

# Implementation of The Concept of 'Urf and Maslahah in Buying and Selling Gold With Non-Cash Payment (Comparative Study of Fatwa DSN-MUI and Fatwa Al-Lajnah Ad Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' Saudi Arabia)

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## ABSTRACT

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The background of writing this research is to respond to differences in fatwas that occurred in two major fatwa institutions, namely the National Sharia Council of the Indonesian Ulema Council and Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' State of Saudi Arabia; in the law of buying and selling gold in cash. This difference in fatwas confused the public and required descriptions and explanations regarding the methodology used by the two fatwa institutions. In this study, the authors used a qualitative method as a case study with a normative juridical approach. The results of this study are that the National Sharia Council of the Indonesian Ulema Council allows buying and selling gold in cash, either through ordinary buying and selling or buying and selling murabaha, as long as gold does not become the official medium of exchange (money). As for the fatwa of Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' number 3211, it states that delaying the payment of gold is not permitted if it is exchanged for gold, silver, or equivalent (money).

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## 1. Introduction

The increasingly rapid economic growth must, of course be accompanied by appropriate regulations, especially in the sharia financial sector, which is developing very dynamically. The development of the Sharia economy in Indonesia can be identified by the many formulations of fatwas related to the Sharia economy. The National Sharia Council of the Indonesian Ulema Council (DSN-MUI), one of the institutions in Indonesia that has the authority to issue fatwas in the context of the sharia economy, has issued around 147 fatwas by 2022. Of course, this is proof of the seriousness of the DSN-MUI in responding to the challenges of the times and contemporary problems related to the growth of the Sharia economy.

This is also in direct comparison with the level of public trust in credible fatwa institutions, such as the National Sharia Council of the Indonesian Ulama Council, Al-Lajnah Ad Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' Saudi Arabia, Dar al-Iftā al- Misriyyah Egypt, Dar al-Iftā-Jordan, and so forth. It's just that, in practice, society experiences confusion with the difference in a fatwa issued by the fatwa institution. For example, in the problem of buying and selling gold in cash.

At first glance, this non-cash buying and selling of gold is fine. However, in Islam, gold is a type of property that has the potential to be usury (*amwāl nabawiyah*). What is meant by *ribawi* goods is that transactions of these goods have the potential to contain elements of usury which the Shari'a forbids. Therefore, buying and selling, which is equal to gold (*dinar*) and silver (*dirham*), must be carried out with the same type to avoid *riba fadhli* transactions [2].

On the authority of Abu Saeed Al-Khudri, may God be pleased with him, that the Messenger of God, may God's prayers and peace be upon him, said: no Sell gold base gold but an example for like, wall Cheer on each other, and don't sell paperback paper Except an instance with an actor, wall Heal each other hAnd do not sell it absent or ready

عن أبي سعيد الخدري رضي هلالا عنه أن رسول هلالا صلى هلالا عليه وسلم قال: ال تبيعوا الذهب بالذهب إل مثال بمثل، وال تشفوا بعضها على بعض، وال تبيعوا الورق با الورق إل مثال بممثل، وال تشفوا بعضها على بغض، وال تبيعوا منها غائبا بناجز

"From Abu Sa'id al-Khudri ra: That the Messenger of God, may God bless him and grant him peace, said: "Do not buy and sell gold with gold except for the same amount, and do not increase one over the other. Do not buy and sell silver with silver unless the amount is the same, and do not exceed one over the other, and do not buy and sell what is terminated (absent, delayed) with what is hastened (present)."

Based on the hadith narrated by the noble friend Abu Sa'id al-Khudri ra. ) or the equal measure of the two commodities being traded. Second, if the gold is exchanged for other goods, but has the exact *'illat* (legal cause) as if gold was exchanged for silver, then one type of property may be exaggerated on the condition that there is direct handover (how to follow suit) or cash at the place of contract (*takabud*). This is the scholars' agreement (*ijma'*) [6].

This is in line with the fatwa of Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al Iftā' number 3211, which states that delaying payment of gold is not permissible if it is exchanged for gold, silver or equivalent (money) because in it there is an element of *riba nasiah*,

but if the gold is exchanged with other commodities such as wheat, cloth, iron, then the law is permissible. Interestingly, this is different from what was stated by the DSN-MUI (National Sharia Council-Majelis Ulama Indonesia). may (mubah,yes) as long as gold does not become the official medium of exchange (money)". Based on exposure, the writer is interested in further researching the implementation of the concept of *'urf* and *Maṣlahah* in the two fatwa institutions. Two official fatwa institutions on a national scale in two large Muslim countries in the world. DSN-MUI in Indonesia and Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' in Saudi Arabia.

