and then left behind Khalaf say what they do, and do what is not ordered, who struggled with his hand is a believer, and struggling with his tongue he is a believer, and he is a believer in his heart Jahidhm, not behind that of faith in a grain of mustard)) [40]. The evidence: "It comes after those Ancestors people who are not good in them, and creatively to them in matters of religion, it is a penalty clause Jahidhm any deleted: if so, it is fought against and denied them he is a believer" [41]. And Abu Hurayrah said: The Messenger of God ρ: ((Allah is pleased with three things for you, and angry three things for you, satisfy you to serve Him and join none with something, and that Tatsumi rope all of God is not divided among yourselves, and that Tnashawwa of God Lah commanded you, and angry you were told and said, wasting money, frequent question)) [42]. And we find that our good predecessor has painted the most wonderful images in the upbringing of the nation on the accountability of the Caliph and the Governor, and history is full of several incidents confirmed the right of the nation in the review and accounting and control and objection to the rulers, and was then a decision in Islam and applied reality, reflected their deep understanding of the spirit of Sharia and the provisions of Islam Hanif ([43]).

### The second Chapter

The legal basis for the freedom of opinion and politics in Islamic law. the legitimate origin which is based upon the people to exercise their right to express their political opinion on important issues and serious, and in a free and frank without any pressure, are legitimate means starting legitimately and legally, duty and the promotion of virtue and prevention of vice, and the advice of specialists, and the nation in the conduct of the method of expressing the opinion of, must be of the march this right in accordance with the specific controls shift between the exercise of the right of, and chaos that will exercise the this right crashes, and the practice of the nation that right must be

in accordance with the ways that will reflect the will of a free t fragrant honest, and I will explain in this section with the permission god is the most important basis for Muslims in rooting for the freedom of political opinion is as follows:

The first requirement is to enjoin good and prevent evil.

The second requirement: Shura.

### **Third requirement: advice.**

First requirement

Promotion of Virtue and Prevention of Vice

The Holy Quran ceremony with a series of verses that clearly and explicitly indicate the importance of the Muslim practice of his role in expressing his opinion on various issues that concern the reality of the nation and the life of Muslims collectively. The Prophet's Sunnah is also rich with the Hadiths and incidents that established the principle of the right to express a political opinion. The right without fear in it for a suitable luminary, and his intention to be an Imam and according to the whims of others and their injustice, and accordingly I will indicate in this requirement, God willing, some of these verses and conversations with some concise, saying the face of significance and as it comes:

1. The verse: ((and be among you a nation called to good and enjoin the good and forbid evil and those are successful)) Al - Imran: 104. The meaning of the meaning: ie: upright to do the command of God, in the call to good, and the command of good and forbidding evil [44]. Hubert went to this verse that calls for all Muslims a nation so, it is concerned with a group of which only enjoin what is good and forbidding what is evil, but should be a nation of Muslims are all just Virtue, Nahia evil [45].

2. God says: ((You were the best nation brought out to people Tamron)) Al-Imran: 110. The meaning of this is that Allaah praises this nation and tells us that it is the best of the nations that Allaah has brought out to the people by supplementing them with the faith that is required to do everything that God commands them to do, and by entrusting them to others with enjoining good and forbidding evil. Possible in their response for their error and their transgression and their rebellion, were the best nation Through this out of people, and pray to the good prevail in supplication to the Salah religious or worldly [46].

3. He says: ((Cursed those who disbelieve from the children of Israel by the tongue of David and Jesus, son of Mary that they disobeyed and they were assaulted \* they were not infidels of the evil they did to what they were doing \*)) Table 78-79.

Meaning: The previous verses indicate that it is obligatory to enjoin what is good and forbid evil, regardless of whether it is permissible or not, even if the head of state is the same. Each of both cases, but the initiated, but obeyed the ruling as a deputy of the nation in the implementation of the street and ordered prohibitions and achieve compliance with the nation so, but obeyed the nation by the ruling as the legislation is to achieve and forbid their interests [47].

4. From Abu Sa'eed al-Khudri τ He said: I heard the Messenger of Allah ρ Says: ((you saw an evil hand, let him change, and if he cannot, then with could not Vbaklbh, and that is the weakest of faith)) [48]. The sign of significance: The scholars said: It does not fall from the taxpayer to enjoin

good and forbid evil because it does not benefit the thought, but must do it, the benefit of the believers, and who has the command and prohibition not accept [49].

