Available online at https://jcis.uitm.edu.my

e-ISSN: 0128-0902
ISSN 2289-9634

Journal of Contemporary Islamic Studies 10(2) 2024

Journal of Contemporary Islamic Studies

The Scope of ‘Illah (Causal Effect) of Ribā Prohibition on Gold and Silver: A Juristic Analysis

Saheed Abdullahi Busari[1*], Ridwan Ayomide Akanbi[1], Akhtarzaite AbdulAziz[1]

[1]*Fiqh & Usul al-Fiqh Department, Abdulhamid AbuSulayman, Kulliyyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia*

ARTICLE INFO

Article history:
Received 1 April 2024
Accepted 8 May 2024
Published 7 October 2024

Keywords:
analogical deduction (*qiyās*)
causal effect (*‘illah*)
currency
gold
interest (*ribā*)
silver

DOI:
https://doi.org/10.24191/jcis.v10i2.1

ABSTRACT

There is a consensus among Muslim scholars that *ribā* (usury) is generally forbidden in Islamic law. However, there is a subjective interpretation of the scope and limitations regarding its criteria and sub-rulings. The jurists are unanimous that the prohibition of *ribā* in Islam is definitive, but the application to different modern currencies is subject to interpretation. Whether the ‘*illah* (causal effect) of the prohibition of *ribā* should be limited to gold and silver or extended to other currencies recognized as mediums of exchange. According to a tradition of the Prophet PBUH, that considers exchange of gold, silver, wheat, barley, and dates as ribawī items (usurious) unless the exchange is done hand to hand and in equal amounts. This study aims to explain why the classical jurists of the Shafi’i school of law opined that gold and silver are the main currencies considered *mahal al*-‘*illah* (place of causal effect), where *ribā* is likely to occur. This opinion further stresses that the ‘*illah* of *ribā* is limited to gold and silver because they were mainly used as prices in the classical era. However, there is a need to explicate the sociological influence that suggests the position of the classical Shafi’i scholars for limiting the application of the *‘illah* to gold and silver specifically, without consideration for non-gold or silver coins as substitute currencies. There is a need for further investigation into the reasons behind non-extension, whether its extension is prohibited in this matter or because there was no available paper currency during the classical time, which made some of the scholars of Shafi’i limit *mahal al*-‘*illah* to only gold and silver. The paper uses a doctrinal approach of qualitative methods to analyze the reasons why some classical scholars of Shafi’i positioned that the ‘*illah* of *ribā* prohibition is limited to gold and silver, while others contend the permissibility of analogical deduction (*qiyās*) to extend and interpolate the *‘illah* of *ribā* from gold and silver to modern currencies.

[1*] Corresponding author. *E-mail address*: saheed@iium.edu.my
https://doi.org/10.24191/jcis.v10i2.1

INTRODUCTION

The essence of the prohibition of *ribā* in Islamic law stems from the verse of the Quran:

> Translation: O you who have believed, do not consume *ribā*, doubled, and multiplied, but fear Allah that you may be successful
>
> Surah Ali Imran, 3: 90

The Prophet PBUH also reaffirmed this rule by saying:

> Translation: The curse of Allah is upon whoever consumes *ribā*, whoever pays *ribā,* witnesses to it, and the scribe who records it
>
> Reported by Ahmad: 3809

The tradition of the Prophet PBUH also highlighted six *ribawī* elements in addition to the context-based meaning of *ribā* as stated in the Quran. Numerous reliable chains of transmission have reported this statement made by the Prophet PBUH:

> Translation: Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like; payment made hand to hand—he who made an addition to it or asked for an addition dealt in *ribā*. The receiver and the giver are equally guilty
>
> Reported by Muslim: 1584

According to juristic consensus in Islamic law, *ribā* unquestionably includes the six *ribawī* elements listed in the Hadith. The *ribā* recognized in the six *ribawī* elements is either a result of the two kinds of *ribā*, known as *ribā al-Fadl* (increase in the exchange of homogenous item) and *ribā al-nasīa'* (increase for a delay) (Ibn Rushd, 2004). In other words, gold is to be paid for gold without addition in quantity or deferment in time (Isa et al., 2022; Engku Ali, 2007). To implement this Hadith properly, scholars then divided the elements mentioned in the Hadith into two: currency and food. This study is concerned with the former due to its rising complexity. With the flexibility of the Shariah laws and its capacity to adapt to the changes of time, scholars have disagreed upon the causal effect (*illah)* of *ribā* in gold and silver (Busari, 2021).

