

***Kingdom of Saudi Arabia
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-Abstract-

***=Venditions Stipulations in Adorations Chapters=
(Supplemental Research for Master Degree)***

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Supervision

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In the name of God, Most Gracious, Most Merciful

Prelusion :-

Praise be to Lord . We thank God, appeal and seek his support and forgiveness . We seek refuge from the Lord against our sins, offenses and misdeeds . Who is guided by god's , shall not be mislead and who is preversived by the Lord , shall never be guided . I testify that there is but one God , the solitude with no partner and that Mohammed is the God's Servant and apostle (God's Praise and Peace be upon him , his family , companions and followers in benevolence till the Day of Resurrection .

• ***Essentiality of the topic , reasons of selection and objectives :-***

The justifications behind selection of this topic are concealed in its importance and sought objectives which can be briefed as follows :-

- i- The topic is related to the fortune which constitute unavoidable solicitude in the people's daily life which they struggle hard to gain and maintain particularly in this era .*
- ii- The Muslim individual's demand to learn and be knowledgeable to discriminate between the inviolable (Haram) and the permissible (Halal) under the Islamic Law (Sharia) .*
- iii- Knowledge of Islamic rules concering sales is deemed collective duty (Kifaya duty) according to Islamic Law . However any Muslim involved in sale-buy transactions must learn about the process in the light of Islamic Law inorder to avoid befall in the Prohibited (Haram) or at least consult the scholars accordingly .*
- iv- The subject to my knowledge has never been debated independently , but only within the various Islamic doctrine chapters . Thus , this is an attempt to contribute to this matter through searching , collecting and arranging relevant information .*
- v- Learning reward received while searching in the subject elements and pars and treatment through study under integrated work frame and the several relevant aspects .*

Thesis Abstract

This treatise entitled “Venditions stipulations in Adorations chapters” can be abstracted as follows :-

- 1- Proximal idiomatic or technical definition of sale reads {Exchange of money even if liability (debt) or a benefit ultimately permitted under consent , but not in the form of usury or loan} .*
- 2- Worshipping in Islamic Law (Sharia) has two interpretations : general and special*
 - 1st :- **General definition** : Worshipping here refers to a collective name of alleged and esoteric deeds and utterances affectionated and pleased for by the Lord .*
 - 2nd :- **Special definition** : Worshipping here refers to ritual (religious) like the five pillars of Islam .*
- 3- According to the holy Quran and Sunna (of the prophet PBUM) adorations originally indicate refrain from or prohibition unless there is evidence .*
- 4- Transactions are originally permitted according to the plurality of the Islamic scholars as evidenced by holy Quran and Sunna .*
- 5- Utilization of gold and silver according to Islamic scholars is permissible (Halal) as origin and evidenced by Sunna . Eventually sale of utensils made of gold and silver is allowable for use other than drinking and food .*
- 6- Utilization of precious utensils other than gold and silver is allowable according to Islamic jurists as evidenced by Sunna .*
- 7- Muslims collectively agree exchange of sale –buy transactions with disbelievers (atheists) provided nothing of their assets is held as unpermitted (Haram) . If such comes true , therefore dealing with them shall be invioable.*
- 8- Disbelievers utensils may be used by Muslims according to Islamic jurists unless impurity is proven as evidenced by the holy Quran and Sunna .*
- 9- No contradiction among Muslim scholars in regard of sanctity of sale of the hide of a dead animal before tannage , but the conflict is in the ordain after tanning . Predominant opinions permit ultimate benefit of the dead animals hides except for the dog and swine and any part generated thereof because most of the narrated prophetic tradition (Hadith) evidence purity hide after tannage . Swine impurity comes under juristic deduction by analogy in both animals .*
- 10- The sale of an extorted material by the extorter depends on the admission by the proprietor who in the even he admits , sale shall*

become a fact , otherwise the sale shall be futile in consideration to the proprietor interest and rights .

11- If water is found to be sold at a higher price and it is needed for performance of the ritual ablution . Then if increase in the price is slight and does not cause damage to the buyer's money , therefore he is obligated to buy water and can perform the ritual by clean sand or earth according to predominant juristic opinions as exorbitant aggrieve can not beware of .

12- All scholars collectively support sanctity of wine as evidenced by the holy Quran and Sunna (of the prophet PBUM) .

13- All scholars collectively agree that excrement and ritual impurity shall not be evidenced by the holy Quran and Sunna .

14- Wine are two types :-

1st. type :- Non-intoxicating wine :- This type is not yet strong enough to cause inebriant . All scholar agree it is immaculate or pure and may be sold and to have all acts on it . But they conflict in its condition after elapse of three days . The strongest juristic opinion is that it is allowable unless it becomes intoxicant even if it exceeds three days as evidenced by Sunna and juristic deduction by analogy.

2nd. Type :- Intoxicating wine :- This type may not be sold according to strongest juristic opinion as it is becoming intoxicant and each intoxicant is an alcoholic drink or a booze which is unpermitted under sanctity (Haram).

15- Performance of ritual ablution using wine is unallowable according to the most vertiable juristic opinion as evidenced by the holy Quran and Sunna .

16- Imamate (Imam, prayer leader in Islam) and prayer caller positions may not be waived for any compensation according to predominant scholars's opinion because the employee possesses the right to take advantage or usufruct , but not the benefit itself . Who possesses the benefit owns the advantage and compensation , but who possesses the right of utility does not possess the right for compensation .

17- The determinate according to the scholars , is that people without discrimination are equal in regard of the permissible . Who comes first shall have it for example who arrives to a location first in the mosque , shall have the right thereof and no one has the right to move him according to the Sunna.