Al-Nawawi said: It is not required in the command and the prohibition that the whole case is in compliance with what is enjoined by what is forbidden to him. Rather, he is obliged to do so, even if he is negligent in what he commands, and if he is forbidden to do what he forbids, he must do two things: Other and end [50].

5. From Abu Sa'eed al-Khudri τ He said: The Messenger of Allah ρ : (( The best jihad is the right word when an unjust authority)) [51]. It was narrated that Ibn 'Abbaas (may Allaah be pleased with him) said: The Messenger of Allaah ρ : ((The master of martyrs Hamza bin Abdul Muttalib and a man to an imam unjust and ordered him and killed him) [52].

The meaning of the meaning is that this is the best of jihad because the one who fought the enemy was hesitant between hope and fear. He does not know whether he is overwhelming or overwhelming. The owner of the Sultan is oppressed in his hand. If he says the truth and enjoins him with virtue, he is harmed. For fear prevails [53]. With this fear of being damaged and destroyed, making it the Messenger of God ρ the best types of jihad, because of the right word of effect in changing the reality and the return of injustice or the command of virtue or forbidding the evil.

### **The bottom line:**

1. This is the evidence that I mentioned to promote strong evidence of what we have; and cannot be dispensed with and inferred, and which suggest to the governor 's interaction with the convict, to express an opinion and ordered the Promotion of Virtue and prohibitions evil if it seemed something from him contrary to the initiated, or the nation 's interest.

2. The imam should seek help from those who perform the task of enjoining good and forbidding evil. (It is obligatory for every guardian to use the people of truth and justice. If this is not possible, use the best and the best, even if there are lies and injustice. Allaah supports this religion with the ungodly man and with people who are not creative to them. But it is affordable) did [54].

### **The second requirement**

Shura and its rule the shura has great importance in the lives of nations and peoples, and any system that seeks good and prosperity and seeks justice and equality, and wants to prevail in security, stability and prosperity, and wants to prevent injustice and domination and tyranny, must be Shura name and methodology, And draws the right and valid opinion and concerted efforts and spread responsibility and strengthen the nation's edge [55], in addition to being expressive right of the nation to participate in the management of their affairs collectively responsible participation [56].

Ragheb Al-Asfahani defined it as extracting opinion by reviewing some to some [57], Al-Alusi said: The Shura is among the reasons for the goodness of the earth [58].

And defined as hardness: Back to the ruler or the judge or individual taxpayers it is not in the text of his Aston Koranic or a year or consensus proved to please of them know jurisprudential evidence showing hardworking scientists and initial know-how and competence [59]

It is the opinion of the Ummah or its representative on one of

the general issues related to it, in order to reach the opinion closest to the right, corresponding to the provisions of Shari'a, in preparation for taking the appropriate decision on its subject. It revolves around the extraction of opinion and extraction in order to achieve this goal, The Shura is only part of the platform of God, which is not upright people without it, and the practice of Shura, the human being has led to his responsibility and honesty, which is held accountable in this world and the Hereafter ( [60] ).

The ruling of Shura:

The fuqaha 'differed in its ruling on the Prophet (peace and blessings of Allaah be upon him), or on the one who appoints an imam for the Muslims. Ibn Katheer said: The fuqaha' differed. Was this obligatory for him or for the sake of scarring? There are two opinions [61]:

I say Tap Gold [62] and Maliki [63] and some Shafi'i [64] that it is obligatory on the imam and quoted as follows:

Ibn Khuyz Mndad: the duty of governors, scientists consultation said, while not know, and as confused them matters of religion, and the faces of the army in the war, the faces of people in respect of interests, and the faces of writers, ministers and workers with regard to the interests of the country and its architecture [65]. Among Jassas Almighty God 's mercy in a bitter God to His Prophet peace be upon him and his companions consulted God bless them three benefits of weakness:

The first is to inform the people that what is not stated in the incidents is that the judgment of ijtiḥad is likely to be taken into consideration. Most likely, the second is to notify them of the status of the Sahaabah (may Allaah be pleased with them), and that they are the people of ijtiḥad and may follow their opinions. Allaah has elevated them to the status that the Prophet (peace and blessings of Allaah be upon him) (Peace and blessings of Allaah be upon him), and the third is that the soles of their consciences are satisfactory to Allaah, otherwise he did not order them to consult them. This indicates their certainty and the validity of their faith and their status, him in like him) [66].

