

GUARDIAN AUTHORITY AND ITS EFFECT ON ADDRESSING THE PHENOMENON OF EXAGGERATION IN DOWRIES

Mukhtar Issa Mustafa, Al-Balqa Applied University

ABSTRACT

This research aims to show the extent of the guardian's authority in addressing the calamities that occur in the nation, including the phenomenon of excessive dowries, explaining this authority, and that it has controls that control it, in accordance with the provisions of Sharia and its great purposes. In this research, the researcher will explain the most important reasons that led to the emergence of this phenomenon and how the external cultural invasion contributed to its many media channels in spreading the culture of exaggerating dowries. I will explain the treatment plans for this phenomenon, in accordance with the rules and objectives of Islamic law, and then conclude with the most important results that he has reached.

Keywords: Guardian Authority, Exaggeration in Dowries, Provisions of Sharia

INTRODUCTION

With the end of the twentieth century and the beginning of the twenty-first, contemporary issues began to float on the surface of daily life, especially on the family side. After studying these issues, it became clear that they are not the result of a moment or a coincidence, but rather the product of colonial schemes, whose main aim is to eliminate the Muslim family structure. They call for exaggerating the dowries, to prevent the spread of marriage, in a large proportion. The demolition of the third purpose of Sharia's objectives, which is: the purpose of preserving the offspring, so this research came to examine the extent of the authority of the guardian, in dealing with this calamity and providing positive solutions that achieve a preponderant interest, not likely.

The Problem of the Study

Since the beginning of the eternal Islamic call, and in light of the call to preserve the entity of the family, to fulfill the concept of Istikhlaf and to build the land, through the institution of correct marriage, derived from the Holy Qur'an and the Sunnah of the Prophet, and this governorate was based on not exaggerating the dowries, but rather on reducing them, in order to multiply the descendants of Muslims, however, this culture, with the advent of the foreign colonizer, began to change, under pretexts and names: freedom, opinion and other opinion,s which in reality is mercy on the surface, and torment on the inside, among these names, was the call to exaggerate the dowries, so this research came to study this problem, which threatens the building and strength of the family and puts appropriate solutions for it.

Previous Studies

The researcher looked at many studies that talked about excessive dowries, and he found a few of them that talked about it directly and indirectly:

Abu Atta (2006) study entitled "The amount of the dowry, and the authority of the guardian in determining it - a jurisprudential study", where the research included the following topics: Defining the dowry and its legality, and the amount of the dowry in its two

limits: the lowest and the highest, and the authority of the guardian in determining it, and then the results of the research, however, the researcher did not address the most important reasons that led to the exaggeration of the dowries, and the discussion of the authority of the guardian, in dealing with the exaggeration, came simply.

Shabir (2011) study “The phenomenon of high dowries and their treatment” aimed at investigating the definition and legality of the dowry, the wisdom of the legality of the dowry, the justification of its obligation, the social factors, and their impact on the phenomenon of high dowries, the reasons for the high cost of dowries, the costs of marriage, the negative effects of the problem of high dowries, the high costs of marriage, and the opinions of sociologists regarding the problem of high dowries, and the high costs of marriage, but this study came to study the phenomenon of high dowries, on the part of sociology, and not from the part of Islamic jurisprudence.

Karroum (2018) study “Determining the dowry in Islam and its impact on social reform” where the researcher talked about the types of dowry, its conditions, is the dowry a condition or a corner, the reasons for the high cost of dowries, and the reasons for determining them. The research came with statistical figures on the percentage of spinsterhood, which made it closer to sociology, without talking about the extent of the authority of the guardian in dealing with the phenomenon of excessive dowries.

The Significance of the Study

Despite the status and importance of the previous studies, and their connection to the people's reality, they did not provide a real treatment for the phenomenon of high dowries, and they did not link it with the objectives of Islamic law. This study was distinguished from its predecessors: it was specialized in the extent of the guardian's authority, in dealing with the high price of dowries, as a contemporary calamity, and linking them with the objectives of the Shari's on building the Muslim family, in light of the winds of globalization and Westernization.

RESEARCH METHODOLOGY

In this research, the researcher followed the inductive approach - by tracing the sayings of scholars and their evidence - and the analytical method - by analyzing those statements and evidence, discussing and considering them, considering them weighed and probing them, as far as possible, and the deductive method - by devising the appropriate judgment, which is consistent with the provisions of the Glorious Sharia.

RESEARCH PLAN

This research came with an abstract, an introduction, the research problem, previous studies, the importance of the research, the research methodology, and its plan, and the research included:

The first topic: the authority of the guardian and its limits:

The first requirement: The concept of guardian authority, in language and idiomatically

The second requirement: The limits of the authority of the guardian

The second topic: the authority of the guardian in the treatment of high dowries, in contemporary reality:

The first requirement: The causes of the phenomenon of high dowries

The second requirement: the authority of the guardian in treating the phenomenon of high dowries

The First Topic

Guardian Authority and Limits

The importance of the guardian, and the limits governing his work in the provisions and instructions he issues, the aim of which is: to achieve the public and private interest, provided that it does not violate the provisions of Sharia law and its great purposes, in a way that guarantees the security and stability of the members of society.

