

## A Study on Al-Riba Al-Hukmi and Its Instances from View of Islam

**Authors :** Abolfazl Alishahi Ghalehjoughi, Bi Bi Zeinab Hoseni

**Abstract :** Islam is a comprehensive religion, and has rules for any thing. Islam attaches respect and importance to properties as well, and outlaws some types of transaction. A type of transaction that is strictly forbidden by the Islam is riba (usury), for which special punishments is considered in the Qur'an and hadiths. Usury is divided into (riba qarzi) loan usury and riba muamili (transaction usury); sometimes, in transaction and interest free loan contracts, ziyadah aini (interest in kind and of the same kind as that of the object of transaction) is not stipulated, but performance of work, provision of an advantage or a service, or a respite is stipulated, in which case although no ziyadah aini is in place, the transaction still constitutes usury and is outlaw. For instance, if a bank stipulates in an interest free loan contract that it pays a person the interest free loan only if he/she deposits a sum in the bank, this is an instance of riba hukmi. Or, for muamilah sarfi (transaction in which object of transaction and consideration is gold or silver) to be legitimate, it necessary that both the object of transaction and the consideration be handed over between the parties, because if a party takes delivery of the considered or object of transaction while the other party does not, the party who has taken delivery will accrue a benefit, as he/she wins time until he/she makes delivery to the other party, and this tantamount to usury in muamilah sarfi. Or, if a person lends a sum to another person, while the lender is indebted to the borrower, if the lender stipulates that he/she lends such amount only if the borrower postpones the maturity date of the lender's debt to borrower, which is in one month, for a particular period of time, such loan will constitute usury. This research first provides views on riba hukmi, and then proceeds to analysis of views, trying to study fundamentals and proof regarding prohibition of riba hukmi, and to analyze instances of riba hukmi according to religious and hadith books.

**Keywords :** Islam, riba, prohibition, riba hukmi

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