

IMPLICATION OF THE DETERMINATION FOR THE GOLD RIBAWI 'ILLAH (CAUSE) TOWARDS FIAT MONEY IN ISLAM

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ABSTRACT

The objective of this study is to explain the determination and implications of the gold ribawi 'illat for the use of fiat money according to Islamic views. This determination implies the practice of Muslims including the methods of transactions using currency, zakat and mudarabah capital. This study is qualitatively descriptive by reviewing the views of scholars' in their respective works. The data is analyzed descriptively and comparative to get the most appropriate view. The findings show that there are two views, the views that consider the 'illat ribawi emas include fiat money and the opposite view. As a result, this study chooses the first view that fiat money containing the gold ribawi 'illat. Thus, fiat money transaction law is the same as the law of gold transactions. This study is useful for Muslims in terms of transactions using fiat money in payment of zakat, capital provision and currency exchange.

Keywords: illat, fiat money, gold ribawi, zakat

Introduction

Gold is one of the six ribawi items besides silver, wheat, barley, dates and salt as mentioned in the hadith of 'Ubadah bin al-Samit RA that the Prophet Muhammad said: “(Converted) gold for gold, silver for silver, wheat for wheat, barley for barley, dates by dates, and salt by salt, same (amount) for the same, equal (quantity) for equal, hand (delivered) for hand. If these kinds differ, sell as you want and do not delay the delivery” (Muslim, 2010). The meaning of ribawi is that transactions involving the six items contain the element of usury which is prohibited in Islam, whether riba al-duyun or riba al-buyu'. Riba al-duyun occurs by increasing the payment of debts or due to postponement of payments. Riba al-buyu' occurs through the increase of the merchandise transactions that have the same 'illah or the prolonged exchange (al-Misri, 2001; al-Zuhayli, 2005).

Therefore, transaction with the six items is different from other items. Scholars agree that the six items that involve the legal prohibition of usury when the transaction occurs (al-Kasani, 1986; Ibn al-Qudamah, 1968; Ibn Hazm, t.t). The prohibition is based on the 'illah or reason for the item which also implies the same legal implications for the other items of the same 'illah, including fiat money (paper) and jewelery.

Existence of 'Illah (Cause) for Ribawi Items

Muslim scholars such as al-Kamali (2002) and Saddam (2006) find that the majority of scholars believe that the six items mentioned in hadith have different 'illah. The difference of this 'illah is described in the long hadith stated by Abu Sa'id al-Khudri RA, “Is the dates exchanged with the dates more entitled to be charged as riba or silver which is exchanged with silver?”. These words show that there are different 'illah in silver and dates transactions (al-Kamali, 2002; al-Zuhayli, 2005; Lajnah al-Da'imah, t.t).

However, the minority of the scholars including al-Zahiri states that the usury item has no reason for its ban and they only accept written arguments without qiyas. This opinion means that banned transactions are limited to the six ribawi items and do not include other items. Similarly, they did not classify the items to certain categories according to 'illah. This is different to the majority of scholars

of al-Hanafi sect (al-Kasani, 1986), al-Maliki (Ibn Rusyd, 1988), al-Shafi'i (al-Syarbini, 1994) and al-Hanbali (Ibn al -Qudamah, 1968) which states that six ribawi items have special 'illah.

The majority of the scholars have different opinions when setting the 'illah for ribawi items. Some scholars have set the same 'illah for the six items. Al-Kamali (2002) stated that this opinion was held by Ibn Sirin, Sa'id bin Jubayr and Abu Bakr bin al-'Asam al-Mu'tazili as all the items have the same benefits. However, some scholars have divided these six items into two categories of 'illah, namely gold and silver having one 'illah, while four remaining items have one other 'illah. Al-Zuhayli (1989) and supported by Saddam (2006) has outlined four opinions in this regard as follows:

(a) First Opinion: 'Illah for gold and silver is in the form of scales, while the 'illah of four other items is the type of measure. This opinion is derived from the al-Hanafi sect (al-Kasani, 1986) and the famous opinion in the Hanbali sect through one of the narrations from Imam Ahmad (Ibn al-Qayyim, 1991) and explained by Ibn al-Rusyd (1988). This opinion makes the scales as 'illah to ban the usury for gold. Therefore, all goods are gold, silver, iron, wheat, cloth, cotton, oil, food, non-food and all weighing or measuring items are exposed to usury (al-Zuhayli, 1989). For example, gold exchange with gold, iron with iron or cotton with cotton should be the same type and in the same contract ceremony. Otherwise, usury will apply in the transaction. Therefore, the transaction of goods made of this scale or measure of the same type should be equally heavy (tamathul) and there is a handover (taqabud) in a contract ceremony. Similarly, transactions of non-identical items such as gold and silver sales must be handed over (taqabud), but does not require the same weight (tamathul) (al-Kamali, 2002; Lajnah al-Da'imah, t.t).

