2 - La Législation s'applique à couper court à ce qui suscite la rancone n 2 - La Législation s'appeare le Prophète (iii) a interdit de vendre la l'interdité, c'est pourquei le Prophète (iii) a interdit de vendre la Financiae, Cest possesse on les a achetées afin que l'acheteur ne pueue nurchandises sur le lieu ou on les a achetées afin que l'acheteur ne pueue pas realiser un profit, et que cela ne suscite dans le corur du verideur de la pas readact un product, même si le vendeur a vendu de plem gré, mais de la ranoreur et de l'introdité, même si le vendeur a vendu de plem gré, mais des commi que si l'acheteur réalise un profit, il pensera qu'il l'a eu et re lu ma mas donné le bon prix.1

Shaykh Ar-Rhjibi dir: Le hadath indique qu'il n'est pas perms i l'acheteur de vendre la marchandise qu'il a achetée jusqu'à ce qu'éle « rapporte chez hai », et le sens apparent est que cela désigne la prise de possession, et on a employe la formulation - rapporter chez so - ce généralement la prise de possession de l'acheteur consoste à ce qu'il rappose cette marchandise en un lieu qui lui appartient, et pour la majorar de savants le fait de transporter la marchandise en un lieu qui lui est pages marque la prise de possession, car la propriété du [premier] vendusdisparati alore.3

L'utilisation de différentes monnaies

حمره. ومنة قال المُلَثُ مَا رشول الله إنّ أبلغ الإلل بالنفيخ فأليغ بالشَّابِر والحَدُّ الشَّرْعِينِ وأبيغ يزين باغذ دشتين اغذ هذه من هذه وأقطى هذه من هذا وقدل وشول علم عنه والأمان أنَّ أطلعا بسغر يؤمها ما لاطفوقه وتشكما هزرة مروة اختسار ومسلمة اعلايش

683 - Il rapporte également : l'ai dit : O Messager d'Allah! le vends des chameaux à Al-Baqir. Je vends en dinars et e perçois des dirhams, ou je vends en dirhams et je perçois des dinars, je prends i un pour l'autre, et inversement. Le Messager d'Allah (il dit: « Il n'y a pas de mal à ce que tu les perçoives au cours du jour, tant que vous rous separez sans qu'il n'y ait de reliquat entre vous. - [D#W]?

Shaykh Ar-Rājihi dit: Le hadith indique qu'il est permis de percent de l'or à la place de l'argent, et de l'argent à la place de l'or, car lbn :Unit vendait des chamerus d'un montant fixé en dinars puis percevait la somer en dichama, et inversement. Une seule des deux monnaies était présente d cette pratique est permise à condition que les deux parties ne se séparril que

1 Shark Buildeh Al Martin, Livre des vertes, cassette nº4. CALIFORNIA CONTROL

people l'intégralité de la valeur a est acquittée et qu'il n'en reste aucon pringable.

L'interdiction de la surenchère mensongère

484 - Il rapporte également : «Le Messager d'Allah (a) a intentir la mendere mennangire. - [Saleh]:

Envignements du hadith

t - Le terme Naph désigne dans la langue le fait d'effrayer le gibier et de à sure sortir de sa cachette ; et dans la terminologie religieuse, cela désigne le fait de surenchérir de manière memorgère, alors qu'on ne veut pas where, mais unsquement proteer au vendeur, nuire à l'acheteur, ou jouet.

2. L'interdiction implique le caractère illicite de la chose.

3 - Le contrat de vente reste valide, mais si l'acheteur a été lésé plus que à couturne par la surenchère, il a le choix de comerver la manchandise à ceons ou de la render et récupérer son argent. Al-Wazir a dit : « Les savants sea anarimes pour dire que si le préjudice dans la vente n'est pas excessif. ora n'influe pas sur la validaté de l'acte de vente. »

4 - Sharkh Al-Islâm Ibn Taymiyyah a dit : - Concernant les ventes qui comportent une injustice vis-à-vis d'une des deux parties, comme lonqu'en miste, déprécie, surrenchérit ou autre, le Légulateur ne les a pas mises au rung des ventes licites, mais II a donné le choix à celus qui subit l'injustice qui pest, s'il le veut, annuier ou accepter la vente ».

Parmi les ventes aléatoires illicites

685 - Jähir Ibo (Abd Allah (a) rapporte : « Le Prophète (a) a interdit Al-Mahapalah, Al-Muzabanah, Al-Mukhabarah, et la vente assortie de classes intrictions, sauf si elles sont clairement définies . Sabibli

⁸ Abb Discust (2056), la chaîne de transmission est faible ai en attribue cette parole se Prophoto (No.

^{*} Al Styles (2/20)

ALBADAM (T142) of Muslim (1516).

⁴⁴ Bakhari (2001) et Markett (2006).

Judd E. Hollander

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