Nuclear said that the origin of the consultation is obligatory in case of confusion, he said: If I form judgment consultation is obligatory, otherwise Fmsthabh [67], and they cited the following evidence:

First: Evidence from the Holy Quran: God mentioned the Shura in two places of his dear book, and each of them a strong indication of the necessity of this important principle of Islam.

1. It is the words of God told His Prophet, peace be upon him: (( the great mercy of God Lent if you're rough and the heart to shake around you forgive them and ask forgiveness for them and go ahead it determined, then put your trust in God that God loves those who trust )) Al - Imran: 159 . The sign of significance: (that the command of Allah to His Messenger peace is upon him with their faces:

The first is that the consultation of the Prophet (peace and blessings of Allaah be upon him) required them to raise their rank and height, and this requires the intensity of their love for him and their disobedience to obeying him. If he did not do so, it would be an affront to them.

Second: that peace be upon him, although he completed the

people 's mind, the science of creation finite, it is unthinkable that a man of the object of interest does not occur to him, especially as he does from worldly matters) [68].

This verse indicates a strong indication of the necessity of the Shura, on the one hand, it came down after the defeat of the Muslims on Sunday, and in circumstances that make it clear that the opinion of the Prophet, peace be upon him, was not right, yet God has revealed his command to pardon and consult them, Supports the care of Islam Shura ( [69] ).

And this command of the Messenger of Allah peace be upon him consultation with his companions is a matter for each of the position of the preachers and leaders and princes, but scientists and interpreters [70] consider that these are commanded in the first place, they are the most needed to this matter and very much different from the Messenger of Allah peace be upon him, and hence this verse is a major rule in governance and the emirate and the relationship of the ruler with the governed [71].

2. God's words: ((and ordered them to counsel them)) Shura: 38.

Who contemplates this blessed verse and looks at its structure, finds that God has mentioned Shura as a characteristic of his worship among two basic pillars of Islam: prayer and zakat. This indicates the importance of Shura, and it is obligatory to perform such as prayer and Zakat [72]. If the Prophet (peace and blessings of Allaah be upon him) was appointed as a shura, then he who is not a believer is liable to error in his politics by virtue of his human nature. Son the gift of God 's mercy says: Shura of the rules of law and spells judgments, and do not consult the people of science and religion and specialises in the arts of science, and the isolation of duty and this is no disagreement [73].

Secondly: Evidence from the Prophetic Sunnah: They quoted a number of the sayings and actions of the Prophet (peace and blessings of Allaah be upon him), indicating his request for advice from his companions in several places, including:

1. Saying peace be upon him: ((Oherva Ali)) [74] and in several citizens, in Badr and in Hudaybiyah and on Alive and others.
2. In the prisoners of Badr was asking the advice of his companions, it was narrated from Abu Obeida, Abdullah said: Since the day of Badr and was brought Balosary, the Messenger of Allah, peace be upon him: ((what you say in these captives)) [75]. They are asked for advice.
3. From Abu Hurayrah that he said: ((I saw no one more advice to the companions of the Messenger of Allah peace be upon him)) [76].

The second view: The owners of this view went to the Shura Council representative in the right of the imam and to him said Shaafa'i [77] and Hanbali [78] and Elzimkhcri from the tap [79] and Qatada and Dahhaak Revolutionary Sufian [80]. If the ruler wants to rule something, if it is clear that does not require diligence; such as the provision indicated by the text: the book or the year or unanimity or clear measurement, it is governed by and not consulted by the scholars, because it can only be meaning One, in which he did not invoke the consultation. Though it needs to be diligent, Valmsthab him to consult it from Bhoudrth scholars [81].

His son Introduction: The ruling if attended by the issue of showing his judgment in the Book of Allah, or the Sunnah of His Messenger, or consensus or a clear measure, the rule did not protest to the opinion of others, but I need to diligence, recommended for him to consult [82].

Al-Zamakhshri said: If the Arab masters did not consult in the matter, they would have to disobey them. Allaah has ordered his Messenger (peace and blessings of Allaah be upon him) to consult with his companions so as not to burden them with the tyranny of opinion without them [83].