(b) Second Opinion: 'Illah for gold and silver is a measuring tool, while 'illah for others is a nutritious meal that can be stored for a long time. This is famous among the al-Maliki sect (al-Kamali, 2002). This opinion makes gold and silver as a measure of the value of an item as 'illah to ban the usury for gold. Therefore, other items except gold and silver which are not used as a measure of value such as iron are not exposed to usury.

(c) Third Opinion: 'Illah for gold and silver is jawhariyyah thamaniyyah ghalibah (the major currency standard), namely the gold and silver become the main price-setter, while the 'illah for the other is the type of food. This is the opinion of the al-Syafi'i sect (al-Syarbini, 1994) which only restricts gold and silver as the price standard rather than other metals. Al-Syarbini said: 'Illah of usury in gold and silver is a kind of habitual price as confirmed in al-Majmu' (al-Nawawi), and is also said to be the common price standard.' (al-Syarbini, 1994).

Therefore, gold and silver are the standard or currency prices that serve as a fixed price for all goods such as land, food, clothing and so on. Therefore, only gold and silver are applied to usury, not on goods or other metals such as iron, copper or tin. Food types include three things, namely staple food, fruit, or health food (al-Zuhayli, 1989).

(d) Fourth Opinion: 'Illah for gold and silver is thamaniyyah (as price), its position as a price measure, while 'illah for the other is the type of food. This opinion is one of the narrations from Imam Ahmad and chosen by Ibn Taymiyyah (1417H) and Ibn al-Qayyim (1991). 'Illah for the ban on usury in gold in this opinion is that gold has a property that can be used as a price or valuation tool for all goods. This is because the price must be fixed and unchanged to make the business interrupted. This property is found in gold and silver which can be the price of the goods. Therefore, another item used as a measure of whether the banknote or other is associated with the law of usury when a transaction is made (Ibn Taymiyyah, 1417H).

Examining all of these opinions, researchers tend to incline towards the fourth view that 'illah for the ban of usury for gold is its nature as thamaniyyah as described by Ibn Taymiyyah (1995) and Ibn al-Qayyim (1991). Ibn Taymiyyah said: "Discussion on 'illah for the ban on gold dinar and silver dirham: and the most accurate opinion in this regard is thamaniyyah (as price) as stated by the majority of scholars, rather than scales. Therefore, it is not unlawful for al-tafadul (excess gold) in all scales like (with) lead, iron, silk, cotton and linen." (Ibn Taymiyyah, 1995).

Ibn al-Qayyim stated: "Regarding silver dirhams and gold dinars, some scholars believe that the 'illah of both are scales. This is the sect of Ahmad in one of his histories and the sect of Abu Hanifah. Some scholars have argued that 'illah in both is its position as a price. This is the opinion of al-Shafi'i, Malik and Ahmad in another narration. This is the authentic and accurate opinion." (Ibn al-Qayyim, 1991).

Nevertheless, the fourth opinion is almost the same as the second and third opinion. The difference in viewpoints described with al-Maliki and al-Shafi'i's opinion are only related to 'illah for the ban on usury which is limited to gold and silver. The al-Shafi'i sect placed gold and silver into the main currency standard as 'illah of the usury. This means that the 'illah is limited to gold and silver only and does not cover other items such as iron, copper, cotton and so on. Similarly, the al-Maliki sect holds that 'illah for the usury is making gold and silver as a measure of value for an item (Ibn al-Rusyd, 1988).

Therefore, it is also limited to gold and silver, not other items. This is in contrast to the fourth opinion stating that 'the 'illah of gold and silver usury is the position of both as a price (thamaniyyah). This means that 'illah for the ban on gold and silver is expanded to all types of merchandise. For example, usury can occur in money or fiat money used in modern times as it is the currency used in the exchange of goods (al-Zuhayli, 1989). Therefore, any transaction involving the currency must qualify as gold. Ringgit notes, for example, should meet the requirements of tamathul and taqabud if exchanged for ringgit. Similarly, when the ringgit is converted into other currencies such as dollars, it is required to taqabud and do not need tamathul.