Through the following two requirements:

The first requirement: the concept of guardian authority, in language and idiomatically

The second requirement: the limits of the authority of the guardian

Authority in language: Al-Zubaidi defined authority by saying: "Power, subjugation, and victory." Muhammad Mortada Al-Zubaidi, and the Almighty said, "Except for those who take refuge with a people between yourselves and who is a treaty or those who come to you, their hearts strained at [the prospect of] fighting you or fighting their own people. And if Allāh had willed, He could have given them power over you, and they would have fought you. So, if they remove themselves from you and do not fight you and offer you peace, then Allāh has not made for you a cause [for fighting] against them" (An-Nisā': 90)

Al-Saghani also said: The composition indicates strength, subjugation, and victory.

The guardian: He is the guardian of the thing, and the source is the guardian- by breaking and opening. Fath: the source, and fraction: the name, which is the plan, the emirate, and the Sultan Muhammad Mortada Al-Zubaidi, any name for what I assumed and did, and it is said: He took over the matter or the work if he started it, and I gave him the command, i.e., I assumed him the successor Muhammad Mortada Al-Zubaidi, and from him (the orphan's guardian: the one who follows his command and bails him) Muhammad Mortada Al-Zubaidi. The matter linguistically: the affair and the state, it is said: the matter of a person is straight, and his affairs are straight. Muhammad Mortada Al-Zubaidi. In Taj al-Arous: "The difference occurred in the compilations of the assets, and they said: The command: If it has a meaning against prohibition, then its plural commands, and if it is the meaning of the matter, then its plural is matters, according to most of the jurists, and it is the current according to the tongues of the people Muhammad Mortada Al-Zubaidi, accordingly what is meant is the guardian of the matter here: He who takes care of the affairs of the whole nation and manages all its affairs. Muhammad Mortada Al-Zubaidi.

The Concept of Guardian Authority Idiomatically:

Ibn Khaldun: What is meant by people in the street is the goodness of their hereafter, so according to the Shari'ah, it is necessary to carry all of them to Sharia rulings, in their worldly conditions and the hereafter, and this ruling was for the people of the Sharia, who are the prophets, and who took their place, who are the caliphs. The Khilafah is the burden of all, according to the legal consideration, of their eschatological and worldly interests that are due to them, as worldly conditions are all due to the majority, to their consideration of the interests of the hereafter Dr. Ahmed Hassan Al-Rabab'a.

Al-Taher bin Ashur mentioned in his interpretation of the Almighty, saying: "O you who have believed, obey Allāh and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result". (An-Nisā': 59).

As it came in the interpretation of al-Tahrir and al-Tanweer by saying: "And his saying: and the rulers of the matter, meaning: his people, they are the owners of the matter, and those who are entrusted to it. The matter is what he cares about in terms of conditions and affairs. The rulers are from the nation and the people, they are the ones who are entrusted

with managing their affairs, and they depend on them for that, then the matter becomes as if it is one of their characteristics, so they are called: people of command, and ruler, it is said in the opposite: He has nothing of the matter.

When God Almighty commanded to obey the rulers, we knew that according to Sharia law, they are a specific sect, and they are the example of the emirate and its trustees, so we knew that that quality is proven to them by legitimate means, Imam Muhammad Al- Taher Bin Ashour. Contemporary researchers defined the authority of the guardian by saying: "The guardian is: the holder of the general guardianship, in issuing the rulings emanating from all the provisions of Sharia, in a manner that achieves the interest of the members of society, So he pays off from the evils, brings them interests, or preserves for them the five faculties: the purpose of preserving religion, preserving the soul, preserving honor or offspring, preserving the mind, preserving money, managing their lives, the Sunnah of the Prophet indicated that, and the Rightly Guided Caliphs and those who followed them among the rulers of affairs, whose life was distinguished by justice and equality, applied it.

After reviewing the definitions of linguists and idioms about the concept of the authority of the guardian, it becomes clear that the two meanings: linguistic and idiomatic, meet on one meaning: The power and influence possessed by the Sultan or the Caliph, or whoever represents them, in issuing an administrative order or decision that leads to the achievement of the interest of all members of society, and the achievement of security and stability for them, within the controls and provisions of Islamic law, and its purposes.

The Second Requirement

Guardian Authority Limits

May God Almighty controls the actions of all servants, ruling and governing, in a manner that guarantees the preservation of the faculties of Sharia and their purposes, In order to achieve justice and fairness, and keep away from injustice, and among those controls: the limits of the authority of the guardian, and therefore the jurists of Sharia have set basic limits that control the authority of the guardian, or whoever acts on his behalf, from deviation and estrangement, and the loss of the rights of members of society, and these limits are:

The Necessity for his Decisions, or his Restriction of Permissible, to Achieve a Legitimate aim.

