MODERN APPLICATIONS OF PROFIT-SALE (BAY MURABAHAH) FROM A MAQASID SHARI'AH PERSPECTIVE

By: al-Fijawi, MFA [al-Fijawi, Mohammed Fand Ali] [1], Yunus, SM [Yunus, Sadiatulakma Mohd] [2,3]

Abstract
This paper looks into profit-sale (murabahah), a nominal sale contract in Islam, in search for Shari‘ah objectives embedded in the corpus according to the terms and conditions of the contract. In light of these objectives, applications of the profit-sale contract as a financing tool by Islamic Finance Institutions (IFIs) are examined. The study discovers that some modern applications bypass the primary Shari‘ah objectives of a sale contract; such as the seller taking possession for possible risks and having real possession of the items on sale. Contrary to this, the seller transfers liability to the customer and takes possession (qadud) of the goods on paper only instead of possession in the real sense. Such applications distort the mode of trading real goods into a mere disguise for an increase in credit risk.

Author Information
Reprint Address: al-Fijawi, MFA (reprint author)
Int Islamic Univ Malaysia, Kulliyyah Islamic Revealed Knowledge & Human Sci, Dept Fiqh & Usul Al Fiqh, Gombak, Malaysia.

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