The Hanafis considered the *'illah* of *ribā* in gold and silver to be subjected to *al-kayl and al-wazn* (measurement) (al-Jaza'iri, 2003). This means gold and silver in the Hadith represent any mineral resources that can be measured and weighed. Hence, the prohibition of *ribawī* elements is transitive and should not be limited to gold and silver; instead, it extends to mineral resources like copper, brass, and iron (al-Munajjid, 2015). To this effect, it can be inferred that iron can be exchanged for copper with an increase in quantity if there is no delay or postponement in exchange. The Hanbali approach is very similar to this (al-Jaza'iri, 2003). This type of causal effect *(illah muta'adiyyah*) allows scholars, with the help of analogical reasoning (*qiyās*), to subjoin other non-mentioned cases to the mentioned items in the textual evidence.

On the other hand, the Maliki school considered the *'illah* of *ribā* in gold and silver to be because they are both regarded as capital currencies and valuators (*ras' al-mal*) (al-Jaza'iri, 2003). This means gold and silver in the Hadith represent anything used as currency. Gold and silver were mentioned because *dinar* (gold) and *dirham*s (silver) were made from them in the classical era. It has been narrated in the Mudawwanah that Imam Malik said:

> If people printed on leathers for it to serve as a currency for them, it would not make me say it is permissible to exchange those leathers with silver or gold (Malik, 1994).

https://doi.org/10.24191/jcis.v10i2.1

According to this approach, it can be inferred that any item regarded as currency, like USD, EUR, or YEN, can be subjoined and categorized as *ribawī* items, just like gold and silver. This is because the *‘illah* is also a transitive one.

The Shafi’i's approach is similar but slightly different from the Maliki's. They regard the *‘illah* of *ribā* in gold and silver as being the dominant currencies (*al-Thamaniyyah al-Ghalibah*) in the classical era (al-Marghinani, 2011). This makes the *‘illah* a limited type (*'illah qāsira*). Therefore, some classical Shafi’i scholars have stated:

> The *‘illah* of *ribā* is restricted to gold and silver because of their dominance as currencies in the classical era, and therefore *ribā* may not apply to paper currency even if it has a market trait. (al-Ramli, 1984).

According to this view, *ribā* is limited to gold and silver and their derivatives such as coins, ores, and jewellery, without extending to other items.

METHODOLOGY

This study employs a doctrinal qualitative approach to analyze *ribā* interpretations within the Shafi’i school of Islamic law. It investigates explicitly why classical Shafi’i jurists restrict the *‘illah* of *ribā* to gold and silver, despite a broader consensus on the prohibition of *ribā*. The study qualitatively reviews the literature of existing works on *ribā* and its application to modern currencies. The doctrinal analysis approach is used to interpret the views of classical Shafi’i scholars, uncovering the rationale behind limiting the *‘illah* to gold and silver and reflecting on the historical context in which these currencies were primarily used. Additionally, the study compares differing opinions on extending the *'illah* to modern currencies through *qiyās* and makes possible inferences as applicable.

RESEARCH RESULT

Juristic Analysis of *Ribā* (Usury)

Since its inception, Islam has steadfastly advocated one of its most prominent prohibitions, forbidding *ribā* (Busari et al., 2022; Berghout, 2011). This regulation from the Quran is firmly against the unjust practices of the wealthy non-believing Arabs who usually tell their debtors when it is time to pay off debt - ‘Are you paying now or giving interest for additional deferment’ (Ibn Kathir, 1999). Hence, Islam puts strict guidelines in place regarding interest, as mentioned in the Quran:

> Translation: Those who consume interest cannot stand (on the Day of Resurrection) except as one stand who is being beaten by Satan into insanity. That is because they say - Trade is (just) like interest. However, Allah has permitted trade and has forbidden interest. So, whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. Nevertheless, whoever returns to (dealing in interest or usury) - those are the companions of the Fire; they will abide eternally therein.
>
> Surah al-Baqarah, 2: 275

Islam recognizes two main categories of *ribā*: debt *ribā* and sale *ribā*. Scholars of the Quran unanimously agree that the type of *ribā* condemned in the Quran is debt *ribā* (Ibn Rushd, 2004). This type of *ribā* involves interest that accumulates on late loan payments, often exceeding the original loan amount. Islam views this as a serious injustice and a form of oppression that allows the wealthy to exploit the poor (Abd al-Rahman, 2011).