Considering that permissible, if it is restricted to achieve an interest or a greater purpose than leaving it to be released, then at that time, what is permissible is restricted, "by looking at the permissible, which is restricted, the process of restriction and its goal must be purposeful, seeking to achieve interest, the order of the street, with it, or its gender, to ward off the corruption that the lawmaker forbids it, or its gender, because the principle in things is permissible, and the first principle of it governs all legislation, so it is not passed on except with certainty. God Almighty has authorized the consumption of permissible for the enjoyment of man, so whims and desires cannot restrict it. Otherwise, the process will become an absurdity and a fertile field for injustice and aggression, and therefore this work requires knowledge of Sharia and insight into its purposes. By looking at the applied models of this theory, we note that it is not permissible to restrict it except to achieve a legitimate aim Al-Bashir al-Makki Abd al-Allawi.

That the Decision does not Contradict the Texts of the Noble Qur'an and the Noble Prophet's Sunnah, as they are Texts that are Fixed, Unchanging and not Subject To ijthad.

And this is what Al-Shatibi said: "If the mind is permitted to skip the port of transmission, the limit that limits the transmission will not have any benefit, because the assumption is that it has set a limit for it Musa al-Lakhmi al-Shatibi

In his book: *Usul al-Fiqh*, Sheikh Abu Zahra mentioned this limit and said: "The interest is fixed wherever the text is found, so there can be no interest, certain or dominant, and the categorical text opposes it, but it is the delusion of thought, the tendency of passion, the predominance of desire, or being affected by an occasional, non-permanent state, or an urgent, fleeting benefit, or the realization of a benefit whose existence is doubtful, and it does not stand before the text, which came from the wise street and proved definitively, and there is no room for consideration, nor its significance. *Usul al-Fiqh*, Sheikh Muhammad Abu Zahra, pp. 394 + 395, any decision issued by the guardian, or whoever acts on his behalf, contradicts the established text of the Book and the Sunnah of the Noble Prophet, this is rejected altogether and in detail

That the Decision or the Jurisprudence do not Clash with Two Evidences: Consensus and Measurement.

The evidence of consensus is one of the original evidence on which the ummah's jurists built many rulings that dealt with calamities, making them constant, and it is not permissible to violate them, as Ibn Taymiyyah said, on the issue of consensus, he said: "If it is proven that the ummah is unanimous, on one of the rulings, no one can deviate from their consensus, then the ummah does not meet on the misguidance."

Likewise, analogy, it is not permissible to contradict it, any decision or diligence issued by the guardian, or his representative, this is what Ibn al-Qayyim confirmed by saying: "The texts surround the rulings of accidents, and neither God nor His Messenger has permitted us, on an opinion or analogy, but has explained all the rulings, the texts are sufficient and complete, and the correct analogy is a right that corresponds to the texts, the significance of the text may be hidden and not reached the world, so it is modified to the analogy, then it may appear in agreement with the text, so it is a correct analogy, and its contravention may appear, so it becomes a corrupt analogy." We found many consensus and measurements that the companions worked with, may God be pleased with them, such as their unanimity on the collection of the Holy Qur'an during the reign of Caliph Abu Bakr Al-Siddiq, may God be pleased with him, and other groups that achieve interests and ward off evil. As well as the Companions' measurements, may God be pleased with them, such as measuring wine over wine in the prohibition, and other correct measurements, which are controlled by the Holy Book, and the pure Sunnah.

That it Does not Violate the Public Interest of all Members of Society, or that it Achieves the Special Interest of Some Individuals, or a Group of Social Groups, not all of them.

This is what Imam Al-Shatibi confirmed by saying: "As for the reality in the rank of necessities, it must lead to it, *ijtihad*, *mujtahid*, and if he does not have a specific origin attesting to it, and his example is: If the disbelievers take shelter with a group of Muslim prisoners, if we stop them, they will oppress us, and they defeated the House of Islam, and they killed all the Muslims, if we had thrown them with shields, we would have killed an infallible Muslim. He did not commit a sin, and this is not stipulated in the Shari'a, and if we cease them, then the infidels would have empowered us over all Muslims, and they would kill them. They would kill the prisoners too, it is permissible for someone to say: This prisoner was killed in any case, so the Muslims' preservation is closer to what is intended by the Shari'a, and this was a consideration for an interest, knowledge of necessity, as it is the intention of the Sharia, there is no single evidence and a specific origin, but with evidence beyond the restriction, but the attainment of this intent, in this way, which is: "the killing of one who did not sin, a stranger who did not testify to a specific origin, and his consideration was criticized by considering three descriptions: they are necessary, definitive and total." The guardian, when he tried to restrict the permissible, such as the high price of dowries, which was not specified by any text, but this high price led to the existence of great social problems, so the interest of all members of society was given priority over the private interest of some

