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Assessment of Ta'widh and Gharamah in Islamic Financing Contract and Its' Applicability Potential for Construction Works Contracts

By: [Hamdan, NAM](#) (Hamdan, Noor Aishah Mohamad)^[1]; [Sarkawi, AA](#) (Sarkawi, Azila Ahmad)^[2]; [Habib, SNHA](#) (Habib, Siti Nora Haryati Abdullah)^[2]; [Othman, AA](#) (Othman, Ahmad Azam)^[3]

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Abstract

Ta'widh and gharamah are the Shariah compliant late payment charges for Islamic financial contracts. Seven identified themes were used to qualitatively compare and contrast between the Guidelines on Late Payment Charges for Islamic Banking Institutions (2012) against the provisions of interest for late interim payment from four Malaysian construction works contracts. The findings revealed similarities and differences for identification of Shariah compliance. Recommendations were made for the harmonisation of ta'widh and gharamah in the construction works contracts while ensuring its practical and legal applicability. The outcome is beneficial for Islamic organisations and Muslims involved with the construction works.

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Author Information

Reprint Address:

Univ Teknol MARA, Fac Architecture Planning & Surveying, Dept Quant Surveying, Perak Branch, Seri Iskandar Campus, Seri Iskandar 32610, Perak, Malaysia.

Corresponding Address: Hamdan, NAM (corresponding author)

Univ Teknol MARA, Fac Architecture Planning & Surveying, Dept Quant Surveying, Perak Branch, Seri Iskandar Campus, Seri Iskandar 32610, Perak, Malaysia.

Addresses:

[1] Univ Teknol MARA, Fac Architecture Planning & Surveying, Dept Quant Surveying, Perak Branch, Seri Iskandar Campus, Seri Iskandar 32610, Perak, Malaysia

+ [2] Int Islamic Univ Malaysia, Kuliyyah Architecture & Environm Design, Gombak, Selangor, Malaysia

+ [3] Int Islamic Univ Malaysia, Ahmad Ibrahim Kuliyyah Laws, Gombak, Selangor, Malaysia

E-mail Addresses: noora755@uitm.edu.my; azila@iium.edu.my; ctnora@iium.edu.my; aazam@iium.edu.my

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