https://doi.org/10.24191/jcis.v10i2.1

This *ribā* practised in the *Jahiliyyah* period has been termed by the companions of the Prophet PBUH and the scholars as *Andhirnī Azidka* – 'give me more time, and I will pay you extra on the debt'. This type of interest is a medium of unjustly acquiring people's wealth, which the Quran has warned against in many verses. Allah says in the Quran:

> Translation: O you who believe! Eat not up your property among yourselves unjustly, except it is a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another). Surely, Allah is Most Merciful to you.
>
> Surah al-Nisa', 4: 29

However, with the implementation of *qiyās*, scholars have identified a similar form of *ribā* that is equally prohibited in loans within financial dealings (al-Hanna'i & al-Mujahed, 2022). Scholars have termed it as *'dha' wa ta'jal*' - 'take-off and pay upfront.' This latter is directly the opposite of the former, whereby the creditor waives part of the debt in exchange for accelerating the payment of the debt. There is almost a unanimous agreement among scholars on the impermissibility of this type of transaction, which has elements of *ribā* and unjustly divests the wealth of others (Saiman & Salleh, 2017).

The *ribā* of sales mainly consist of two types: *ribā al-fadl* and *ribā al-nasīa'* (Ibn Rushd, 2004). On the other hand, the *ribā* of sales, which is the second main category of *ribā*, has been prohibited by the evidence from traditions of the Prophet PBUH:

> Translation: Gold is to be paid for by gold, silver by silver, wheat by wheat, barley by barley, dates by dates, salt by salt, like by like; payment made hand to hand. He who added to it or asked for an addition dealt in *ribā*. The receiver and the giver are equally guilty.
>
> Reported by Muslim: 1584

OVERVIEW AND JURISTIC ANALYSIS OF GOLD, SILVER, AND CURRENCY

During the Prophet PBUH's era, gold and silver were the primary currencies, with copper being used to a lesser extent. The gold and silver coins considered as currency were sourced from the Byzantine and Sassanian empires (al-Fasi, 2006). This was because Arabs were merchants who travelled through these empires in summer and winter, and the Quran has affirmed this notion:

> Translation: For the accustomed security of the Quraysh- Their accustomed security (in) the caravan of winter and summer- Let them worship the Lord of this House - Who has fed them, (saving them) from hunger and made them safe, (saving them) from fear.
>
> Surah Quraish, 106: 1-3

Arab merchants during this period travelled with furs along with other nomadic lifestyle products to trade, and interchangeably, caravans from the Roman, Byzantine, and Sassanian empires passed across the Arabian Peninsula, boosting the region's economy. Basic barter transactions were not easy to strike due to the vast diversity of goods from many parts of the world, and because of this reason, gold and silver coins from different origins were in circulation (al-Balazuriyy, 1988).

Minting (*sikka*) was still in its early stages during the Prophet PBUH's era, as there were enough gold and silver coins in circulation. The Prophet PBUH observed that transactions were measured in gold and silver, which were used as currencies, and he neither prohibited nor minted new coins. Instead, he recognized gold and silver coins as valid currencies in Islam and introduced certain conditions that classified them as *ribāwi* items (al-Balazuriyy, 1988). This understanding is further clarified by the traditions of the Prophet PBUH.

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> Translation: Do not sell gold for gold unless it is the same amount for the same amount, and do not make one amount greater than the other. Do not sell silver for silver unless it is the same amount for the same amount, and do not make one amount greater than the other. And do not sell that which is not present (at the time of the transaction) for that which is present
>
> Reported by al-Bukhari: 2177

From this Hadith and other authentic traditions of the Prophet PBUH, scholars have analogically deduced that any exchange of gold and silver must be equal in weight. They have also discussed and debated the application of similar rules to other metals and minerals, such as copper, brass, iron, and zinc, using the same principles applied to gold and silver under Islamic law (Shariah) (al-Zarqāni, 2003).

