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AL-Inah sale in ALshafei terminology

Abstract

This research study attempts to clarify ALshafei doctrinal view in relation to AL-Inah sale (sale with immediate repurchase). To achieve the topic was examined in three sections; the first section was devoted to explain the concept of AL-Inah sale both in language and in ALshafei terminology, also the terms and words related to AL-Inah were examined. The second section examined the various cases of AL-Inah and its sharia ruling within ALshafei Doctrine. The third section sought to illustrate the fundamental rules relied upon by the shafeis in their ruling related to AL-Inah.

The study concluded that the views of all Shafei jurists related to AL-Inah can be summarized in three rulings which are: nullification by agreement, in case of making the sale of the second conditional in the first. Other than that case the views of jurists varied between nullification and undesirability, and permissibility. The study also concluded that Imam ALshafi', when saying it is absolutely undesirable, does not permit reasoning it by expressly valid contracts in order to reach the sinful act. But the person who means that is a hidden sinner.

Keyword: AL-Inah, sale

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