Research on the fatwas formulated by the Indonesian Ulama Council, both in the MUI Fatwa Commission, the National Syariah Council and al-Lajnah Ad-Dāimah li al-Buhūs al Ilmiyyah wa a-Iftā', is not a new thing. There are many works that examine these themes, both in dissertations, theses, scientific journals, and printed books. Among the works is a thesis compiled by Ramadhani Alfin Habibie with the title, "Buying and selling gold without cash (Comparative Study of the Fatwa of the National Sharia Council-Majelis Ulama Indonesia Number 77 of 2010 concerning the Sale and Purchase of Gold in a non-cash manner and the Decision of the Accounting and Auditing Organization for Islamic Financial Institutions Number 2/2/6 Al Murabahah Lil Amir Bi Asy -Syria) at the Islamic University State Sunan Kalijaga Yogyakarta in 2020.

Other works, for example, are in journal articles compiled by Dewi Nurdiana and published in the Al-Hakim Journal vol 1 no 2 of 2019 at the State Islamic University of Raden Mas Said Surakarta, with the title, "Analysis of Cashless Gold Trading (Comparative Study of DSN-MUI Fatwa No. 77/DSN-MUI/V/2010 and Erwandi Tarmizi's Thoughts). The striking difference between this study and the two works above is in the object of study. For example, Ramadhani Alfin compared the DSN-MUI fatwa with the AAOIFI decision, which is not an official fatwa institution in one country.

Meanwhile, Dewi Nurdiana's journal is less than apple to apple when comparing official institutional fatwas with individual fatwas.

## 2. Method

In this study, the authors used a qualitative method as a case study with a normative juridical approach. That is, the law is conceptualized as what is written in statutory regulations (law in books) or as a rule/norm that deserves to be guidelines for humans in behaving [3]. The normative approach in this study is based on legal norms or rules jurisprudence based on the Al-Qur'an, Hadith, principles of proposal jurisprudence, the principles of fiqh, and the opinions of the scholars. While the juridical approach is related to regulations and decisions, the research referred to is the DSN-MUI fatwa Number 77 of 2010 concerning non-cash gold buying and selling and the fatwa Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al -Ifta' number 3211.

## 3. Results and Discussion

### 3.1. Urf concept

According to Ibn Faris in *Mu'jam Maqāyīs Al-Lughah* the various meanings of 'urf linguistically go back to two root words, namely: first Al-'urf (العرف) (which means sequential, continuous, and continuous with one another). As an expression عرفا عرفا القطا جاءت (meaning, "birds come sequentially, that is, some of them are behind the others." Second, al-Ma'rifah (المعرفة) (something that is known and al- Irfān (العرفان) (knowledge or understanding. In a saying, it says (Fallen عرفنا عرفانا (meaning, so and so knows so and so, and also the expression معروف أمر هذا (meaning, this is a matter that is already known).

While in terms, the scholars call many variations of definitions. One of them is Wahbahaz-Zuhaili defines 'urf as [15],

يُعرفه، في ذلك فعل ما اعتاده الناس، وسأروا عل، وال يتبادر غي ره، عند غة تي خاص، تألفه الل هم، أو لفظ يطلقونه على من شاع ب بين ما عية م عنى العادة ال و ب و هس ماع ه.

*"What are the habits of humans and what they live by, either in the form of actions that are already popular among them or the pronunciation that they use for a special meaning that is not covered by language and does not come up with another meaning when hearing it. Moreover, 'urf can also mean communal tradition."*

The rule of 'urf is important in formulating law jurisprudence and fatwas. This rule can act as a basis for creating new fiqh laws. With a note that these customs or customs are in line with and not at odds with the basic principles of Islamic Sharia. So that in establishing the law on new issues, public benefit is the main goal.