Extending 'Illah Ribawi' to Other Goods

Saddam (2006) has outlined the clerical dispute in determining whether other items are also usury or devoted to six items in the hadith alone. The minority of salaf scholars such as Tawus, Masruq, al-Sya'bi, Qatadah, 'Uthman al-Bati (Ibn al-Qudamah, 1968) and the al-Dahiri sect (Ibn Hazm, t.t) assumed that usury is limited to the six items only. This view argued with the general utterance of the Qur'anic verses to trade and business as the word of Allah SWT (al-Baqarah, 2: 275; al-Nisa', 4: 29).

They also argued that the syarak did not mention any other items besides the six items that happened to usury. They hold on to the text only and do not accept qiyas. According to Ibn Hazm (t.t), the hadith of Rasulullah SAW has explained what is said as usury which is prohibited by Allah SWT in the above verse. Items that are not declared illegal are, of course, necessary for dealing and not involving the law of riba. This is because the origin of something is a must and halal as the word of Allah SWT (Ibn Hazm, t.t).

The majority of the scholars believe that the law of usury is extended to other items which have the same 'illah according to the qiyas accepted as one of the sources of Islamic law (al-Ghazali, t.t). Therefore, the qiyas law needs to be used to produce other items that have the same 'illah as in the hadith (Ibn al-Qudamah, 1968). The item of usury item has specifically outlined the Qur'anic verses on the general sale necessity. The majority of scholars also argue that expanding items to other items based on hadith indicating usury can also occur in all items weighed. Among them is the word of the Prophet to Bilal bin Rabah RA who changed the good and bad dates with different scales: "Do not do that (because it is riba al-fadl), should sell it first (our dress) and get the money, then with (the dirham) money, buy the dates of Janib." (Narrated by al-Bukhari dan Muslim).

This hadith generally proved that every item weighed is a usury item. According to the majority of scholars, usury is not limited to only six items, but includes other items that have the same 'illah with the six items. The researcher chose and voted for it because the first opinion was rather weak because it was based on the hadith text. It does not coincide with the growing Islamic fiqh of modern times and should look to the 'illah of the law as well as maqasid al-shari'ah. The opinion of the majority of scholars is also more appropriate because of using authentic qiyas arguments by expanding the usury item to other items that have the same 'illah. For example, the fiat money used in the present time is also an usury item for having the same 'illah of gold, namely the price (currency). Therefore, gold is forbidden to be sold by currency in installments, tough or debt.

Implication of 'Illah Ribawi on the Fiat Money

'Illah ribawi for gold is al-thamaniyyah (price) according to the majority of scholars (al-Syarbini, 1994; Ibn al-Rusyd, 1988; Ibn Taymiyyah, 1417H). Transactions among goods that have the same 'illah (cause) should be done without debt as discussed above. However, modern reality shows gold buying is done using fiat money. This has led to a dispute over the contemporary Islamic view of the currency law whether it works like gold or not. The study by Saddam (2006), summarizes the dispute in two views, fiat money has 'illah like gold and the opposite view.

(i) Fiat money is not a real currency and there is no 'illah like gold.

According to 'Abd al-Qadir ibn Ahmad ibn Badran, fiat money is merely a paper that is a treasury reserve of a country in exchange for the value of gold and silver. This view is also shared by Ahmad al-Husayni, al-Amin al-Syanqiti, Salam bin Abd Allah bin Samir and Abd Allah bin Samit (Badran, 1992). They say that fiat money is not a real currency, but is a medium for transactions and as evidence of gold and silver deposits by someone in the country.

This view is also supported by some scholars such as Muhammad 'Alysh, Muhammad Habib Allah al-Syanqiti and 'Abd al-Rahman al-Sa'adi in their fatwa that fiat money is a commercially available trading property. It has value like other business items, but has no intrinsic value like gold and silver. According to 'Abd al-Rahman al-Sa'adi, Muhammad Salamat Jabr, Yahya Aman and 'Abd Allah al-Basam, the fiat money is attributed to money or as a copper which is used as currency. Money was originally a merchandise, but was rated for facilitating transactions (Badran, 1992).

