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Indexing



The Common Forms of Brokerage and Middleman, and their Shariah Solutions

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ABSTRACT

In order to promote such thinking and thinking regarding the forms of brokerage/middleman that are prevalent in our society, this article is being presented that this sector should be continued in accordance with the teachings of Islam so that our Islamic economic system is grown up in the best possible way.

In the current economic system, many new methods of brokerage are emerging which are very important to be aware of and it has become a great challenge for the scholars of today to inculcate the Islamic spirit in these methods by incorporating them into the Islamic structure.

In the Islamic economic system where rules and regulations have been laid down for those who work, those who work for them are also prevented from violating the rights of those who work ethically and religiously because at the present time. The role of the middleman is a key factor in the introduction of new ways of doing business. Therefore, it is very important to examine its limits from the Islamic point of view.

The cases which were prevalent in the early centuries, the justification of which was agreed by the companions, are due to the fact that the purpose of this writing is to consider the validity and apply the present case to them and find a shariah solution. Giving as much information as possible is the essence of this research.

KEYWORDS

Brokerage, Commission Agent, Middleman, Advocate, Third party contract

Concept of Brokerage in Islam

ALLAH, the Lord of glory, is the creator of all things ALLAH is the creator of the origin and foundation of all things, while man has the power to change things and increase their usefulness. He cannot produce wood, but he can cut it into pieces and make a table, and it is obvious that the process of making things useful is not possible unless there is someone to use it.

In the early days when the dependence of the nation was limited to the family or the party and these small groups were self-sufficient and most of the people were gypsies, every member of each party had the same job and occupation. That's why he used to make, but when two

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friends from two different places and two parties met by chance, it was necessary to exchange things there was a need to exchange goods because people from far-flung areas used to bring with them the goods that were available to them and if that was not the case here, then the desire to get such things the concept of exchange was established in the world. Thus, this type of exchange was originally international or inter-group, not local.

As the nomadic nations settled in certain regions, as a result of which agriculture developed and their population increased, the need for division of labor also increased day by day and thus various occupations also expanded. That everyone began to spend all his time for the nation in this profession. Apart from that, there were also the professions of hunters and soldiers who had to go out of the house as opposed to their farmers who had to cultivate while staying at home. Under these circumstances, different products had to be exchanged, just as villages developed into towns and cities, and the development and expansion of cities established the country and the nation, so did the exchange of goods. As the car became wider, so did the concept that at one time factories and mills did not even have the power to make their own products, but to replace them with raw- materials and other commodities is the manufacture of goods.

This exchange then expanded and now in addition to the exchange of goods, currency and money have also been included as exchanges although most of the features of this strange modern system are harmful and regrettable, but also the innumerable benefits of this system.

If it were not for this system, then the whole store of wealth which includes not only the money of a few rich people but also all the products of civilization that the present world provides for all sections of the nation and everyone benefit. The benefits that come from exchanging for are exactly the same as the benefits that come from the distribution of labor, but in this vast system there are many producers who do not seem to receive any reward at birth, that is they simply move things from one to another. They are called intermediaries and sometimes not considered worthy of compensation, but it is important to point out that this kind of difference is unfounded by anyone who is really needed in the exchange process including the person who created it. The user searches for items that legitimately deserve to participate in the production. The middle man when he needs it is like a farmer but the middle man is useless. He is just as useless as the farmers who plow the sown land again and put, another crop on the soon land. Try to grow a middle man who somehow comes between the creator and the sustainer and does not do any necessary work in creating a connection between them it is absolutely

useless and there is no word in it. It is true that in some countries and in some professions such persons are found in abundance, but instead of being counted in principle they are probably counted in the duplicates.¹

Legitimacy of Brokerage

Brokerage in trade has been prescribed among Muslims since day one. This profession of brokerage has been prevalent and continued in this time of Prophet Hood and the time of Sahaba.

Narrated from HAZRAT QIS BIN GHARZA (may ALLAH be pleased with him)?