girls: “The interests have a balance, through which they vary in importance, if two interests conflict, in one area, so that achieving one of them must be missed by the other, then they must be looked at in terms of the extent of their coverage, and explain that, that the interests, even if they are agreed, in what is an interest, and in the extent of the need for it, but they often differ in the extent of their inclusion of people, and the extent of the spread of their benefits among them, so the two interests are then presented more comprehensively than the two narrowest of them in that. As the waste of what is achieved by the benefit of a group of people is no less, for the sake of preserving what is achieved by the benefit of one person, or a small group of people, provided that the individual is not harmed by outweighing the interest of the group, because he often enters them”. The decision issued by the guardian, or whoever acts on his behalf, must be valid for all society members, and not to achieve a private interest for a specific group of people, so the public interest precedes the private interest, to bring interests and ward off evil.

The Second Topic

The Authority Of The Guardian, In Treating The Phenomenon Of High Dowries In Contemporary Reality.

The high rate of delay in marriage age among young people and the high rate of spinsterhood among girls. He called on religious bodies in Arab and Islamic countries to search for solutions to this phenomenon, which the Islamic world had not witnessed in the past; this research came to study it and lay down solutions, according to the rules and provisions of Islamic law, and its great purposes, according to the following two requirements:

The first requirement: the causes of the phenomenon of high dowries

The second requirement: the authority of the guardian in treating the phenomenon of high dowries

The First Requirement

Reasons for the Phenomenon of High Dowries

Explain the reasons that led to the emergence of this phenomenon in the Islamic community and how it began to cast its shadows:

The weakness of religious faith:

The temptations of contemporary life, and what caused it to deviate from Islam's tolerant values, and the call to Islamic law and its great purposes, to not exaggerate the dowries, and the call to build a righteous family. The verses of the Holy Qur'an, the Sunnah of the Prophet, and the practical application of the Companions, may God be pleased with them, indicated the call to reduce the high price of dowries, so God Almighty said:

“And of His signs is that He created for you from yourselves mates that you may find tranquility in them, and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought”. (Ar-Rūm, 21), the author of Tafsir al-Tahrir and Enlightenment, in his interpretation of this verse, mentioned the importance of marriage and the call to facilitate it, not its difficulty, so he said: “This is a second verse, in which there is a sermon and a reminder, about the general system of people, which is the system of marriage, the family being, and the basis of reproduction, which is a wonderful system, God made him anchor in the mountain, and nothing apart from him except the oddities, and it is a verse that includes several verses, including: that the marriage of a person is the law of reproduction, and that he makes his reproduction through marriage, and he did not make it like the breeding

of plants from himself, and he made the husband of man from his kind, and he did not make it from another variety, because crossbreeding does not happen with a different type, and he made in that marriage a human being between the spouses, and he did not make it violent or fatal mating like the mating of frogs, and he made each spouse affection and love, so the spouses are neglectful before marriage, so after marriage they become loving, and he made a mercy between them, because before marriage they have no affection between them, so they become compassionate after him, like the mercy of parenthood, and for the sake of what this implies, and which is followed by blessings and evidence, he made this verse several verses, in his saying: "Indeed in that are signs for a people who give thought". (Ar-Rūm, 21), and this verse, located in the creation of the essence of the two types of man: the male type and the female type, and the deposition of the order of acceptance between them, in their form. The hadiths of the Prophet, may God bless him and grant him peace, which emphasizes the importance of marriage, its position in Islam, the call to encourage marriage, and the prohibition of exaggerating the dowry, he said, the Messenger of God, may God bless him and grant him peace: (Marriage is one of my years, so whoever does not do two years is not from me.

Likewise, he, may God's prayers and peace be upon him, said: (If someone who agrees to his religion and morals proposes to you, marry him, but you do not, there will be sedition on earth and widespread corruption.

These hadiths and others confirm the invitation, to encourage marriage, and to not exaggerate the dowries, and that the element of religious faith is the basis of the marriage contract, or in the offer and acceptance, and that exaggerating the dowries is not one of the laws of Islam, and its great purposes.

External influences, such as cultural globalization:

In light of the technological developments that took place since the end of the nineteenth century and the beginning of the twentieth century, and the accompanying colonization of Arab and Islamic countries, establishing associations that fight the rulings of Sharia and their great purposes through many esoteric means, which claim women's rights and human rights, but the goal of these associations and institutions is to destroy the structure of the Islamic community and dismantle it beyond a reasonable doubt, that these associations aim: to alienate society and its members from their Islamic religion: "The intellectual invasion directed at the Islamic world, in the past four decades or so, has led to the disintegration of many values and ethical ideals that characterize the Islamic nation, and the landmarks of social change that the Islamic region witnessed, except for those who have mercy on God's mercy, were influential to a large extent, in the structure of the Muslim community, and among the direct consequences of that: the delay in the age of marriage for both sexes, beyond the age of thirty, and perhaps beyond the age of forty, and at a time when it became difficult for the man to meet his other half, under the umbrella of marriage, at the same time, their meeting was facilitated within the framework of friendship, concubin and cheek, which are - as you can see - rugged paths, even plagues, and many Islamic societies are still moving forward towards adopting Western social theories, which are basically based on what is called: the liberation of women, which is a weapon with which our enemies destroy the Muslim family no matter what"

