

Women's financial rights in the Sharia of Islam**الحقوق المالية للمرأة في الشريعة الإسلامية****Bilal .M.Daood ^{1*}, Ienas Younis Mustafa ², Doaa Adreese Yonis ³**¹Administrative Technical College Mosul, bilal_daood@ntu.edu.iq² Administrative Technical College Mosul, inas translation 2020@gmail.com³ Mosul University, Doaaadrees2017@gmail.com**Received: 11/09/ 2022 / Revised: 23/11/ 2022 / Accepted: 28/12/ 2022****Abstract**

Islamic Sharia, represented by the Noble Qur'an and the purified Sunnah of the Prophet, gave many rights to women, and the most important of these rights are financial rights, as money is the mainstay of life. The current research came to explain these rights and to clarify the financial methods that guide them when dealing with these rights, and to show that these funds .

Keywords : Financial rights, Women, Islamic Sharia.

Jel Classification: G41, Z12

ملخص

الشريعة الإسلامية متمثلة بالقرآن الكريم وبالسنة النبوية المطهرة، أعطت حقوق كثيرة للمرأة، ومن أهم هذه الحقوق هي الحقوق المالية، حيث أن الأموال تمثل عصب الحياة الرئيسي، بينت الشريعة هذه الحقوق بالنسب المثوية منعا للتلاعب والتعدي عليها. جاء البحث الحالي موضحا هذه الحقوق وموضحا طرقا مالية يسترشد بها عند التعامل مع هذه الحقوق، ويبيان أن هذه الأموال هي حق المرأة فقط ولا يستطيع أحد أن يتعدى عليه.

الكلمات المفتاحية:

الحقوق المالية، المرأة، الشريعة الإسلامية

تصنيف جال: G41، Z12.

* Corresponding Author

1. INTRODUCTION:

The Islamic Sharia guides the human being to his rights and duties and shows the ways and means of preserving these rights and the ways and means of performing the duties. The woman has her right as stated in detail and clear in the verses of inheritance. Thus, Sharia has closed every chapter that may enter it to manipulate the money that the woman owns of money, and these instructions that preserved for the woman her financial right are not found in other texts, even if they are man-made texts, and this research came to show the total financial rights For women, depending on the references and sources that dealt with this topic.

1.2. Research Problem:

Failure to understand the legal texts mentioned in guaranteeing a woman's right leads to an encroachment on funds, as well as ignorance in the way of accounting calculation leads to the loss of part of a woman's financial rights.

1.3. The importance of research:

The importance of research comes from the importance of money that is the backbone of life and the party to preserve it as a woman's right and not to tamper with it under the pretext of the woman's weakness or lack of need for it, as well as showing the importance of mathematical methods for these rights.

1.4. The objective of the research

The research aims to define the financial rights of women and to clarify the texts that outlined and continued in that and to explain some of the mathematical methods that are used when dealing with money.

2. Defining the right in language:

The term “Right” took on many meanings as a word, for linguistic dictionaries dealt with it in several meanings, including what is called the property, what is called the money, and what is called the existing and the fixed, and the right of the matter is said to mean it must and it undoubtedly occurred. **(Al-Fayrouz Abadi, Muhammad Ibn Ya’qub, 1410 AH).**

3. Defining the right as a term:

Opinions multiplied and varied to define in term meaning of the concept of right, as some see it as an authority subject to the administration of the individual, or an acquired interest protected by law **(Kazem, Maher Jerry, 2010)**

4. One of the financial rights of women in the Holy Quran

The Holy Qur’an is the source of the first legislation that God Almighty revealed to be a method that can be inferred, guided, and enlightened by it. The Qur’an deals with all the matters that a person needs. These rights are in accordance with rules set forth in the Holy Quran and he has obligations that they must fulfill because the obligations that he owes are the rights of others, just as his right is an obligation on others, and the Holy Qur’an clarifies all the rights that a person needs in order to practice his normal life and to be upright, and among the greatest of these rights are financial rights. The one who contemplates the Noble Qur’an finds that the Qur’an texts brought him together between men and women in explaining the totality of rights, and sometimes preferring between men and women due to the need for preference in these rights that a person needs. Her financial rights.