”كنا في عهد رسول الله صلى الله عليه وسلم نسعي السماسرة، فمر بنا رسول الله فسمانا باسم هو احسن منه فقال، يا معشر التجار، ان البيع يحضره اللغو والحلف فشوبوه بالصدقة”²

We used to call brokers during the time of the “Messenger of ALLAH” (May ALLAH bless him and grant him peace) so the “Messenger of ALLAH” (May ALLAH bless him and grant him peace) passed by us, and he called us by a name that was better than it, and he said “O people of merchants, the sale is attended by swearing and idle talk, so do it with alms/charity.

Imam al-Bukhari (may ALLAH have mercy on him) has written a chapter on the wages of brokerage. In it, Ibn Abbasؓ (may ALLAH be pleased with him) has narrated the relics of other followers in connection with the justification of Brokerage. Ibn Abbas R.A. said:

لا بأس ان يقول بع هذا الثوب، فما زاد على كذا وكذا فهو لك.³

There is no harm in saying “sell this cloth and whatever is in excess of it will be yours”.

Ibn Sirin said:

إذا قال بعه بكذا، فما كان من ربح فلك او بيني وبينك فلا بأس.⁴

If he says “sell it for this price then there is excess amount for you, or between you and me, then there is nothing wrong with it”.

In this way, the justification of brokerage and its practice has been going on since them.

Form of Brokerage

Is brokerage absolutely permissible? Is the process of brokerage bound by time or connected with the completion of the process? If brokerage is connected with process, then it is connected with short process or multi process. There are two forms of brokerage: -

- 1) In a brokerage that is limited by time, the period is known, for example, it is of month. At the end of the period, the brokerage ends, whether the result is achieved or not.

- 2) This means that the brokerage process ends with the completion of the work. For Example, if a person hires a broker to sell a house, then the broker work will end as soon as the sale is completed.

There are three views in this regard.

1. Brokerage is absolutely permissible, whether it is limited with time or with action, whether it is more or less.

This statement is narrated from Ibn Abbas said,

(انه كان لا يرى بأسا ان يعطى الرجل الرجل الثوب فيقول بعه بكذا وكذا، فما ازددت فهو لك)⁵

He did not see anything wrong with a man giving the man the dress and saying, "Sell it for such and such, and whatever you add, it is yours."

Ibn Sirin view also like that he was also said about the brokerage wages is no problem to take it, and also Ataa said

قوم من الاعراب يقدمون علينا فنشتري لهم؟ قال، لا بأس⁶

A people of the Arabs come to us, so we buy them? He said, it's okay.

In this regard the Hanafis and Malikis. This is the apparent view of the Shawafa's and the religion of the Hanbalies.

2. Brokerage is absolutely illegitimate.

"لا تلقوا الركبان، ولا يبيع حاضر لباد" قال: فقلت لا بن عباس: ما قوله لا يبيع حاضر لباد؟

قال: لا يكون له سمسار⁷

It is narrated on the authority of Ibn Abbas that the "Messenger of ALLAH" (May ALLAH blesses him and grants him peace) said: "Do not go ahead of the caravan and meet them. And what does it mean for an urban villager not to sell, he said not to brokerage.

In it, the citizen is prevented from brokering for the villager. However, it is correct for the citizen to broker for the citizen⁸, which is also supported by the meaning of Ibn Hajar concept in which he justified the practice of brokering for the sake of the citizen.

3. Brokerage is disgust, which some tabiyeen have adopted.⁹

Those who call the act of brokerage makrooh are its specific forms. The narration of the author Ibn-shybah from this tribe in from Hazrat HAMMAD¹⁰

"انه كان يكره اجر السمسار الا باجل معلوم"¹⁰

In which he considered the act of brokerage as makrooh except for the known period. It is not permissible to say that is duration is not known, or it is narrated from Hazrat Sufyan al-Tharvi (May

ALLAH have mercy on him) that

"انه كان يكره السمسرة"¹¹

It is abhorrent because it contains linguistics, oaths etc. Allama Ibn Hajar (May ALLAH have mercy on him) says under the same title of Imam Bukhari's chapter (باب اجر السمسار) that the author wants to refute those who believe in his abomination through this chapter.