The owners of this statement cited the following evidence:

1. Says: ((and go ahead of it determining, then put your trust in God that God loves those who trust)) Al - Imran: 159, said the owners of this view: It 's in a portable scar verse is not obligatory, Hasan al - Basri said that the Messenger of Allah, may Allah bless him And gave their advice to the rich, but God wanted to be helped by the rulers [84].

Qatada said: "He ordered him to consult them in a manner that suits them and is kind to themselves " [85]), and said Dahhak: he ordered him to consult them did not know of the credit, and his mother and his mother after him peace be upon him [86]. Sufyan said: "He ordered him to consult with them so that the Muslims would follow him and the believers would follow him, even though their advice is rich [87].

It is clear from the statements of the scholars that the intent in matters carried on the hearts of perfume companions, God bless them, and Taatasy by the nation after a year to be followed [88].

2. Almighty Allah's saying: ((and ordered them to counsel them)) Shura: 38, that the context of the sentence carried by the scar is not obligatory, shall assign to the front when the different faces of view and opposes the evidence in the judgment to consult scholars, Hasan al - Basri said: The Prophet, peace be upon him able to do without them, But wanted to become a year for the rulers [89].

Fair opinion

Having access to a Dallah party shows a preponderance of what went to Sayers should be the Shura in the right of the imam, for their explicit evidence that reported obligatory, and because of the good and Rashad and guidance, (Al-Hassan said: What consultation people never only Hdoa to guide their affairs) [90].

What the nation is experiencing today is degradation and loss, a natural result of its neglect of important and noble principles, such as the principle of consultation, which contributes to the blessings of the individual and the nation, to reflect on the joints of the state in the end. This right enables the people to express their views and express their own capabilities. Building the community and solving its problems is what the ruler should be careful about before the convicted person. In the event of his failure to do so, the nation is not exempted from its duty to assess the situation and correct the imbalance, and Allaah knows best.

### Third requirement

#### Advice

Advice Language: Who advised, advised the thing: concluded. And advice: pure honey and others. Everything is saved, advised, and sincere repentance: sincere, it is said: advised him my advice is advised, which is sincere and

ratified, and advised so before any advice [91]. The advice is a term: it is a du'aa 'for what is good and forbidding corruption' [92], such as enjoining good and forbidding evil.

Al-Asfahani said: It is an investigation of an act or a statement of the good of the owner [93] Imam Abu Sulayman al-Khattab (may Allaah have mercy on him) said: The advice is a word of the university meaning: possession of luck for those who are advised to do so. It is said that it is one of the abbreviated names and abbreviated words. Collect for the good of the world and the Hereafter [94].

Ruling on advice: The majority of scholars agree from the tap [95] and Maliki [96] and Shafi'i [97] and Hanbali [98] it is obligatory for every Muslim and advises them, rulers.

Al-Maalikiyya said: "The Sultan does not disobey the injustice, injustice, and disruption of rights." Malik said: If he wants to hear <sup>(and</sup> he is not required to go out on him but must be preached and intimidated, [99]. Ibn al-Qasim said: The believer (advice to them) must be for the believers [100], all believers without exception, to one of them and as will come with us in the modern "religion advice". Al-Sawy said: It is the imposition of an eye; to guide them to their interests from the order of their religion and their lives gently and they are required to ask for it or not, but the place of duty if thought to benefit because it is the order of virtue [101]. Tahaawi said:

The advice of a place of religion is great, and all of the sex of all races may be called the name that is called the same gender is mentioned by the same gender, that you say: Arabs and non-Arabs of the Arab Majesty in the people; (Peace and blessings of Allaah be upon him) said: "Religion is the advice" is for the majesty that is the subject of advice from religion, even if it is in the religion alone [102].