A woman's right to inherit: Almighty says((For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share)) . **(Surat Al-Nisa’a : Verse 7)**

This noble verse was revealed in affirming the right of women to inherit, as Said bin Jubair and Qatada said, the polytheists before Islam used to make money for men and not inherit it to women (**Ibn Kathir, Abu al-Fida Ismail al-Qurashi al-Dimashqi, 1414 AH**)

The Arabs in ignorance era of their tyranny and cruelty did not inherit to the weak, such as women and boys, and they made the inheritance to men only, claiming that men are the people of fighting and war, so the God Almighty wanted to legislate a law for His servants in which men and women are the strong and the weak.

This noble verse proved a woman's right to inheritance, that is, money left by her parents or relatives. But if we went further than that, we found that the Qur'an texts specified the financial ratios that a woman deserves from the inheritance so that no one would tamper with her right and to preserve her condition. the following:

- A- The right of a girl who is alone and does not have a brother or sister, so she inherits half of the parents, and this right is proven inAlmighty says : ((And if there is only one, for her is half))
(Surat Al-Nisa'a : Verse 11)

If the father left an amount (10,000,000) ten million dinars, then the girl would take (5,000,000) five million.

- B- The right of more than one girl if they are only females, whether they are two or more, then one third of the parents inherit, and this is proven in : Almighty says : ((But if there are [only] daughters, two or more, for them is two thirds of one's estate))
(Surat Al-Nisa'a : Verse 11) .

If the father left an amount (12,000,000) twelve million, then the two daughters or more would take (8,000,000) eight million.

- C- The right of the girl with the male brothers in this case the girl takes half of what the boy takes, and this is proven by : Almighty says ((Allah instructs you concerning your children: for the male, what is equal to the share of two females)) **(Surat Al-Nisa'a : Verse 11)** .

For example, if the boy inherits (6,000,000) six million, then the girl will inherit (3,000,000) three million, half of the boy's inheritance.

This is if the woman was a girl not married

But if the woman is a mother or a wife, the details are as follows:

- a- If the mother has a son, then she inherits one sixth. For example, if a mother has children and one of them died and has money amounting to (1,000,000) million dinars, then her share is (166,000) thousand, and if her son has a son, then she takes one sixth.
- b- If the mother inherits from her son and he has no brothers, then her share of the inheritance is one-third, meaning if the amount is (1,000,000) million, then her share is (333,000) thousand.

This was stated in Almighty says: ((And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth)) **(Surat Al-Nisa'a : Verse 11)**

- c- The wife shall have a share one to eight from her husband if he has a son, and she shall have a quarter from her husband if he does not have a son, and this is proven in Almighty says: ((And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave)) **(Surat Al-Nisa'a : Verse 12)** .

- d- The right of women to the dowry (dowry): Islamic law is distinguished from the rest of the laws and from man-made laws and regulations in that it is imposed on men to pay money called dowry to women if they want to marry it. **(Shehata Hasan Hussein 2009)**
- e- This right is proven in the Almighty saying : ((And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease)) **(Surat Al-Nisa'a : Verse 4)**

And the meaning of the verse: Give women their dowries as an obligatory gift, meaning that if men want to marry a woman, he must give her a financial compensation. **(Al-Tabari, Muhammad bin Jarir bin Yazid, 1420)**

5. Financial rights for women in the Sunnah:

Just as the Holy Qur'an was keen to prove the financial rights of women, the Sunnah of the Prophet also preserved financial rights and set restrictions and limits to protect and preserve them, and among those rights are the following:

- A- Her right to inheritance: It was stated in the books of Sunan that Saad bin Abi Waqqas ((asked The Prophet, peace be upon him, that he has a lot of money and that he will not inherit me but my daughter, so he said I want to give two-thirds of my money in charity, so the Prophet said, if you left your son rich, it is better than leaving them dependent and will ask people)) **(Al-Bukhari Muhammad bin Ismail bin Al-Maghra, 1422 AH)**. In this hadith is proof of the daughter's right to inherit.
- B- Her right to the dowry: The purified Sunnah of the Prophet proved the dowry for a woman (dowry) in fulfillment of her inalienable right in the Holy Quran , It came in Sahih Muslim that Abi Salaam ibn Abd al-Rahman asked the mother of the believers