If brokerage is declared illegal along with the process, then the process of brokerage and commission will be banned and since not everyone can do his own work, either because he himself does not know the work well. Either he does not have the power to do it or his other engagements don't allow him to do it.

Many scholars have believed that necessities have been ignored in this regard ignorance and deceptions have been taken away from them.

In this regard, there is a text which Allama Ibn- Shami has written on the justification of brokerage with the practice of Hanafis.

"وفي الحاوي: سئل محمد بن سلمة عن أجرة السمسار فقال: ارجو انه لا بأس به، وان كان في الأصل فاسداً، لكثرة التعامل وكثير من هذا غير جائز، فجوزوه لحاجة الناس إليه"¹²

In the book, Mohammed Ibn Maslama was asked about the wages of the broker. He said, I hope there is nothing wrong with that. Although this process is actually bad, due to the overuse of people, many things are illegal which have been justified due to necessity.

It has become important because the practice of brokerage has become popular among the people and the brokers have adopted this profession and their expertise in this profession and their hard work and time spend on it. Since the act of brokerage is from the tribe of affairs and these is real justification in the matter, there is no argument of prohibition and there is no argument of invalidity.

The requirement of speculation is that the act of brokerage is permissible, because in contracts and transactions in which brokerage is practiced, such as buying and selling and tenancy, it is permissible to make someone the deputy of the original owner by paying wages and without wages. Just as brokerage should be permissible, just as a job is permissible with a limited amount of time, so too should brokerage be permissible.

If the brokerage is limited with time, then there is no difference of opinion among the scholars as to whether the practice of limited brokerage with time is from the tribe of lease, or he is a common employer, so the jurists have considered limited brokerage as a lease over time. This is the views of the Hanfis, Shawafay's, Malikis and Hanbalis.

Therefore, Allama Sarkhsi says under the chapter on brokerage

"وان استأجره- أي السمسار- يوما إلى الليل بأجر معلوم ليبيع له أو يشتري له فهذا جائز"¹³

It is permissible for a broker to sell or buy a broker for a fixed wage for one day and night.

Justification of Brokerage or Middle Man Wages

In the present era, commission is a word that has different meanings depending on its nature sometimes the commission is applied on brokerage, lease of for grey and sometimes on the beginning of extortion or benevolence and sometimes on blatant bribery therefore, it is not correct to say that everyone's commission is permissible, nor is it correct to apply impropriety to any kind of commission, but the shariah ruling will be determined keeping in view the real facts.

In case where the commissions fall within the scope of brokerage or for grey, the following conditions will be required to be valid.

- 1) The commission should not be a substitute for any obligation, that is, it should not be a substitute for work that is already obligatory on the agent.
- 2) The commission should be in exchange for a permissible process.
- 3) The entire process of the commission should be free from fraud and coercion and the number of wages should not be hidden from the parties.
- 4) The appointment and transaction of the commission should be done by mutual consent and these should be no coercion.
- 5) The commission should be fixed in such a way that it does not cause disputes between the parties later, whether it is a fixed amount or a percentage.

Some Scholars have said that it is not permissible to fix the wage with such a percentage as it is the wage of the process and the action of the commission agent is neither less nor more than the increase or decrease of the price. It is not permissible according to some scholars to fix the percentage as a wage in relation to the amount of money, but the fatwa in it is that it is permissible to do so¹⁴ ALLAMA SHAMI has quoted from the late Hanafiyya that the reason for this is that the wages are always according to the quantity. Wages vary not only in terms of value but also in terms of the value of the action and the status of the action. The example given by ALLAMI SHAMI is that there is not much difference between a person who makes a hole in pearl, but the value of the process of drilling a pearl is higher, so the wages are takes higher. Similarly, if the profit of the company is higher due to the efforts of the commission agent, then the value of the agent's process is higher, So it can be fixed as a percentage of wages and this is appropriate, For Example, A person on commission vehicles buying and selling does not make much difference

in the cost of selling or getting both expensive and cheap vehicles, but in the process the owner of the expensive car has benefited more, So the value of the process is higher, So he can change more than that.¹⁵ This case contains the meaning of QAFIZ TAHAN, which is not permissible among the Hanafis, but the later ones have validated due to the abundance of people in the process.¹⁶

Suggestions of Al-Mubahith al-Faqih Regarding Commission Agent

The following are the suggestions regarding the commission and its current from at the 11th meeting of the Jamiat Ulama – e – Hind.