Furthermore, the role of adat in fiqh law is to formulate limits or criteria for problems that are not explicitly mentioned in the texts of sharia, nor can they be measured through linguistic meanings so that he can influence many chapters of fiqh law. According to as-Suyūṭī, many conclusions of fiqh law are based on the 'urf rule, among them in matters of ṭaharah and worship, namely the limitation of the age of menstruation, the duration of the period of purity, menstruation, the age of puberty, the puerperium, as well as the limits of uncleanness that are tolerated, and muwālāh in ablution chapter. In the muamalah chapter, for example, the distance between consent and qabul, sale and purchase of greetings, mu'athah, caring for the land that is no man's land (ihya' al-amwāt), wadiah, receiving gifts for judges, and so on.

In a rule it is stated,

لَهُ فِيهِ. وَالضَّابُّ أُمَّ طَلَّقَهُ الرَّغْوُ وَرَدَّ بِأَيِّ الرَّغْوِ كُفْرًا

"Every rule in the Sharia that comes absolutely and there is no restriction in it and (also there is no restriction in) the rule of language, then the provision is returned to the prevailing custom ('urf)."

### 3.2. Maslahah concept

Al-Maṣlaḥah, according to linguists, has the meaning of aṣ-ṣalāh (benefits). Al Maṣlaḥah is mufrad (single form) from the word maṣāliḥ which means preventing bad things and repairing them when they are damaged. And benefit creature life as a form of good deed for him. The word has the same meaning as al-manfa'ah (usefulness) in wazn (word form) and meaning. Al-manfaat means alnadi (benefits naturally or through the process).

As for the meaning of Maslahah in terms according to Dr. Sa'id Ramaḍān al-Būṭī (1435H) is the benefit intended by Shari' (Allah swt) the All-Wise, for His servant in the form of taking care of his religion, himself, his intellect, his descendants, and his wealth in accordance with the order determined therein. "

Indeed, the Islamic Sharia has preserved the welfare of the servants of Allah swt, and paid great attention to that welfare. If we look at the law contained in the legal texts/Shariah (Al-Qur'an and Hadith), we find that through all of that, Allah swt intends to realize the benefits of humans and ward off damage. If we trace the texts of Sharia, it is clear that the general purpose of establishing Sharia is to maintain the people's order and preserve their goodness. This goodness includes the goodness of reason and charity and the goodness of goodness in this nature, where humans live.

Ibn al-Qayyim has an excellent opinion regarding this matter. He said that indeed these sharia rules, their building, and principles are based on wisdom and benefit for a servant in the life of the world and the hereafter. Moreover, all of these Sharia provisions are justice, mercy, benefit, and wisdom. Therefore, every Problem that comes out of justice, mercy, benefit and wisdom towards things that are opposite to it is not part of this shariah, even if it is deliberately included with a certain tukwila.

#### 3.2.1. Implementation of the Urf and Maslahah Concepts in Cashless Gold Trading

The difference in fatwas that occurred between the DSN-MUI and Lajnah Daimah Saudi Arabia did not occur due to differences in the arguments that underlie their respective arguments. But the difference in interpreting or interpreting the same proposition. Among the arguments that form the common ground of the two are the hadiths narrated by Imam Muslim from Ubadah bin Shamit's friend from the Prophet Muhammad;

بِالْفِضَّةِ، وَالْبُرِّ بِالْبُرِّ، وَالشَّعِيرِ بِالشَّعِيرِ، وَالتَّمْرِ بِالتَّمْرِ، وَالْمَلْحِ بِالمَلْحِ، مِثَالِ بِمِثَالٍ، سِوَاءَ بَرِّ وَفِضَّةٍ، وَالذَّهَبِ بِالذَّهَبِ، وَالْفِضَّةَ بِالذَّهَبِ، إِذَا كَانَ يَدًا بِيَدٍ، فَإِذَا اختلفت هذه الأصناف، فبيعوا كيف شئتم، إذا كان يدا بيد

"(Sell and buy) gold with gold, silver with silver, wheat with wheat, barley with barley, dates with dates, and salt with salt (on the condition that it must be) the same and similar and in cash. If the type is different, sell as much as you want if it is done in cash."

In this hadith there are six objects which, if exchanged (with a sale and purchase/barter contract) must be of the same weight or measure; and paid in cash. If these two conditions are violated or not fulfilled, then three types of usury will result: usury fadl, usury yad and usury nasiyah. Scholars differ on whether ribawi objects (amwāl nabawiyyah) are only limited to these six objects (gold, silver, wheat, barley, dates, and salt) as explicitly explained in the hadith, or include other objects besides those mentioned in the hadith. The majority of scholars (Imam Hanafi, Imam Malik, Imam Syafi'i, and Imam Ahmad Ibn Hanbal) are of the opinion that The essential ribawi property is six types (gold, silver, wheat, Jawawut, dates, and salt). However, the general public also thinks that ribawi property is not limited to those six types of things because there is an illat of their haraamity.