Aisha, the wife of the Prophet, may God's prayers and peace be upon him, "How much was the dowry of the Messenger of God, may God bless him and grant him peace. And she said, "It was a dowry, on his marriage, twelve ounces and a nish. She said," Do you know what is nish? ". He said," No, she said :half an ounce, that is five hundred dirhams. This is the Prophet's dowry for his wives. **(Al-Nisabory, Muslim bin Hajjaj Al-Qushayri, 1412 AH)**

The wife's right to alimony: Alimony is defined as an obligation that the husband performs and performs towards his wife, which includes her food, drink, clothing, housing, bedding and other details that are governed by custom. **(Ya`qub, Muhammad, 1425 AH)**

C- The Prophet's Sunnah has established the right to maintenance, taking into account the interest of the woman. The jurists have agreed that maintenance is obligatory for the wife because it is a ruling and has the effect of the right contract of marriage. **(Al-Maqdisi, Abdullah bin Ahmed bin Qudamah, 1305 AH)**

6. Issues related to women's financial rights:

The Islamic Sharia has placed the financial rights of women the subject of very great concern. Sharia has set restrictions, limits and prohibitions on women's money so that it is not infringed upon it. It also allowed women to do things that others were not allowed to do. Therefore, this topic will deal with aspects and issues related to women's financial rights.

First: The woman's right to alimony if her husband is limited in spending.

If the husband does not spend on his wife, then she has to take from his money what is sufficient for her, as it came in the hadith: ((Hind bin Atabah said, O Messenger of God, that Abu Sufyan is a scarce man and

he does not give me enough alimony and my son said the Prophet, peace and blessings be upon him, take what is sufficient for you and your child with goodness)) (**Ibn Majah, Muhammad bin Yazid Abu Abdullah, 1416 AH**) and taking here is without his knowledge.

Rather, ((The Commander of the Faithful, Umar ibn al-Khattab, sent to the army commanders of men who were absent from their women, ordering them to spend or divorce)) (**Al-Albani, Muhammad Nasir al-Din, 1405 AH**)

Second: The salary of the female employee: This issue has two cases (**Eid, Nawal Bint Abdul Aziz, 1433 AH**)

The first case: that the work of the woman is with the consent of the husband and his permission in order to help him and help him with the requirements of life. In this case, she spends from her salary on the house because in her leaving she misses something of the right of empowerment over the husband and complete retention.

As for the second case: it is her going out to work without the husband's permission and consent, or a condition on her in the marriage contract that she quit work. In this case, the woman does not have alimony over the man because of his dissatisfaction with her work and the lack of full retention and empowerment that is necessary for alimony, and because that is considered disobedience, and disobedience is a subjugation of alimony according to the opinion of some jurists .

And make sure if the wife stipulated the work in the marriage contract

Third: Zakat on a woman's money: In the issue of zakat, women are equal with men, since the Sharia texts do not differentiate between men and women in zakat, and among these texts is the saying of the Prophet, may God's prayers and peace be upon him, if you have two hundred dirhams and a year has passed for her then five dirhams (of silver) and you do not have Something means going until you have twenty dinars,

and a year has passed for him, then half a dinar is in it, so if it is more, then we will answer **(Al-Asbahi, Malik Ibn Anas, 1413 AH)**

Thus, the amount of the Zakat rate is (2.5%).

If we assume that a woman owns (8,000,000) million dinars, then the zakat on her money is calculated as follows:

$8000,000 \times 2.5\% = 200,000$ two hundred thousand dinars or extracted by dividing by 40, for example $8,000,000 / 40 = 200,000$ thousand dinars

Likewise, zakat is not required until the money has reached the nisaab and is 20 shekels of gold, and it has been over a full year, any year.