- A. In the present age commission is a word which according to its nature applies to different meanings. It is correct to say that the commission is legitimate and it is not correct to apply non-legitimacy to any kind of commission.
- B. It is permissible to take the usual commission from both the parties in the sale and purchase of land, provided that the commission taker takes commission for settling matters between the two parties and for preparing papers etc. as is customary and if he acts as an advocate for either party only then will be entitled to take wages from him and the whole matter should be free from lies and deception.
- C. Carpenters, Plumbers, etc., if they are contracted to do the work including the goods and buy the goods from the shopkeeper themselves, then the contractor can afford to take the commission because they are buying for themselves and the work they are no advocates for the perpetrator and if the carpenter etc. only contracts the work and the goods are not his responsibility and the owner buys the goods himself, then it is not permissible for the worker to take commission from the shopkeeper because no work has been found in it.
- D. If any effort has been made to get admission in the school, such as paper work, etc. then it is possible to get a fair wage, but if a person, without any action, pays for admission to the school only on the basis of his own personality then it would be illegal because it is Bribery.
- E. It is generally observed that educational institution demand to buy their prescribed curriculum or does etc. from a special shop and if they take commission from the shop this commission is not valid for them.
- F. AJIR-E-KHAS i.e., managers etc. are trust worthy lawyers of the company so if any goods are purchased for this company, then the commission received from the shopkeeper is not the right of Ajir-

- e-Khas but belongs to the company. It is not permissible to use it without the permission of the owner. Manipulating of bills for this purpose is a total deception which is haram.
- G. It is not permissible for an employee of a firm to charge a commission on what is called passing an order to verify the required quality of goods as it is called bribery.
 - H. Taking commission from the concerned officers for approval of government tender is of course bribe and it is not permissible for the tenderer to give it normal circumstances. However, if there is no work without this bribe, then there is scope for the tenderer but provided that the equipment, etc. be installed in accordance with the terms of the tender.
 - I. The sale of various items and the commission paid by the companies to their respective persons on the basis of its image its legitimate.
 - J. Pharmaceutical companies offer unsolicited rewards to doctors for promoting their medicines and if doctors prescribe this medicine as it is considered useful then there is scope for it but it is not right to ask for a doctor. Similarly, there is nothing wrong with companies offering rewards to medical stores for selling certain quantities of drugs, as there are either discounted or rewarded.
 - K. Nowadays due to the practice of talking commissions from doctors under various pretexts, treatment is becoming more and more expensive which is causing great distress to the people while prescribing more useful medicine for the patient. It is the responsibility of the physician to do this, so it is not permissible to take commission from his hospital, medical store, and the physician to whom he has been referred.
 - L. If someone has opened an ultrasound or lab shop and in the current market situation it is difficult for him to run his center on shop without paying commission to the doctors, then he will be compelled to pay the prescribed commission to the doctors. But it is not permissible for a doctor to take it.
 - M. The commissions taken from hoteliers for taking passenger to specific hotels with auto taxis and cars will be valid by entering the reward provided it does not contain lies and deception.¹⁷

Responsibilities of Broker or Commission Agent

The status of a broker and a commission agent is similar to that of a lawyer and a witness in a sale and purchase case because on the one hand he is performing the duties of a lawyer, For Example marketing a company product. Is a lawyer on behalf of and similarly sometimes he is looking for a client for an individual's property, in which case he is

performing the duties of a lawyer?