The absence of an effective role for the media in spreading awareness among members of society, in preventing excessive dowries

The delay in the age of marriage for young people and the increase in the rate of spinsterhood, and many paid media outlets whose financing comes from Western external parties, aims to exaggerate the dowries. This exaggeration is equivalent to women's rights, and that religious texts derived from the Noble Qur'an and the Sunnah, the jurisprudence of the Rightly Guided Caliphs and the companions of the Messenger of God, may God's prayers

and peace be upon him, are good for the time in which it was, and not suitable for contemporary reality, as is the absence of Islamic scholars from effective media, and what is widely spread is reminding about family issues in general, and the phenomenon of high dowries in particular. Indeed, the media, directed by globalization organizations, are calling for exaggeration of dowries, as a pattern of progress and modernity and one of the doors of preserving women's rights; for these reasons and others, they are nothing but means of demolishing the entity of the Muslim family and preventing its spread.

THE SECOND REQUIREMENT THE AUTHORITY OF THE GUARDIAN, IN TREATING THE PHENOMENON OF HIGH DOWRIES.

We show successful and effective solutions that a guardian can implement to treat this worrying phenomenon:

Inviting scholars and fatwa circles to study this issue from the jurisprudential point of view.

Then to carry out research in books of fiqh, study the social reality in previous eras, and how they were able to solve this problem, in accordance with the purposes and provisions of Sharia, and issue a guiding or mandatory fatwa that prohibits exaggeration in dowries in a way that ensures the facilitation of marriage in the Islamic community. This fatwa has a real interest, not a delusional interest: "This interest is based on correct jurisprudence, especially since Ijtihad is an obligation in Sharia, which is the life of legislation, and it is a renewed necessity, in every time and place, due to developments and different environments and customs, it is indispensable for every legislation that is intended for perpetuity, and is intended in our Sharia: preserving the dominance of the Sharia over life's events, and keeping it alive and eternally over time, so that no one escapes from the provisions of the Sharia, as There is no new issue, except for Islam has a ruling on it, whether it is permissible or inviolable."

Al-Shafi'i, may God have mercy on him, the Almighty emphasized this issue by saying: "There is no doubt that diligence and renewal is a logical matter necessitated by needs and renewed interests over time, in that case, ijthihad would be a barrier to importing solutions, regulations, and laws from non-Muslims, but the ground or public order is what drives ijthihad, its growth and revitalization, as for working without Islam and its jurisprudence, then ijthihad is useless: because the implementation is not a cause for action and the most important motivation for ijthihad, and at that time successful attempts are made to reconcile the presumptive texts with renewed interests, Ijtihad is inherent in contemporary, preserving originality."

The issuance of an administrative decision, or a fatwa issued by a fatwa authority, is reliable and disciplined by the rules and provisions of Sharia, and its great purposes, which makes minds convinced of it, and hearts tend to it so that this fatwa or this decision is respected and it has a place of holiness and respect.

Requiring the media to raise awareness and education by broadcasting weekly and monthly episodes periodically to all segments of society, in which they explain: The importance of not exaggerating the dowries.

"Among the greatest factors that impede and delay marriage for many young men and women is the corrupt media, influenced by Western theories and principles that broadcast to Muslim children, social patterns, far from the spirit and etiquette of Islam, which makes the boy and girl every pause in the early marriage decision, at a time when they are led, behind illegal relationships, and false aspirations."

As a matter of Sharia policy, the guardian issues an order to deduct an amount (2%) from the total production of the public, commercial sectors, set aside for Marrying young men; this fund is to cover the costs of weddings and reduce the high cost of dowries, as this

fund is considered an essential component of social solidarity.

As a matter of Sharia policy, the guardian may issue an order to the Supreme Judge Department to set a specific ceiling for the quorum for dowries:

So, it was necessary to return to the Sharia policy, whereby the guardian could restore matters to the right order. because the jurists had made the rulings of the ruler in effect, observing and enforcing Sharia, and if it includes an originally permissible prohibition, or an absolute restriction, as long as it is based on interest, it is up to the guardian to assess it, according to the rule of interests sent, it is no secret that the matter has reached the level of need, the need descends to the status of necessity, whether general or private, consequently, it is imperative for the guardian to intervene, in such cases, to set the ceiling for the higher dowry to a specific amount suitable for the country and the people, and the difference and disparity of this between people, and here and where they talk about the jurisprudence of reality and the ijihad in it, there is a need for collective, consultative ijihad, which brings together the mujtahid jurists, a group of just people who are knowledgeable about worldly affairs, in their fields related to this issue, and in particular the specialists in law, sociology, education and economics, and this is identical and applied, according to what was narrated on the authority of Ali bin Abi Talib, may God be pleased with him, He said: I said, O Messenger of God: If an order comes down to us, which does not include a command or a prohibition, then what do you order us: He said: Consult the jurists and worshipers about it, and do not proceed with a special opinion about it, and then, as a matter of obligation, appropriate practical means are put in place for implementation, and people are compelled to implement it. Applying the reduction of dowries to those who want to marry is a preponderant interest for society, "with an emphasis on: it is necessary to begin with the purification of motives and the formation of self-religious conviction that prompts the Muslim to comply, and to implement voluntarily, and with transparency, before researching or talking about external compulsive consciousness, and all of that, by working to root out the root of the problem by stating and convincing, that Islam does not exaggerate the dowries Because that, from the guidance of the Chosen One, is the best of creation, may God bless him and grant him peace, and his Sunnah, then it is after that, to take care of the public interest of the people, which is what brings blessing to the new family, with the statement that, with this, we are trying to achieve the principle: harmonization between the two interests, public and private, by reducing the expenses and costs of marriage, and honoring the wife, noting that the door is open to goodness, in divine obedience, in honoring the marital home in the folds of its future details”.

CONCLUSION

After this round of research and study, on our topic: (The authority of the guardian, in dealing with the contemporary phenomenon of high dowries), we came to the following results:

1. The definitions of linguists and jurisprudence scholars have indicated one concept of the term guardian, which is the one who has the authority to decide and influence when issuing rulings and instructions.
2. The guardian is the owner of the guardianship to invite the nation's scholars and specialists for consultation in issuing a ruling or decision that serves the nation's members' interests and ward off evil from them.
3. The guardian's authority is restricted by a set of Sharia guidelines, which he is not permitted to transgress since these controls are the precise balance that controls his authority in permissible matters.
4. Among the contemporary calamities, which have descended into community members' arena: the phenomenon of excessive dowries, which leads to underestimation, of marriages.
5. The study referred to a set of Sharia texts that urge not to exaggerate the dowries, and this exaggeration clashes with the provisions of Sharia and its great purposes.

6. Excessive dowries have external reasons, such as cultural conquest and colonial policy, to eliminate the Muslim family's building.
7. The most successful solution to confront the high cost of dowries is the issuance of a guardian, after deliberation and consultation, with the gentlemen of jurists and opinion-leaders in the nation, to issue a decision that is in line with the provisions of Sharia and its purposes, in preventing exaggeration in dowries.
8. The issuance of a guardian, a decision to establish an endowment fund, or to deduct a specific percentage of the funds to contribute to young people's marriage is a real treat to prevent excessive dowries.
9. The pioneering and awareness-raising role of the media and contemporary technological technology contributes to forming a societal culture that combats excessive dowries and rejects them.