It is evaluated in cash as follows:

20 gold weight = 85 grams because one weight = 4.25 grams, and if we assume that the price of one gram = 43,000 Iraqis, then this means $43,000 \times 85 = 3,655,000$ three million six hundred fifty-five thousand and it is calculated in dollars as follows: $43,000/1200 = \$ 35,833 = 35,833\$ \times 85 = 3,045.8$ three thousand forty-five dollars $\approx \$ 3,045.85$

Fourth: Sharing the woman's money with the man In most cases the husband needs money to buy a house, car, real estate, or anything else, a village to the woman to take from her money. In this case, to ensure the woman's right to her money, these funds must be recorded as a percentage of the property price or others as:

Example: A man took from his wife an amount of 50 million to buy a house that was worth 225 million, and it is calculated as follows :

$50,000,000 / 225,000,000 = 22\%$.

This is to preserve the right as the market value of the property is constantly increasing and the monetary value is declining. After several years, we find that the real estate has risen in price to 300 million. Therefore, we find that inflation affects the amount by decreasing its value, but it does not affect the ratio because it is variable and the amount is fixed.

7. Conclusions:

- Islamic law preserves the financial right for women in the most complete form.
- From the viewpoint of Sharia, women are equal with men in financial rights, except for what is stated in some texts that specialize women with some rights.
- Prohibition of taking from a woman's money except with her permission.
- The man's failure to spend on the wife is entitled to take from his money without his knowledge.
- Sharia preserved women's money from manipulation and warned against that.
- Ignorance of the methods of calculation leads to the loss of a woman's right.

The Recommendations are:

- Spreading societal awareness regarding the financial rights of women.
- Definition of the legal texts that preserve the rights of women.
- The associations 'adoption of these rights, clarification and publication of what is therein.
- Educating women about their financial rights.
- Spreading awareness among women and employees, especially when they have money, in financial calculation methods.

8. Bibliography List :

- Al-Fayrouz Abadi, Muhammad Ibn Ya'qub, 1410 AH, Al-Qamoos Al-Muheet, Dar Al-Kutub Al-Ulama, Egypt, Cairo.
- Kazem, Maher Jerry (2010), Human Rights, Democracy and Public Freedoms, The Book Press, Baghdad, 2nd Edition.
- Ibn Kathir, Abu al-Fida Ismail al-Qurashi al-Dimashqi, 1414 AH, Interpretation of the Noble Qur'an, Dar al-Fikr, Damascus, Syria.
- Shehata Hasan Hussein (2009), The Economy of the Muslim Home in Light of Islamic Law, Dar Al-Manar Modern.
- Al-Tabari, Muhammad bin Jarir bin Yazid, 1420, Jami al-Bayan fi Tawil al-Qur'an, The Saudi Message Foundation.
- Al-Bukhari Muhammad bin Ismail bin Al-Maghra, 1422 AH, Sahih Al-Bukhari, Dar Touq Al-Najah.
- Al-Nisabory, Muslim bin Hajjaj Al-Qushayri, 1412 AH, Al-Jami Al-Sahih (Sahih Muslim), New Horizon House, Beirut.
- Ya'qub, Muhammad, 1425 AH, The provisions of matrimonial maintenance in Islamic law, Dar al-Fadila, Egypt.
- Al-Maqdisi, Abdullah bin Ahmed bin Qudamah, 1305 AH, Al-Mughni, Dar Al-Fikr, Beirut, 1st Edition.
- Ibn Majah, Muhammad bin Yazid Abu Abdullah, 1416 AH, Sunan Ibn Majah, Dar al-Fikr - Beirut.
- Al-Albani, Muhammad Nasir al-Din, 1405 A.H., Irwa Al-Ghaleel in Tenting Hadiths of Manar Al-Sabil, Islamic Office, Beirut.
- Eid, Nawal Bint Abdul Aziz, 1433 AH, Women's Financial Rights in Light of the Prophet's Sunnah, Conference on the Legal

and Legal Protection of Women's Economic Rights, Knowledge Enrichment Center.

- Al-Asbahi, Malik Ibn Anas, 1413 AH, Muwatta Al-Imam Malik, Dar Al-Alam, Damascus.