As when the companions of the care made one of them a lawyer, which is mentioned in the Quran as follows.

فَابْعَثُوا أَحَدَكُمْ بِوَرِقِكُمْ هَذِهِ إِلَى الْمَدِينَةِ فَلْيَنْظُرْ أَيُّهَا أَزْكَى طَعَامًا فَلْيَأْتِكُمْ بِرِزْقٍ مِنْهُ
وَلْيَتَلَطَّفْ وَلَا يُشْعِرَنَّ بِكُمْ أَحَدًا¹⁸

So, send one of you with this silver (coin) of yours to the city and let him look around which of the eatables are the purest and let him bring you some food from there. And he must act in polite manner, and must not let anyone know about you.¹⁹

Now here the companion of the care had made one of them a lawyer and instructed him in which the benefit was common to all but appointed one for implementation and instructed him for three things.

1. HALAL Pakiza food finding and bringing.
2. Working gently.
3. Working carefully last you become an informant.

In this way the concept of the company sending its representative as a lawyer for product marketing and in which the company also informs its representative about the strengths and weakness of its products. Thus, the representative who is working as a lawyer has a dual responsibility. First of all, since he is representative and lawyer of the company, he also knows the secrets of the company it is important for them to hide them and protect them carefully so that the other person is not aware of it, as when a representative is working in a company, he becomes familiar with the formulations of the product. So now he should try to make sure that this formula is not known to anyone else as well as this agent is also a trustee, so whenever he leaves the company and goes to another company, he should not inform anyone about it because then he will be considered as a traitor and secondly, it is important to provide the customer's information in a completely accurate manner so that the company can properly examine it in the light of this and so that it does not become a source of loss later on as in the case of insurance company agents work. They market their company insurance policy. In a sense, they are advocating for the company. As such, they need to disclose all the details of the company's product. Apparently, commission agent hides then company information. The customer runs the risk that the customer will not take insurance policy from them if they have completed the explanation don't do it in a way that sometimes cause the company structure to Detroit. Similarly, brokers who advocate for the sale of one's house or flat, sometimes do not provide accurate information and do not

properly point out the weakness of the flat. In the same way commission agents, brokers and middleman do not show any defect in the crop so as not to spoil the deal. Should advocate honestly and not make any kind of misrepresentation.

Similarly, on the other hand, commission agents, brokers and middle men have the status of witnesses on behalf of the client, so in such a case they have to perform the duty of witnessing about it and in such cases the command to testify in the Quran:

"وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ"²⁰

There is an instruction from ALLAH Almighty that you people should buy and sell matters, then make a witness at that time and usually there is negligence in fulfilling this duty as well. In light of this, they can make a policy for this member, but it seems that some commission agents in their commission cycle, the information of the member about which he knows that the company will not give the policy or its benefits, in that case the agent hides the information which is not permissible because his status is that of a witness here and the command to hide the testimony is clear in the Quran:

"وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ"²¹

Do not conceal the testimony, whoever conceals the testimony has a sinful heart, and ALLAH is aware of what you do.²²

It should be noted that just as Islam requires the broker, commission agent and the middle men to conduct their affairs in a proper and correct manner, so also those for whom he is dealing should be taught Islam. Let's you try to settle your affairs with the agent in the best possible way.

Therefore, the guidance is from the Almighty ALLAH

"وَالَّذِينَ عَقَدْتَ أَيْمَانُكُمْ فَأَوْفُوا بِنُصُبِهِمْ"²³

And as for those with whom you have made a covenant, give them their share.

Some unlawful practices of brokerage: -

1. Hit the Top:

The situation is that, for example, the owner is told that his house is selling for one crore, while the buyer is told that this house is worth one crore and five lakhs, so if he makes it 5 lakhs and the commission is also charged separately, then it is not correct to do in Shariah.

2. Selling a thing without owning it:

It is not permissible to sell something that is not owned as the owner, but it is permissible to sell it after the completion of the deal on the property and after paying the leverage, because it is permissible to sell it

before taking possession of the land. It is not valid to sell onward without ownership or possession in other goods.