18- Scholars agree on sanctity of anyone comes first to sell his location in the mosque since he has the right to utilize the location , but not to possess it . The difference who possesses the benefit , possesses utilization and compensation , but who possesses the utilization shall have no right in the compensation .

19- In Friday , the time prohibited for sale –buy process is the second

prayer call according to predominant scholars's opinions as such call was prevailing in the era of the God's apostle (PBUH) and his followers Abu Bakar and Omer and there the jurisdiction is linked accordingly .

- 20- Sale process after Friday second call for prayer is not allowable deemed incorrect and shall be abated under predominant scholars's opinion as the prohibition here is the Lord's right which may not be permitted .*
- 21- The addressee for prohibiting sale after second prayer call of Friday prayer under the predominant scholars' opinions as he is not commanded to endeavor for it .*
- 22- Spouse (wife) shroud is not obligatory on the husband according to the predominant scholars' opinion as matrimony rules are interrupted by demise.*
- 23- No contradiction among Muslim scholars that a deceased who has no money , spouse or inheritor , his /her shroud and all relevant supplies shall be on his obligated supporter , but if such unavailable , the accountability shall be on the Muslim treasury . In the even the treasury is not inhabited , then accountability shall transfer to public Muslim who are aware of as being collective duty those who neglect shall be held as committing a sin .*
- 24- Almsgiver may not buy his alms(Zakat) from the receiver according to scholars prominent opinions as such is prohibited .*
- 25- If Almspayer sold alms portion which is considered for year of payment of its kind , such year shall not be interrupted according to jurists' prominent opinions as evidenced by Sunna and juristic deduction by analogy .*
- 26- No , contradiction among scholars in respect of one selling portion of alms (Zakat) which is considered for the year of payment of its kind , such that year shall not be interrupted because of that sale as the two kinds are not incorporated . Therefore none is carried on the other except in merchandise because alms (Zakat) is duty on the value of goods and is related to money .*
- 27- If almsgiver sold portion of the values or prices not for its kind , the year for payment shall not be interrupted because of that sale , but they are incorporated in alms (Zakat) according to the scholars prominent opinions evidenced by Sunna and juristic deduction by analogy .*
- 28- The proprietor may sell his possessions due for alms (Zakat) before payment and alms (Zakat) shall be liability under quittance according to scholars prominent opinions evidenced by Sunna and juristic deduction by analogy .*
- 29- Sale of alms (Zakat) portion is permitted before and after surmise (estimation) according to scholars prominent opinion evidenced by*

Sunna and juristic deduction by analogy .

- 30- *Alms (Zakat) shall not abate by sale before it is incumbent to abscond payment according to scholars prominent opinion evidenced by holy Quran and Sunna .*
- 31- *If the alms giver (Zakat giver) sell alms possessions before it is incumbent to abscond payment , he shall be obligated to pay the alms from the same kind of sale for this year according to scholars prominent opinion as the subject of sale is the source of duty of alms (Zakat) .*
- 32- *Sale –buy process is prohibited as sanctity in the mosque for the person in isolation (seclude) and others according to scholars prominent opinion as prohibition is evidenced .*
- 33- *If vast (courtyard) is attached to the mosque it is then part thereof and subject to its virtue , but if separated shall not according to scholars prominent opinion .*
- 34- *Scholars collectively agree on duty of slaughtering a sheep for the pilgrim (Hajji) under enjoyment (Tamtuo) but not the singled out (Mufrid) . As for the pilgrim under pairing (coupling) – Garin is treated like enjoyment as agreed by juristics of Islam and evidenced by the holy Quran and Sunna .*
- 35- *No contradiction among scholars that it is preferable for the pilgrim under enjoyment (Tamtuo) or coupling (Garin) to drive the sheep from his country of origin . If not so , it is preferable to buy on the road rather than from Mecca or Arafat . If bought from Mina it is allowable as if bought from country of origin as evidenced by the Sunna.*
- 36- *If the pilgrim kept himself involved in selling and buying after forewell circumambulation of Kaaba (cube) , then the case is examined to see if the causes other than departure of the sanctum (holy place) like trading and others , therefore circumambulation shall be deemed interrupted . But if he is involved in selling and buying process for the purpose of departure , therefore circumambulation shall not be iterrupted according to the scholars predominant opinion .*
- 37- *Mecca elements may be sold according to juristic prominent opinions evidenced by the holy Quran and Sunna and actions by the prophet companions . Eventually graded and stones derived from Mecca land may be sold .*
- 38- *Lands of rituals (Manasik) like Mina , Muzdalifa and Arafat may not rejuvenated according to scholar prominent opinions . Eventually none of its land , or stones and others are permitted for sale .*
- 39- *All scholars of Islam collectively agree that who may possess portion of Zamzam water by purchase or attainment , he may act by sale as if selling any kind of water if comes first and possesses and was free from any authority .*

- 40- *Meat and hides of sacrifice and offering are not permitted for sale according to scholars prominent opinions as such is prohibited under sanctity evidenced by the holy Quran and Sunna .*
- 41- *Slaughter of sacrifice (oblation) is a duty for the competent according to the scholars' prominent opinions evidenced by the holy Quran and Sunna .*
- 42- *Plunders of war may be distributed and to act by sale or others according to the scholars prominent opinions evidenced by the Sunna .*
- 43- *All scholars of Islam agree collectively that the leader of the Islamic army may sell some of the plunders of war before distribution . Other persons are not allowed for the same according to scholar prominent opinion as such is prohibited under the Sunna .*

“Praised be the Lord , the one and only and God’s blessing and peace be upon our prophet Mohammed , his family and companions all together”