General Rules of the Market Transactions from the Perspective of the Applicable Law and Jurisprudence

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Abstract

Jurisprudential rules are fundamental tools for analyzing and explaining the economic doctrine of Islam, and they play a crucial role in regulating market transactions. This article examines the Islamic jurisprudential rules related to economic transactions, their implementation, and their impact on the market. In addition to traditional rules such as *atlāf*) wasting ,(*ītmān*) trust ,(*iḥsān*)beneficence ,(*al-muḥsūn 'inda shurūṭihim* (mutual obligation in their conditions), and *' usr wa ḥaraj* (hardship and necessity), some new rules are also considered, which can guide the market towards an ethics-based and just system. Rules such as *isrāf*) extravagance ,(*ḍarūrah*) necessity ,(*freedom and non-coercion* ,*anti-monopoly* ,*cooperation* ,*right of priority* ,and *the validity of Muslim actions* are analyzed as fundamental principles governing economic transactions. These rules, in addition to regulating relations among market actors, promote transparency, justice, and help prevent harm and monopoly in transactions. The examination of these rules reveals that Islamic jurisprudence not only provides a legal and ethical framework for transactions but also possesses the capacity to uncover new economic rules. It can contribute to regulating modern markets and enhancing economic activity based on Shariʿah principles. The study concludes that integrating Islamic jurisprudential rules with economic policymaking is an effective approach to achieving justice and transparency in Islamic market transactions.

Keywords: jurisprudential rule, market transactions, economic justice, extravagance, necessity, freedom and non-coercion, anti-monopoly, cooperation, right of priority.

Extended Abstract:

Market transactions play a crucial role in the economic system, facilitating the exchange of goods, services, and capital. The correct functioning of the market not only contributes to the growth of production but also enhances social welfare. However, the regulation of these transactions requires a legal and ethical framework that ensures fairness, transparency, and efficiency. In this context, Islamic jurisprudential (fiqh) rules are essential tools for analyzing economic transactions and maintaining justice within market practices. This paper delves into the key Islamic jurisprudential rules governing market transactions, exploring their implementation and their effects on the economy.

Traditional fiqh rules, such as *atlāf*) wasting ,(*ītmān*) trust ,(*iḥsān*) beneficence ,(*al-muḥsūn 'inda shurūṭihim* (mutual obligations in conditions), and *' usr wa ḥaraj* (hardship and necessity), have historically guided economic activities. These rules set boundaries for ethical transactions, ensuring that parties involved do not engage in harmful or unfair practices .However, new rules have emerged that further refine the principles of Islamic economics, offering more targeted approaches to regulate the market in a fair and ethical manner. These include principles such as *isrāf*) extravagance ,(*ḍarūrah* (necessity), freedom and non-coercion, anti-monopoly, cooperation, the right of priority, and the validity of actions taken by Muslims. These principles aim to prevent harm, avoid monopoly, ensure cooperation, and promote fairness in transactions.

The study emphasizes that Islamic jurisprudence provides not only a legal framework for transactions but also a moral and ethical foundation. By integrating these principles with modern economic practices, the Islamic system offers a viable model for regulating contemporary markets. The paper argues that these fiqh rules can be utilized to establish just and transparent economic policies that promote social equity while adhering to Islamic principles.

One significant contribution of Islamic jurisprudence to market transactions is the concept of *al-muḥsūn* (mutual obligations) within contracts. This concept emphasizes the importance of mutual respect and fairness in agreements. Transactions should not lead to harm or injustice, and the rights of all parties involved must be protected .The idea of *iḥsān* (beneficence) further enhances this, suggesting that individuals should go beyond the minimum requirements of the contract and act with kindness and generosity, contributing to a positive economic environment.

The paper also explores how these rules can be applied to modern markets. For instance, the prohibition of *isrāf* (extravagance) encourages consumers and producers to engage in sustainable and responsible consumption and production. This principle is highly relevant in today's world , where overconsumption and waste are pressing global concerns. Similarly, the principle of *anti-monopoly* discourages monopolistic practices, ensuring that markets remain competitive and that no individual or group can unfairly dominate market transactions.

Moreover, the concept of *cooperation* in Islamic jurisprudence is particularly important for regulating market practices. Islamic law encourages mutual assistance and collaboration, which can be translated into modern practices such as joint ventures, fair trade, and cooperative businesses. These models not only support ethical business practices but also help reduce inequality in the distribution of wealth and resources.

Additionally, the right of priority ,*ḥaqq al-awlawīyah* ,is another significant concept in Islamic economic law. It ensures that individuals who have legitimate claims or needs in the market are given priority over others. This principle can be applied in various contexts, such as allocating resources, offering jobs, or distributing goods, ensuring fairness and reducing exploitation.

In conclusion, the paper highlights that Islamic jurisprudence not only provides a legal framework but also offers an ethical approach to market transactions. By integrating traditional and modern principles, Islamic economics can regulate contemporary markets more effectively. The research suggests that a successful integration of fiqh rules with economic policymaking will lead to a more just and transparent market environment, aligning economic activities with the ethical and moral values of Islam. The study advocates for the adoption of these principles in modern economic policies to create a sustainable, ethical, and fair market system.

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