He Bahooti: The nation is required to obey the prince, and they need to advise him to talk "debt advice" and advised him because advised Muslims; and it pays for them if they advised him to pay much [103]. This was the verses came to confirm this authentic statement of the Islamic principle, as well as the year, which is creating a great came by all laws, and hesitation on the tongues of all the apostles, he says the story of Noah, peace be upon him: (( said , O my people , not my misguidance but I am a messenger from the Lord of the Worlds inform the messages of my Lord and I advise you, and I know from Allah what you do not know )) usages: 61-62, the prophet of God in favor of peace be upon him announce that he advised his people, but they do not like Naasiheen, the Almighty said: ((I have informed you a message, my Lord and advised you )) norms: 79, And reached Shuaib peace be upon him And advised them, he says: (( He withdrew from them, and said Yakom I have informed you Resalat my Lord and advised you, how Ouasy folk unbelievers)) norms: 93, as well as Hood peace, be upon him, he says: ((said, O my people, not my foolishness but I am a messenger from the Lord of the Worlds inform you Resalat my Lord and I am your mentor Amin )) Customs: 67 - 68 .

This was narrated in the Sunnah ahaadeeth that confirm this principle and its origin, including what Muslim narrated from Jarir who said: "The Prophet (peace and blessings of Allaah be upon him) was advised to advise every Muslim [104].

Ibn Battal said: The advice to each Muslim in the pledge, indicates the need of Jarir and his people to that, and Jarir was the head of his people [105]. And saying peace be upon him: ((debt advice ... we say to those who? He said: Allah and His Book and His Messenger and the imams of the Muslims and their common folk)) [106].

Ibn Hajar said: saying: (debt advice) which deleted his appreciation Imad Eddin and the strength of the advice as it is said: Hajj Arafa ie: Imad Hajj and texture parking Arafa, and appreciation: Most of the pillars of debt advice is also said Hajj Arafa ie most of the pillars of Hajj parking Arafa [107]. Then he adds: The advice to Allaah : Describe what he has and give to his people and give him outward appearance and desire in his favor by obedience and fear of his disobedience by leaving his disobedience and jihad in the response of the infidels to him, and advice to the book of God : Learn and teach him and set up his letters in recitation and editing in writing, which Ozb distortion Alambtalin him, and advice to his Messenger : venerate and victory alive and dead and revive his year learning it and teaching , and to follow him in his words and deeds , and his love and the love of his followers from his family and his companions, and advice to the leaders of the Muslims : helping them to what they carried do and alert them when inattention and filling Khalthm when Goof and collect the word Al Lord hearts matter EMBOSSED them is the greatest injustice for their advice them in the best manner [108], Muhammad Fouad Abdel Baqi said in a commentary on the hadeeth: As for the advice of the imams of the Muslims, they help them with the truth and obey them and enjoin them [109].

The Muslims in general advice: They are except rulers Varashadhm to their interests in Akrthm and worldly [110]. It is no longer a clear indication that it is not necessary to advise the imams of the Muslims, by means of the Shariah, which is recognized by sharia, and which serves the interest and pays the corrupt.

#### 4- CONCLUSION

1. Islam does not inhibit energy from the energies of human intellectual, spiritual or physical, but it does not unleash these energies absolutely active in any way but has always refined and rationalized for the benefit of the human on this land.
2. Freedom of political opinion is a legitimate right for every qualified sane person wise, knows things resources, and knows the consequences of the opinion of interests and disadvantages, freedom of opinion Saeb Justice Document to the right, far from fancy and exaggeration and abuse.
3. This right is shared by men and women, and they have the right to enjoin good and forbid evil because worship is required of every individual male or female.
4. The freedom of political opinion within the borders established by the State is undoubtedly a matter of individuals and of benefit and progress and leads to the growth of fraternity, love, and respect between individuals and bodies. The first word is collected on the right, and it makes them in a state of permanent cooperation, all this is

lacking in the world today, or the world is looking for it, and it is not guided by it.

5. In this regard, Islam considers the issue of opinion to be either religious or non-religious. If it is not religious, the opinion that he is reached by his diligence, as long as his diligence in the non-text, and his opinion within the limits of the origins of the religion and the correct texts.
6. The principles and texts of Islam do not contradict the freedom of opinion in the sense that it is based on public interest and an overall religious origin, and not an opinion based on mere fancy.
7. Holy Quran and Sunnah texts are clear and deep in the text sometimes ceremony and pointing at other times to the right of Muslims to express their opinion in public matters relating to their interests and the interests of the State, through the duty of a over the Promotion of Virtue and Prevention of Vice and the necessity of consultation and advice to the leaders of the Muslims and their common folk.

This study was done after the reconciliation of God Almighty, if we get from God and that we sinned from ourselves and the devil. And God prayed to our master Muhammad and his family and companions and gave him a lot of recognition

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