The first Islamic caliph to initiate the minting of Islamic *dinar* and *dirham* was Abdul Malik ibn Marwan. These coins, representing gold and silver, were introduced to address economic issues faced by the Islamic state during the Umayyad dynasty. Such economic challenges arose from the rapid expansion of Islamic territories, which also led to language barriers (Wijdan Ali, 2004). Abdul Malik ibn Marwan ordered the minting of these coins to match the weight standards established during the time of the Prophet PBUH and the caliphs, specifically 4.25 grams for gold and 2.975 grams for silver. This standardization was intended to clarify the calculation of *zakah* and its *nisab* value. The Islamic community accepted these denominations, which featured Quranic verses, and thus, the Islamic *dinar* and *dirham* became the foundation of the Islamic monetary system (al-Balazuriyy, 1988).

Additionally, it's important to mention that while gold and silver were the primary coins in circulation during that time, another coin called *fals* was also minted from copper or bronze. However, the value of *fals* was not fixed; it varied between different Islamic communities. At times in history, *fals* even held more monetary value than *dinar* and *dirham*. It's also noteworthy that the terms *dinar*, *dirham* and *fals* are derived from Byzantine words i.e. denarius, drachma, and fallis, respectively (Sanusi, 2001).

Theory of *'Illah* (Causal Effect) in Q*iyās* (Analogical Deduction)

On the other side of jihad, Islam encourages Muslims to struggle in the acquisition of expertise and religious knowledge essential for belief, worship, and socioeconomic transactions (Ibn Kathir, 1999). Allah said in the Quran:

> Translation: And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious
>
> Surah al-Tawbah, 9: 122

This virtue has been called upon because Islam has explained the rulings of everything in detail through the Quran and Sunnah. It was upon the recipients of the message of Islam to educate and read between the lines of what was revealed from the two main sources to come out with foresight, draw correct conclusions and better comprehend Shariah, a body of revealed laws. These two notions can be understood from the following verses of the Quran (Ibn Kathir, 1999).

It is very important to distinguish between two terms: Shariah and *fiqh*. Shariah refers to the revealed laws from the Quran and Sunnah, while *fiqh* encompasses Shariah along with additional laws developed to address new legal issues. In essence, Shariah consists of specific rulings and context, while *fiqh* represents the interpretation of the rules. Due to the limited resources available in terms of Shariah, Islamic scholars have developed logical and analogical principles, as indicated by Allah in the Quran and exercised by the Prophet PBUH with his companions, to adapt to new legal matters in daily Muslim life (al-Sufyāni, 1988).

https://doi.org/10.24191/jcis.v10i2.1

These principles serve mainly as a bridge from Shariah to *fiqh*, and have evolved into a field of study known as *usul al-fiqh* (Islamic jurisprudence).

Many interpretations in *fiqh* rely on *qiyas*, which offer a reliable, and logical solution to contemporary legal issues (ʻAliyy, 2000). *Qiyās* is a deductive analogical method that compares two situations, applying the ruling of an established case to a new case to derive a new ruling. There are four main components of *qiyās*; the original case (*asl*), the new case (*far*), the causal effect (*'illah)* and the known ruling of the original case (*hukm al-asl*) (al-Iraqi, 2007).

The basis for applying *qiyās* lies in *'illah,* which serves as the basis for comparing the original case with the new case. In other words, *'illah* is the underlying reason for a Shariah ruling, grounded in recognized Shariah attributes. The term *Manat al-Hukm* or *Manat* is often used interchangeably with *'illah* in many discussions of *usul al-fiqh*. *Manat* literarily means a place of hanging, indicating that *'illah* is the purpose or attribute upon which the ruling is based or hung (al-ʻAttar, 2009). An example of *'illah* can be found in a Hadith wherein the Prophet PBUH said:

> Translation: Every intoxicant is alcoholic, and every intoxicant is forbidden
>
> Reported by Muslim: 2003

This indicates logically that the basis of this ruling is intoxication. Thus, every intoxicant is forbidden, whether made from grapes at the time of the Prophet PBUH or barley seeds as it is in modern times (Rusli, 2016).

Furthermore, *qiyās* can be exemplified based on the components (original case, new case, causal effect, and the ruling) based on the verse:

> Translation: And when you (Muslims) travel in the land, there is no sin on you if you shorten your *Salah* (prayer) if you fear that the disbelievers may attack you, verily, the disbelievers are ever unto you open enemies.
>
> Surah al-Nisa', 4: 101

Juristic analysis of this verse suggests that Shariah allows Muslims to shorten their prayers (*qasr*) when travelling a certain distance. This permission is logically derived from the attribute of travel, which aims to alleviate the hardship faced by travellers. However, the verse specifically mentions travel by land, raising the question of whether Muslims travelling by aircraft can also shorten their prayers. By using analogical reasoning and understanding the underlying attribute of this ruling, scholars have extended the known ruling of land travel to contemporary cases involving air travel (Rusli, 2016).