Jumhur scholars also agree that the six objects include ahkām muamalah. However, they differed on the law of gold and silver. Their opinions can generally be grouped into two, including: Hanafiah and Hanabilah scholars, namely Imam an-Nakha'i, Imam az Zuhri, Imam aṣ-Ṣauri, and Imam Ishaq

are of the opinion that 'illat law of usury on gold and silver is scales( measured by weighing) then the law of usury applies to any exchange of similar objects measured by weights, such as the exchange of iron, tin, zinc (zinc), gold, silver, meat, sugar, and every object that is weighed, then these objects are not may be traded (exchanged) unless the weight is the same and the payment is made in cash.

While Maliki scholars and Shafi'iyah argues that the illat of usury law on gold and silver is money (an-nuqūd /aš-samāniyyah); This means that gold and silver at the time of the wurud hadith were saman (price, means of payment or exchange, money). While the other four items, namely wheat, barley, dates, and salt, the reason for riba is because it is food in nature.

From the explanation of the majority of scholars, all objects that have the same illat as the six objects mentioned in the hadith above, whether illa samaniyah (price standard), or illat in the form of food (aṭ-ṭa`ām), are included as ribawi objects if exchanged or traded, requires the same value/amount and payment is made in cash.

This is in accordance with the rules of ushul which reads, The ruling

الحكم يدور مع علته وجودا و عدما

*"The law rotates (applies) with the presence or absence of 'illat."*

In this gold buying and selling transaction, a new problem arose. That is, is money considered to have the same legal illat as gold/silver as samaniyah? If so, does the exchange of money and gold require the same value and payment in cash to avoid usury? This question can be answered by explaining the definition of money first, according to the scholars. Money that is in literature jurisprudence is called saman or nuqūd (plural of naqd).

"Naqd is something that is priced (tsaman) by the people, whether it consists of metal or printed paper or other materials, and is issued by an authorized financial institution." From the definition of money above, it can be understood that something, whether gold, silver, or others, including paper, is seen or has the status of money only if people accept it as money (means or medium of exchange) and - based on the opinion of Muhammad Rawas Qal'ah Ji it must be published or determined by an authorized financial institution. In other words, the basis for the status of something declared as money is custom (custom or public behavior). So that money currently in circulation and a medium of exchange for the world community has the same illat as gold and silver at the time of the Prophet, namely as a samaniyah/price standard.

It's just that today, the world community no longer treats gold or silver as money but treats them as goods (silah) or ordinary commodities. The concept at the time of the Prophet that gold and silver were the standard price and medium of exchange can no longer be applied today. The world has shifted and changed, no longer using the same concept. So when conditions and situations change, which are influenced by changes in custom, place, and time, then the law can also change.

This is in accordance with the rule, which reads,

ال بئذ نغیر نغیر الأحكام بنغیر الزمان و الأماكن

*"It is undeniable that there have been changes in law based on custom due to changes in times and places."*

Based on the above considerations the DSN-MUI (National Sharia Council-Indonesian Ulema Council) in a meeting pleno which was held on Thursday 3 June 2010 or which coincided with 20 Jumadil Akhir 1431 H, DSN-MUI decided on a fatwa Number 77/DSN-MUI/V/2010 concerning buying and selling gold in cash which stated that: "Buying and selling gold in cash, either through ordinary buying and selling or buying and selling murabaha, the law is permissible (mubah, yes) as long as gold does not become the official medium of exchange (money).

This is also believed to bring more Maṣlahah to society and the global economy. Because humans really need to buy and sell gold, if it is not allowed to buy and sell gold online, then human benefits will

be damaged, and they will experience difficulties. In the author's view, it is this benefit that the DSN-MUI wants to achieve and realize when issuing the fatwa. That this fatwa was issued to support government policies regarding Sharia-based economic development, especially those related to Sharia banking policies. This can be proven by request from the Bank Mega Syariah unit requesting a legal fatwa regarding gold murabahah in its letter No. 001/BMS/DPS/I/10. So that in this case, Bank Mega Syariah is the mustafti, and DSN-MUI is the mufti.