3. Salesman taking a brokerage:

If the employee of the company who has the status of sales lawyer is getting salary for his work, then it is not permissible for him to take the brokerage of his work from another.

Apart from there few cases, other defects are increasing in this profession such as lying, breaking the contract for the sake of more profit, jealousy that other brokers do not profit, non-transparency and greed factor in the affairs.

These are the defects due to which people are now losing confidence in this profession it is necessary to hold awareness and correction meeting for those people in which they are given correct information about the work.

The rights of commission agent and broker:

The commission or brokerage fixed by the company or individual must be paid and not delayed after the work is done this is usually seen in the sale and purchase of property and other items where two different when the party, the giver and the taker, is joined by a broker, then the seller and the buyer keep on trying to get him out of the middle and the prefer to deal with each other even though this method is not correct and Islam does not allow it. Just as Islam draws attention to the fact that brokers, combining sellers and buyers, should take special care to present the issue of both very clearly, so Islam also protects these brokers, commission agents and reserves their rights therefore, the guidance is from the Almighty ALLAH

"وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ فَسُوقٌ بِكُمْ وَأَتَقُوا اللَّهَ وَيَعْلَمُ اللَّهُ
وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ"²⁴

Let not the scribe be harmed, nor the witness. And if you do, it will be disobedience on your part. And keep the fear of ALLAH in your heart. ALLAH teaches you and ALLAH knows all things.

From this it is clear that it is haram to harm the scribe or the witness. That is why the jurists say that if the scribe (Broker) in the light of the aforesaid concept, asks for the wages of his writing or the witness asks for his transportation or expenses, then it is his right yes not paying it is also harmful and unlawful.²⁵

Because it involves day and night labor on the basis of which the seller finds the buyer and the buyer the seller available and is such a case it is

utterly cruel and illegitimate to deprive him of his right and this this also one of the many reasons which Allama ibn-Khaldun has written in view of similar issues which cause the market to become unbalanced and then the brokers are forced to do wrong things. As Ibn Khaldun narrated:

“اعلم ان العدوان على الناس في اموالهم ذاهب بآمالهم في تحصيلها واكتسابها لما يروونه حينئذ من ان غايتها ومصيرها انتهاها من ايديهم واذا ذهبت امالهم في اكتسابها وتحصيلها انقضت ايديهم عن السعي في ذلك وعلى قدر الاعتداء ونسبته يكون انقباض الرعايا عن السعي في الاكتساب”²⁶

“Know that oppressing people in the matter of their wealth deprives them of the hope of gaining wealth and less because they are seeing that the end and the end of their earnings is to be taken away from their hands and when their desire to acquire and earn wealth disappears, their hands are stretched out by hard work and effort for it, and their interest in earning and earning is lost in terms of abuse as much as oppression and abuse.”

Conclusion

Brokers work hard to find a seller for a buyer and to find a buyer for a seller, then when they have completed their work, then usually people are reluctant to accept their share. The word disobedience is used in the Quran for those who fulfil it, which is interpreted as disobedience, as if it disobeyed the creator and master, which is a great injustice and a promise has been made against it. In the verse ALLAH the lord of glory, says “**واتقوا الله**” Be pious, that is fear ALLAH in all matters. This is a phrase by which ALLAH Almighty has actually asked the people to adopt this attribute which is useful for them in every matter and is also the best in terms of end because sometimes man finds ways in the laws of nature on the basis of which he can satisfy himself. If he temporarily postpones or forbids this matter, he will do it on his own after keeping this thing in his heart. Because the right of the broker would have been possible only if the matter had been done at that time or if it had been completed by selling a time or by making a promise. But if these three cases are not found and there is no case which shows that the matter is moving forward, then the right of the brokerage is lost because it is formed in case of completion of the case but since these are external circumstance but if one of the sellers and the buyer has in his heart the idea that he will complete it later if given the chance so that the brokerage survives, then this is because it is related to his inner state whose knowledge is none other than ALLAH, and in the Shariah too, matters are dealt with by looking at the outward appearance, so now there is only one means left, on the basis of which man should keep his affairs straight, and that is the fear of ALLAH. Because the essence of ALLAH is the one who as knowledge of everything whether it

is external or internal, therefore whoever deals with his caste in front of him, then surely his case will be completed both outwardly and inwardly, and that is what is required.