Scholars in this regard have distinguished between ʻ*illah* and *hikmah*. The *hikmah* (wisdom) to shorten prayer (*qasr*) is to alleviate the discomfort of travellers while on a journey. However, *hikmah* cannot be regarded as *ʻillah* as it is not consistent nor regular because some travellers might not encounter any discomfort while some may face difficulties in their journey (al-ʻAttar, 2009). This means that a significant condition of *'illah* is consistency and regularity, which begs the question: What are the most significant conditions of *'illah*?

The following are the main and most crucial conditions of *'illah* according to the scholars of Usul Fiqh (al-Iraqi, 2004).

1. *ʻIllah* should be effective in the rule of law (*mu'athira fil hukm).* Being practical is in such a way that the rule of law exists with its existence and is eliminated with its elimination.

2. *ʻIllah* should be consistent and regular (*munḍabit*). The consistency of *ʻillah* should be noticed in the original case similarly and equally to the new case at the same level.

https://doi.org/10.24191/jcis.v10i2.1

3. *‘Illah* should be patent (*dhāhir*) and obvious (*jaliyy*). This condition negates every form of foresight; *hikmah* that may not be noticed at the first glance taken at the ruling.

4. It should be extensible (*muta'ddiyah*) and not inextensible (*qāsirah*).

5. The original case should be attributed to an *‘illah* based on literal context (*nass),* or the consensus (*ijma*’) of the scholars and companions of the Prophet PBUH.

6. It should not contradict *'illah*, which are more potent than it, regarding the effectiveness of the rule of law.

7. The qualities of *'illah* should be recognized from the Shariah perspective (*munāsiba wa musalima*). For example, personal interests (*al-masālih al-shakhsiya*) cannot be regarded as *‘illah* as *'illah* is meant to be generally inclusive.

These conditions and many others have been explained in detail within various segments of *usul al-fiqh* compilations. Some of these have been consensually agreed upon, while others are disagreed upon within the four schools of jurisprudence.

It should be noted that *qiyās* is an analogical process practiced by a *mujtahid*, an authoritative jurist of Islamic rulings. This is because *'illah* is an attribute that can be affirmed by either traditional evidence or an intellectual process. The traditional one comprises *nass* (literal context) from the Quran or Sunnah. These main components of *'illah* can be derived from the core sources of the Shariah (al-Iraqi, 2004). However, most *'illah* results from intellectual processes, which makes it a fragile procedure that ought to be practised by authoritative and competent interpreters of Shariah, otherwise known as *mujtahidin* (al-Qarafi, 1995).

ANALYSIS OF FINDINGS

The central point of the uprising complexity around *ribā* in gold and silver and its subordinated elements revolves around the nature of the *'illah*. According to the Hanafi, Maliki, and Hanbali jurisprudence, the *‘illah* is transitive *('illah muta’addiyyah*). However, some classical scholars of the Shafi’i school contend that the *‘illah* of *ribā* possesses a limited trait *('illah qasira*), which makes *ribā* prohibition restricted to gold and silver.

However, it's important to note that in the principles of jurisprudence, the prevailing views from different jurists indicate that both interpretations of *‘illah* are acceptable within divine Shariah laws. Al-Nawawi (1977) found that limited *‘illah* can also serve as prescribed causal effects that have been derived from Shariah. This is because *‘illah* generally are like labels attached to Shariah laws, they can be either transitive or limited. The primary purpose of these labels is not to add non-mentioned categories to the specific, but rather to offer insight and understanding behind that specific ruling. Moreover, the limited type of *‘illah* has two advantages.

1. Scholars must realize that the *‘illah* is limited, and no further *qiyās* will be conducted.
2. In the event of the emergence of an unforeseen subordinate that possesses the same trait as the base of the analogical deduction. Limited *‘illah* can then be used.