ENDNOTES

- Crown of the Bride from the Jawaher Al-Qamoos, Muhammad Mortada Al-Zubaidi, vol. 5, p. 160, first edition, Charity Press, Egypt, 1306 AH.
- Tahdheeb al-Lughah, S15, p. 449, al-wilayatah: the emirate, and al-nusra and al- lineage.
- Mukhtar Al-Sahah, by Al-Razi, p. 134, Al-Qamoos Al-Muheet, Vol. 4, p. 404, Taj Al-Arous, vol.10, pp. 398 + 399.
- Tahdheeb language, Vol. 15, p. 449
- Mukhtar As-Sahah, p. 134, Taj Al-Arous, Part 3, p. 17
- Taj Al-Arous, Al-Zubeidi, vol. 3, p. 17.
- *The authority of the guardian to restrict the authority of the judge*, Dr. Muhammad bin Abdullah bin Muhammad al-Marzouqi, p. 21, first edition, Obeikan Library, Riyadh, Saudi Arabia, 1425 AH-2004AD
- *Introduction Ibn Khaldun, Abd al-Rahman bin Muhammad bin Khaldun*, who died in the year 808 AH, p. 131, Dar Al-Hilal, Beirut - Lebanon, 1986 CE
- *Interpretation of Liberation and Enlightenment, Imam Muhammad Al-Taher Bin Ashour*, Vol. 5, p. 97, Sahnoun House for Publishing and Distribution, Tunis, 1997
- The authority of the guardian, in dealing with the phenomenon of late marriage age among young people, Dr. Ahmed Hassan Al-Rabab'a, Dr. Nabil Muhammad Al-Maghaira, *The Jordanian Journal of Islamic Studies*, Vol. 12, No. 1, p. 409, issue: 1 Jumada Al-Ula 1437 AH / March 2016 AD, Al al-Bayt University, Jordan .
- *The Guardian's Power to Restrict Permissibility*, Al-Bashir al-Makki Abd al-Allawi, pp. 225 + 226, House of Maarif Library for Printing and Publishing, Beirut - Lebanon, First Edition, 1432 AH-2011AD.
- *The approvals in Sharia's fundamentals by the scholar investigator Abi Ishaq Ibrahim bin Musa al-Lakhmi al-Shatibi (d.584 AH)*, edited by Mashhur Hasan Al Salman, 1/125, Dar Ibn Affan, First Edition, Cairo - Egypt, 1421 AH-2001 CE
- Usul al-Fiqh, Sheikh Muhammad Abu Zahra, pp. 394 + 395.
- Majmoo 'al-Fatwas, Sheikh al-Islam Ibn Taymiyyah, Ahmad Abd al-Halim ibn Taymiyyah, vol. 20, p. 10, collected: Abd al-Rahman al-Najdi and his son Muhammad, i-ed 1, 1398 AH, Riyadh - Saudi Arabia
- *The Notables of the Signatories on the authority of the Lord of the Worlds*, Ibn Qayyim al-Jawziya, 4/153, seized by Muhammad al-Baghdadi, Arab Book House, Beirut, Lebanon, first edition, 1410 AH
- Al-Mustafa from the Science of Usul, Abu Hamid Muhammad Ibn Muhammad Al-Ghazali, 1/289, and on, House of Revival of Arab Heritage, Beirut - Lebanon,
- Controls of Interest in Islamic Law, Muhammad Saeed Ramadan Al-Bouti, Pages: 263 + 265, Dar Al-Fikr, Fourth Edition, Damascus, Syria.
- Interpretation of Liberation and Enlightenment, Imam Sheikh Muhammad Al-Taher Bin Ashour, vol. 20, p. 71 + 72, Dar Sahnoun for Publishing and Distribution, Tunisia.
- Ibn Majah included it in his Sunnah, The Book of Marriage, the chapter on what was mentioned in the virtue of marriage, No. 1846, so Al-Albani said in the chain of authentic hadiths: Its chain of transmission is weak, but it is correct, as it was separated in hadiths, then he mentioned it with number 2383.
- Narrated by Ibn Majah, Sahih Ibn Majah, Chapter of the Competence, Vol. 1, p. 632, Hadith No. (1967), al-Tirmidhi, Sunan al-Tirmidhi, Chapter: If someone comes to you whose religion you want, marry him, Vol. 3, p. 386, Hadith No. (1084), Abu Issa said: Hadith Good weird. Al-Albani: The purpose of Al-Maram, in the graduation of the hadiths that are permissible and forbidden, 2144, hadith

No. (219). Al-Albani said: A good hadith .

- Preventive rulings, from drugs and sexual diseases, in Islamic and Arab jurisprudence, Bousseham, two pages: 164 + 165, research published within: The works of the Jurisprudence Symposium, any role and any new, publications of the Faculty of Arts and Human Sciences, University of Mohammed V, Rabat, a series of seminars and debates No. (53), 1996 AD.
- The authority of the guardian, in dealing with the phenomenon of late marriage age, among young people, Dr. Ahmed Hassan Al-Rababa, and Dr. Nabil El-Maghaira, published research in the Jordanian Journal of Islamic Studies, Al al-Bayt University, Jordan, peer-reviewed scientific journal, Vol. (12), No. (1), pp. 421, 1437 AH-2016AD.
- Modern jurisprudential jurisprudence, its principles, and trends, Dr. Wahba Al-Zuhaili, research published within the work of the symposium: Jurisprudence, any role and any new, curated by Muhammad Al-Ruki, Publications of the Faculty of Arts and Human Sciences, University of Mohammed V - Rabat, a series of seminars and debates No. (53), Rabat - Kingdom of Morocco, First Edition, 1996, p. 44
- The reasons for the delay in marriage, Khaled Al-Blaihed, published on the website: www.saaaid.net .
- Islamic jurisprudence in its new dress, Mustafa al-Zarqa, named contracts in Islamic jurisprudence, sales contract, Mustafa al-Zarqa, vol. 4, p. 23.
- Al-Suyuti, Al-Ashabah and Al-Nazeer, p. 89, Al-Hamwi, Ghamz Al-Ayyun, Part 1, p 294
- Al-Tabarani, Suleiman bin Ahmed (d. 360 AH), Al-Mujam al-Awsat, edited by Tariq Ibn Awad Allah and Abdul-Mohsen Ibn Ibrahim, Dar Al-Haramain (Cairo) Hadith (1618), 1415 AH, Vol.2, p. 172. Al-Haythami said: Narrated by Al-Tabarani in Al-Awsat, and his men Trusted by the people of Al-Sahih, Al-Haythami, Ali bin Abi Bakr (d. 807 AH), p. 178. Al-Suyuti said: It was produced in Al-Awsat with a Saheeh chain of narrators on the authority of Ali, may God be pleased with him, the hadith. Al- Suyuti, Abd al-Rahman bin Abi Bakr (d. 911 AH), The Key to Paradise, Edition 3, Islamic University, Madinah, 1399 AH, Vol. 1, p.57
- The amount of the dowry and the authority of the guardian in determining it - a jurisprudential study - by Anas Mustafa Abu Atta, research published in Al-Manara Journal, a scientific refereed journal, Aal al-Bayt University, Mafraq, Jordan, Volume 12, Issue 3, p.33, 2006 AD
- The previous source, p. 34

