

Chapter – 33

Business

(تجارت)

Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ
 {O people who believe! Do not unjustly eat the property of each other, except through trade by mutual agreement. (04:29)}

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ

{O people who believe! Eat of the good things We have provided you. (02:172)}

وَإِذَا رَأَوْا تِجَارَةً أَوْ لَهْوًا انفَضُوا إِلَيْهَا وَتَرَكُوكَ قَائِمًا قُلْ مَا عِنْدَ اللَّهِ خَيْرٌ مِّنَ اللَّهْوِ وَمِنَ
 التِّجَارَةِ، وَاللَّهُ خَيْرُ الرَّازِقِينَ

{And when they see some trade or sport, they move towards it and leave you standing delivering the sermon; Proclaim, "That which is with Allah, is better than sport and trade; and the sustenance of Allah is the best. (62:11)}

Hadith:

Narrated Ibn 'Abbas:

'Ukaz, Majanna and Dhul-Majaz were market-places in the Pre-Islamic period. But when Islam came, Muslims felt that marketing there might be a sin. Then, the following divine verse revealed in Quran:

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِّن رَّبِّكُمْ

{There is no harm for you to seek the bounty of your Lord. (02:198)}
 (Sahih Bukhari: 1923)

Narrated Hakim bin Hizam:

Allah's Prophet said, "The seller and the buyer should speak the truth and describe the defects and qualities (of the goods), then they would be blessed in their transaction. And if they told lies or hide something, then the blessings of their transaction would be lost. They have the right to keep or return goods as long as they have not parted." (Sahih Bukhari: 1951)

Narrated Ibn Musyab:

Allah's Prophet said that, "The swearing (by the seller) may persuade the buyer to purchase the goods but that will be deprived of Allah's blessing." (Sahih Bukhari: 1959)

Narrated Abu Hurairah:

The Prophet said, "A time will come when one will not care how one gains one's money, legally or illegally." (Sahih Bukhari: 1932)

Narrated Abu Al-Minhal:

Allah's Prophet said about money exchange. 'If it is from hand to hand, there is no harm in it; otherwise it is not permissible.' (Sahih Bukhari: 1933)

Narrated Abu Hurairah:

If sea travelling has to be done for any trade there is no harm in it. Once, the Noble Prophet had described story of a person of Bani Israel who travelled by sea and did his trade. (Sahih Bukhari: 1935)

Narrated Aisha:

When the last Verses of Surat al-Baqarah were revealed, the Prophet recited them in the mosque and proclaimed the trade of alcohol as illegal. (Sahih Bukhari: 1956)

Narrated 'Abdullah bin Abu Afa:

A man displayed some goods in the market and swore by Allah so as to cheat that he had been offered so much for that, although it was not offered. On that occasion the following Verse was revealed:

إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمًّا قَلِيلًا أُولَٰئِكَ لَا خَلَاقَ لَهُمْ فِي الْآخِرَةِ

{Those who purchase a small gain in exchange of Allah's covenant and their oath do not have a portion in the Hereafter. (03:77)}

(Sahih Bukhari: 1960)

Narrated Ibn 'Umar, Hakim bin Hizam and Abdullah bin Umar:

The Prophet said, "The buyer and the seller have the option of cancelling or confirming the bargain unless they separate. If they spoke the truth and made clear the defects of the goods, then they would be blessed in their bargain." (Sahih Bukhari: 1979to1986)

Narrated Abdullah ibn Umar:

Allah's Prophet said, "He who buys foodstuff should not sell then and there. The Prophet said that sell it where its market is. He also said that do not sell until you take the possession of the stuff. (Sahih Bukhari: 1994)

Narrated Tawus:

Ibn 'Abbas said, "Allah's Prophet forbade the selling of foodstuff before its measuring and transferring into one's possession." I asked Ibn Abbas, "How is that?" Ibn 'Abbas replied, "It will be just like selling money for money." (Sahih Bukhari: 2002to2003)

Important Aspects of Islamic Doctrine

❖ Definitions:

- Material or anything which is exchanged between the two parties with their mutual accord is called in Arabic as “بيع” and in Urdu as “تجارت”. Quran says:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

{ And Allah has made trading as lawful and forbidden usury.

(02:275) }

- In Arabic, the seller is called “باع”, and the buyer is called “مشتري”. And the material that exists in between them is called “مال”. The material has certain cost. The price or “ثمن” of the material is settled between the seller and buyer. The “trade” is established with mutual agreement of selling and buying of the material.

❖ Conditions/restrictions:

1. If trade is going for one kind of material then both items should be equal in quality and weight, otherwise it will not be a trade but will be treated as forbidden usury. If the trade is going between two dissimilar materials then differentiation is obvious and it is lawful as well. However such trade should go on hand to hand and the credit is not permissible.
2. On a shop if wheat, rice or sugar etc. has been placed in the form of heap and the seller says that I will sell this wheat at the rate per kilo then this fixed rate will be good for the whole lot of wheat. And according to Hanafi Fiqh this method is acceptable.
3. A piece of land is being sold, and it is said that this land is 200 square feet and the total price is one hundred thousand rupees. Later, when it is thoroughly measured it became less. Now, it is up to the buyer whether he finalizes this deal or not.
4. In case of selling a house, all the static items like doors, windows, glasses, and electrical fixtures will be considered all included for the agreed total cost of the house, no matter these items are not mentioned individually. On the other hand, in case of selling agricultural land it will not be similar. In this case details of the whole crop and fruits are to mentioned, and it should be clear that such and items are included in this deal or not.
5. If a deal is made for a transferable property but its possession is not given, then any onward selling of the property is unlawful. On the other hand non-transferable property can be sold before giving possession.

6. The material under sale must be under the ownership of the seller. Otherwise, any deal will be considered as unlawful. For example; selling of fish before catching from the sea, selling of birds flying in the sky, selling of pregnant animals, no matter the pregnancy is exempted. Because it is not sure that the animal is really pregnant or not.
7. In a fruit garden the fruits are exposed on the trees and the profit or loss can also be estimated then its sale is allowed even before the fruits are ripe, otherwise it is not permissible. If the fruits are not at all exposed then its sale it absolutely unlawful.
8. The material which is being sold must be seen before buying, provided each and every detail has been mentioned. However, if the material is not to the standard as told then the buyer has the right to cancel the deal.
9. Trading demands absolute fair dealings. All those things will be treated as unfair which effect on cost. Moreover, any contract for any trade is valid for three days only, because the market may change any time and it is difficult to predict for longer period.

❖ **Miscellaneous:**

- ❖ All businesses must run with certain agreements. Because God says:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

{O People who believe! Fulfill your words (agreements). (05:01)}

- ❖ Business of forbidden items like wine etc. is prohibited.
- ❖ Similarly, business of any theft material is also unlawful.