Fatwa DSN-MUI no. 77 about buying and selling gold without cash is in line with one of the *makharij fihiyyah* which is the methodology of DSN-MUI in solving various problems that cannot be solved through the usual approaches. In this case the concept *adatul* it was an- *nazar* that later became the main formula. *Adatul and-Nazar* is reviewing the opinions of previous scholars; if they do not match current conditions and are difficult to implement, then these opinions are abandoned; because there is a new law *god* that brings more benefit.

As for the fatwa of Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' number 3211, it states that delaying the payment of gold is not permissible if it is exchanged for gold, silver, or equivalent (money) because there is an element of usury in it. *Nasiah*, if the gold is exchanged with other commodities such as wheat, cloth, and iron, then the law is permissible.

In his fatwa numbered 3211, there are several questions from the mustafti to al-Lajnah Ad-Daimah. The author can only access five of the seven questions collected in the fatwa number 3211. The questions asked were entirely related to the non-cash buying and selling of gold. The five questions in a row are; Paying the price of gold after some time has passed from the sale and purchase agreement; Borrowing money to buy gold and part or all of the price is suspended; Gold buying and selling transactions by telephone; Buy gold but don't have enough money so borrow money to pay it off; and Buy gold with the down payment.

In general, the answer to the fatwa of Al-Lajnah Judicial Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' in terms of answering the mustafi's question is to forbid the sale and purchase of gold in cash. According to Al-Lajnah Ad-Dāimah, gold is a type of *ribawi* property that may be traded if it fulfills certain terms and conditions, namely: First, there is an equal quantity (size) or equal measure of the two commodities being traded. Second, if the gold is exchanged for other goods, but has the same *'illat* (legal reason) as if gold was exchanged for silver, then it is permissible to exaggerate one of these types of assets on condition that there is direct handover (*yadaan follow suit*) or cash at the place of contract (*taqabud*).

What the fatwa of Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' is in accordance with the *zahir* hadiths of the Prophet, peace be upon him, narrated by a number of companions that contain the rules of Sharia in the matter of buying and selling gold. Here it appears that Al-Lajnah Ad Dāimah believes that the non-use of gold and silver - today - as an official medium of exchange, does not eliminate the *samaniyah illat* on those two things. Gold and silver are used as guardians of value, where one of the functions of money (*tsaman/ medium of exchange*) is to guard the value of the property.

The reason for the realization of *maslahah* cannot be used as a basis for argumentation, given that the need to purchase gold in cash is contrary to the text of *sharih* (obviously), namely among them is hadith 'Ubadah bin Shamit above [9].

Mustafa Az-Zuhaili said:

There is an interest in it, because at that time it is a waste." As for what was mentioned in a text that forbids it regarding it, the impermissibility of it is clear, even if

وأما ما ورد فيه نص فيمنعه بخصوصه لعدم الجواز فيه واضح، وأو ظنَّ أنَّت فيه مصلحة ألدها حينئذ وهم

*"And what is specifically prohibited by the text, then it is clear that this is not permissible, even though it is suspected that it contains maslahah. That's because the problem is still just wahm (while the prohibition is definite)."*

Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' states that the haram of buying and selling gold without cash is very clear in many hadith. And the problem of buying and selling gold without cash is considered to be against the text of the hadiths so that the written understanding of the hadith should be prioritized over the problems that are still in the level of conjecture or *wow*

only *Wallahu a'lam*.

#### 4. Conclusion

Differences of opinion that occur among scholars on the issue of *fihiyyah ijthadiyah* is a necessity. Often the differences between them become a blessing for people to be able to practice their religion easily and avoid rigid extremes. Ordinary people are allowed to choose and follow the fatwas issued by the institutions or authorities of each country.

One example of differences in fatwa between fatwa institutions in a country is in the case of buying and selling gold in cash. The National Sharia Council of the Indonesian Ulema Council allows the sale and purchase of gold in cashless ways, either through regular buying and selling or buying and selling *murabaha*, as long as gold does not become the official medium of exchange (money). This is stated in the fatwa No. 77/DSN-MUI/V/2010 concerning buying and selling gold in cash. DSN-MUI accommodates the concept of *urf* and *maslahah* which allows changes in law due to changes in situation, time, and place. Gold no longer functions as a medium of exchange but turns into an ordinary commodity (goods).