REFERENCES

- Allawi, A. (2011). *The Power of the Guardian to Restrict Permissibility*, House of Knowledge Library for Printing and Publishing, Beirut - Lebanon, First Edition
- Shafi, M. (2009). *Al-Mustafa from the science of origins*, Abu Hamid Muhammad bin Muhammad al-Ghazali, and beyond, House of Revival of Arab Heritage, Beirut - Lebanon.
- Abu Atta, A. (2006). The dowry's amount and the guardian's authority in determining it - a jurisprudential study, *Al-Manara Journal*, Aal al-Bayt University, Mafraq - Jordan, 12 (3).
- Al-Blaihed, K. (2013). *The reasons for the delay in marriage*.
- Al-Bouti, M. (2009). *Interest Controls in Islamic Law*, Dar Al-Fikr, Fourth Edition, Damascus, Syria.
- Al-Jawziyyah, I. (990). *Notables of the Signatories on the Lord of the Worlds*, Muhammad Al-Baghdadi, seized, Dar Al-Kitaab Al-Arabi, Beirut, Lebanon, first edition.
- Al-Marzouki, M. (2004). *The guardian's authority is restricting the authority of the judge*, first edition, Al-Obeikan Library, Riyadh, Saudi Arabia.
- Al-Najdi, A. (1978). *Majmoo' al-Fatwas*, Sheikh al-Islam Ibn Taymiyyah, Ahmad Abd al-Halim ibn Taymiyyah, 1st Edition, Riyadh - Saudi Arabia.
- Al-Rababa, A. & Al-Maghaira, N. (2016). The guardian's authority in dealing with the phenomenon of late marriage age among young people, research published in the *Jordanian Journal of Islamic Studies*, 12(1), 421.
- Al Salman, M. (2001). *The Consent in the Fundamentals of Sharia, by the scholar investigator* ,Abi Ishaq Ibrahim bin Musa Al-Lakhmi Al-Shatibi, Dar Ibn Affan, First Edition, Cairo - Egypt.
- Al-Suyuti, A. (1979). *The Key to Heaven*, 3rd Edition, Islamic University, Madinah.
- Al-Tabarani, S. (1994). *Al-Mujam al-Awsat*, edited by Tariq Ibn Awad Allah and Abdul-Mohsen Ibn Ibrahim, Dar Al-Haramayn (Cairo) Hadith.
- Al-Zubaidi, M. (1889). *Crown of the Bride from the Jewels of the Dictionary*, Muhammad Mortada, first edition, Charity Press, Egypt.
- Al-Zarqa, M. (2012). *Islamic jurisprudence in his new dress*, Mustafa , named contracts in Islamic jurisprudence, sales contract.
- Al-Zuhaili, W. (1996). *Modern jurisprudential jurisprudence, its principles, and trends, research published within the work of the symposium: Jurisprudence, any role and any new, coordination of Muhammad*

- Al-Ruki*, Publications of the Faculty of Arts and Human Sciences, University of Mohammed V - Rabat, series of seminars and debates No. (53), Rabat - The Kingdom of Morocco, 1st edition, p. 44.
- Bin Ashour, I. (1997). Interpretation of Liberation and Enlightenment, Sahnoun House for Publishing and Distribution, Tunis
- Dalo, S. (2010). Preventive rulings from drugs and sexual diseases in Islamic jurisprudence, Arab Bousselham, research published within the works of the Jurisprudence Symposium: Any Role and Any New, Publications of the College of Arts and Human Sciences, University of Mohammed V, Rabat, Seminars and Debates Series No. (53)
- Karroum, H. (2018). Determining the dowry in Islam and its impact on social reform, a paper presented to the Second International Forum: Jurisprudence developments in family rulings, 24-25 October 2018 - Institute of Islamic Sciences - Fajr Jurisprudence and Judicial Studies, University of Hamma Lakhdar Valley, Algeria.
- Shabir, W. (2011). The phenomenon of high dowries and their treatment, a paper submitted to the Department of Social Service and the Facilitation Association for Marriage and Development, to participate in the school day entitled: "The high cost of dowries: reality and expectations," held at the Islamic University - Gaza - Palestine, on 16 / 5/2011.
- Shehadeh, K. (1986). Introduction to Ibn Khaldun, Abd al-Rahman bin Muhammad ibn Khaldun, Dar Al-Hilal, Beirut - Lebanon.