REFERENCES AND NOTES

1. John A. Tod, "*Mubadalaat*", Translator: Maulvi Rashid Ahmed, Dar ul-Taba, Jamia Usmania, Hyderabad Deccan, India, 1353 A.M. p.2
2. Abu Dawood Suleiman bin Ashas, "*Sunan Abu Dawood*", Kitab ul buyoo, Bab Fi Al-Tijara Yukhalituha Alhif and Allagv, Darussalam nashr wa touzee, Riyadh 1420 A.M. Hadith No. 3324, 17/1
3. Ibn-Hajar Asqalani, Hafiz. "*Fath ul-Bari Sharah Sahih Bukhari*", Kitab ul-Ijara, Dar-ul-Kutub ilmiya, Bayrut, Lebanon, n.d. 568/14.
4. Same as above.
5. Ibn Abi Shaybah, Abu Bakr Abdullah-Ibn-Muhammad, "*Musannaf Ibn Abi Shaybah*", Kitab-ul-Buyoo wa Aqziah, Al majlis-ul-ilmi, Johannesburg, South Africa, n.d. Hadith No: 20770, 46/10
6. Ibn Abi Shaybah, "*Al-Musannaf*", Hadith No: 21298, 110/11
7. Bukhari, Muhammed Bin Ismail, "*Sahih Al-Bukhari*", Kitab-ul-Ijarah, Bab ajr-ul-samsarah, Maktaba-e-Rahmaniya, Lahore, Hadith no 2274
8. Ibn-Hajar Asqalani, "*Fath ul-Bari*", 570/14.
9. Ibn Abi Shaybah, "*Al-Musannaf*", Hadith No: 20775, 46/10
10. *ibid*, Hadith No: 22498, 265/11.
11. *ibid*, Hadith No: 22502, 265/11.
12. Ibn Abidin, Muhammad Amin, "*Hashiya Rad ul-Mukhtar*", Mustafa al-Bani al-Halbi, Egypt, 1386 A.M. 63/2
13. Sarakhsi, Shams-ud-Din, "*Al-Mabsoot*", Dar ul-Ma'rifa, Beirut, 1406 A.M., 115/15
14. Abu-Bakr Jasmi, Mufti. and Rafi ud-Din, Mufti, "*Real Estate kay Ahkam o Masail*", Dar-ul-Dawa wa Irshad, Hyderabad, India, 1441 A.M. p.429
15. Taqi Usmani, Mufti, "*Islam or Jadeed Ma'ashi Masail*", Idara Islamiyat, Lahore, n.d. 200-201/2
16. Zaid Ahmed Abaadi, Mufti, "*Ijara or is ki jadeed sorton k Ahkam*", Jamiat Uloom-ul-Quran, Jambusar, Gujrat, India, n.d. p.102
17. *Ibid*, p.105, 106
18. Surah Al Kahf: 18/19
19. Taqi Usmani, Mufti, "*Asaan Tarjama Quran*", Quranic Studies Publishers, Karachi, 1430 A.M. p.898/2
20. Surah Baqarah: 2/282
21. Surah Baqarah: 2/283
22. Taqi Usmani, Asaan Tarjuma Quran, 175/1.
23. Surah Al-Nisa:4/33
24. Surah Baqarah: 2/282
25. Muhammad Shafi, Mufti, "*Maaraf-ul-Quran*", Idarat-ul-Maarif, Karachi, 1428 A.M, 687/1
26. Ibn Khaldoon, Abdul-Rehman Muhammad ibn Muhammad, "*Tareekh Ibn Khaldoon*", Dar-ul-Fikr, Beirut, 1408 A.M, 43/1