Meanwhile, Al-Lajnah Ad-Dāimah Li Al-Buhūs Al-'Ilmiyyah Wa Al-Iftā' Saudi Arabia is in the process of issuing a fatwa regarding buying and selling gold in cash; it does not come out of the *zahir* text and its linguistic meaning. In his fatwas, Al-Lajnah Ad-Dāimah Li Al Buhūs Al-'Ilmiyyah Wa Al-Iftā' does not see any shift or change in legal *illat* on gold. So that gold and money are considered to have the same legal *illat*, namely *šamāniyah* (means of exchange). Because both of them are *amwāl ribawi* of the same type, the exchange (buy-sell/barter) of the two requires the same value/amount/weight/measurement, and the payment must be made in cash.

#### References

- [1] Abu Al Husain Aḥmad bin Faris bin Zakariya, *Mu'jam Maqāyīs Al-Lughoh*. (Beirut: Dār Al Fīkr, 1399 H-1979 AD), Pentaḥqīq: Abd al-Salām Muhammad Harun
- [2] Adiwarman Karīm, Oni Sahroni, *Riba, Gharar and Islamic Economic Principles*, (Depok: Rajawali Press, 2018)
- [3] Amiruddin & Zainal Asikin, *Introduction to Legal Research Methods*, (Jakarta: Raja GraFindo Persada, 2012)
- [4] Ali Ahmad al-Nadawiy, *Mausū'ah al-Qawā'id wa aḍ-Ḍawābiṭ al-Fiqhiyah al-Hākimah li al Mu'āmalat al-Māliyah Fī al-Fiqh Al-Islāmiy*, (Riyadh: Dār 'Alam al-Ma'rifah, 1999) dsnmui .or.id, diakses tanggal 26 Juni 2022 pada pukul 08.30 WIB.
- [5] Ibnu Mandzūr, *Lisān al-'Arab*, (Beirut Dār aṣ-ṣādir, t.t.)
- [6] Ibn Rushd, *Bidayah al-Mujtahid wa Nihayah al-Muqtashid*, (Beirut; Dar Ibnu Hazm, 1427 H - 2006M), this 2, matter 499
- [7] Idris Jum'ah. *ar-Ra'yu wa Ašaruhu Fī al-Fiqh Al-Islāmi*, (Kairo: Dār Ihya al-Kutub al- 'Arabiyah.t.t.)
- [8] Jalal al-Din 'Abd al-Rahman as-Suyūṭī, *al-Asybah wa an-Nazā'ir fī Qawā'id wa Furū' asy Syāfi'iyah*. (al-Qahirah: Dār al-Salam, 2004).

- [9] Muhammad bin Ismā'il al-Bukhāri, *Sahih al-Bukhāri: Kitab al-Buyū'* (Beirut: Dār al-Fīkr, t.t), Muhammad Mustafa az-Zuhaili, *al-Qawaid al-Fiqhiyyah wa Tatbiqatuha fi al- Madzahib al Arba 'ah*, (Damaskus: Dar al-Fikr, 2006), cet 1
- [10] Muhammad Rawas Qal'ah Ji, *al-Mu'āmalat al-Māliyah al-Mu'āṣirah Fī ḍau' al-Fiqh wa asy Syarī'ah*, (Beirut: Dār an-Nafāis, 1999)
- [11] Muhammad Sa'id Ramaḍān al-Būṭi, *Ḍawābiṭ Fī asy-Syari'ah Al-Islāmiyah*. (Damaskus: Dār al- Fīkr, t.t.)
- [12] Muslim bin Muhammad al-Dusiriy, *al-Mumti' Fī al-Qawāid al-Fiqhiyyah*. (Riyadh: Dār Zidni, 2007), document -1
- [13] Syllabi, Muhammad Mustafā, *Ta'līl al-Ahkām*, (Beirut: an-Nahdah al-'Arabiyah. 1982). Ṣālih Muhammad as-Sultān, *Ar-Ribā: 'Illatuhu wa Ḍawābiṭuhu wa Bai' ad-Dayn*, (KSA: Dār Ashda 'al-Mujtama'. 1418 H.)
- [14] Umar Ibn Abd al-Aziz al-Matruk, *ar-Ribā wa al-Muāmalat al-Maṣrāfiyyah Fī Naẓar asy Syarī'ah Al-Islāmiyyah*
- [15] Wahbah Az-Zuhaili, *Uṣul Al-Fīqh Al-Islāmi* (Dār Al Fīkr, 1406 H-1986 M), Vol 2.