The Shafi’i’s school of jurisprudence argued that the reason for not linking paper currency to gold and silver is that paper currencies were not widely available in comparison to gold and silver, which were the primary forms of currency (*dinar* and *dirham*) during the classical times. Hence, Shafi’i scholars like al-Shatiri explain that the current currencies share the same Shariah ruling as that of gold and silver (al-Shatiri, 1997).

https://doi.org/10.24191/jcis.v10i2.1

Moreover, some earlier scholars of Shafi'i refrained from linking other elements to gold and silver because they were not only the dominant currencies but also feasible against depreciation (a-Rāfi'ī, 2016). They viewed these two traits as present only in gold and silver along with all that is derived from them, such as coined gold, silver, ores, and jewellery, which they argued were not applicable in paper currency.

Following what al-Shatiri said among the modern Shafi'i scholars, it has also been deduced and escalated across many Shafi'i jurists concerning this view. According to al-Khin et al. (1992):

> Everything that is dealt with as money or currency, and takes the place of gold and silver, such as the currencies in vogue now, is considered usurious money, and interest can take place in it following the precedented ruling of gold and silver.

Al-Zuhayli (2011) also contends that the *'illah* of *ribā* in gold and silver is because they are usually regarded as currencies during classical times. Thus, money or paper currency that works instead of gold and silver is analogically deducted and subjoined to them.

The concept under scrutiny in this study centres on the Islamic prohibition of *ribā* and the varying interpretations and applications of this prohibition in contemporary financial contexts. Although Islamic jurists unanimously opine that *ribā* is inherently forbidden. However, the nuances of this prohibition, especially concerning its criteria and sub-rulings, have been subjective to interpretation (Eyerci, 2021).

While the scholars unanimously agree on the definitive prohibition of *ribā*, the challenge lies in adapting this ancient legal concept to the diverse range of modern currencies. A key point of contention revolves around the *'illah*, which determines the circumstances in which *ribā* is likely to occur. The main evidence from the tradition of the Prophet PBUH cites an array of commodities, such as gold, silver, wheat, barley, and dates, as inherently *ribawī* items. These items are only considered free from *ribā* if exchanged hand-to-hand and in equal amounts. It is evident that viewing paper currencies solely as commodities can pave the way for corruption within society. Even scholars from the Hanafi tradition who were not present in classical Iraq have acknowledged this concern. They have stated,

> Paper currencies are the most valuable forms of money in our society. Allowing an increase in their quantity during exchanges would inevitably lead to *ribā*," which refers to usury or unjust gains (al-Marghinani, 2019).

This perspective highlights the potential dangers of treating paper money without regard to its broader implications, as it could undermine ethical financial practices and contribute to societal inequities.

CONCLUSION

Shariah prohibited ribā and warned against it because it opened a door of oppressing the lower class, eliminating the factors of kindness and compassion among people. This study reviews the debate among classical Shafi'i scholars on ribā prohibition. While they agree on its illegitimacy, interpretations differ regarding modern currencies. Classical views limit the 'illah to gold and silver, necessitating further analysis of the sociological factors influencing this perspective, highlighting its importance for contemporary Islamic finance. The ribā practices are anti-economic cooperation and supporting one another rather than restricting riches among the upper classes. These factors alone are enough to regard paper currency as subordinate to gold and silver. Moreover, according to the classical Shafi'i jurist, the limited 'illah is present in the modern-day paper currencies in vogue. It can be said that the rulings and the foresight of ribā in Islam might have more effect in the foreign exchange market than just gold and silver in our modern times. Therefore, treating paper currencies as mere commodities can lead to societal corruption. Even Hanafi scholars not from Iraq's classical era assert that paper currencies hold significant value in contemporary society, warning that allowing quantity increases in exchanges would inherently result in ribā.

https://doi.org/10.24191/jcis.v10i2.1

ACKNOWLEDGEMENTS

The authors would like to acknowledge the support of the Department of Fiqh & Usul al-Fiqh, Abdulhamid AbuSulayman, Kulliyyah of Islamic Revealed Knowledge International Islamic University Malaysia Library for providing the facilities for this research.

CONFLICT OF INTEREST

The authors agree that this research was conducted without any self-benefits or commercial or financial conflicts.

AUTHORS' CONTRIBUTIONS

Saheed Abdullahi Busari and Ridwan Ayomide Akanbi carried out the research, wrote and revised the article. Akhtarzaite AbdulAziz conceptualized the central research idea and provided the theoretical framework. Saheed Abdullahi Busari and Ridwan Ayomide Akanbi designed the research and supervised its progress. Saheed Abdullahi Busari and Ridwan Ayomide Akanbi anchored the review, revisions and approved the article submission.

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