Thus, fiat money does not have 'illah thamaniyyah like gold or silver which is the real currency. This view also implies that the fiat currency is not a lump-sum of money that needs to be done in cash and is not obliged to pay zakat on it. The National Sharia Council (DSN) Fatwa Council (MUI) also believes that gold is not al-thaman (currency / currency), but is a commodity that can be purchased by installments. Nevertheless, DSN-MUI still considers fiat money as a valid currency obliged to be charged zakat, may occur in usury and must be used in the sale and purchase of the regal and be used as investment capital or company (DSN-MUI, 2010).

(ii) The fiat money is its own currency and the 'illah is the same as gold.

The majority of contemporary scholars such as al-Qaradawi (2010), al-Zuhayli (2005) and Khalaf (1375H) argue that fiat money is a real currency like gold and silver because it has the same 'illah. This view has also been selected by Majma 'Fiqh and Saudi Arabian scholars in their respective resolutions. Resolution of Majma 'Fiqh at the sixth convention in Mecca stated: "That paper currency is a stand-alone currency, for him to take the law of gold and silver." (Majma' al-Fiqh, 1986). The 10th resolution of the Great Ulama of Saudi Arabia at the third conference stated: "That a banknote is recognized as a stand-alone currency such as the nature of the currency on gold, silver, and so forth from the valuable currency." (al-Saudiyyah, 1992).

Nazri (2011) concludes two opinions of Muslim scholars on the extension of the gold and silver laws to other currencies, namely (i) the opinion that specializes in the currency of gold and silver held by Abu Hanifah, Ibn Nafi 'al-Maliki, al-Nawawi, Taqi al-Din al-Nabhani, Hasan Ayyub and so forth; and (ii) the opinion that it extends to other commodities including fiat money held by al-Syaybani al-Hanafi, Ibn Taymiyyah, Ibn Qayyim, al-Qaradawi, Taqi Usmani and so on. This difference results from different views on fiat money whether it is an usury item or not. The majority of the scholars, al-Maliki, al-Shafi'i and Ibn Taymiyyah, argue that fiat money is a riba item. This opinion argued fiat money was a currency of the same function with gold and silver although not made of the two metals. This argument is attributed to the same 'illah between the fiat money and gold, which has the value of thamaniyyah or currency.

Therefore, all goods made into the currency whether in the form of goods such as leather or banknotes such as ringgit or dollars are the same usury items of gold or silver. In fact, 'Umar al-Khattab himself during his reign once said: "I intend to make a dirham made from camel, then told it (camel), cannot be borrowed then I cancel." (al-Baladhuri, 1988).

According to al-Misri (2001), 'Umar's wishes indicate that usury is contained in all currencies although it is not gold and silver. This means that 'Umar did not continue to intend to make camels as currency because of fear of a camel lender that could fall into the usury. Imam Malik (m.179H) also mentions the skin of animals that are made into the currency included in the law involving usury. Therefore, the transaction shall be handed over without delay. This opinion shows that the skin currency is a usury item where the law is the same as gold and silver. Thus, the fiat currency is also included in this category. It is also supported by contemporary shariah bodies such as Majma 'al-Fiqh al-Islami through Resolution No: 21 (9/3) at the third conference in Amman, Jordan on fiat money law and currency exchange rates as follows: "Related to the law of banknotes: that it is the currency that is classified as a perfect thamaniyyah (value of price), and it takes the Islamic law set forth for gold and silver in terms of usury law, zakat, sales in salam and all law for the two -the two items." (Majma' al-Fiqh, 1986).

Al-Kamali (2002) stated that previous Muslim scholars did not talk about fiat money issues because they did not exist in their day, but they were discussed by contemporary scholars. Thus, the paper currency or fiat of this era took over the gold and silver dinar laws in the opinion of the majority

of scholars. This view has been explained by other researchers such as Nazri (2011) and al-Kamali (2002) in their study. The researcher also explains the view, that fiat money is a stand-alone currency and has a value of thamaniyyah like gold and silver based on the strength of the argument summarized as follows:

- (i) Qiyas to the gold dinar and silver dirham currency used as the major currency and exchange tool in the transaction process.
- (ii) 'Uruf in general has recognized the fiat money as a medium of intermediation around the world which has the same functions as gold and silver.
- (iii) Maslahah to all people who need fiat money when they interact with each other while gold and silver are illegitimate and not treated as currency.
- (iv) The sadd al-zara'i method, which is the first step in preventing the harm of many laws such as the existence of riba, the mudarabah capital validity, the initial payment of the bay 'al-salam or the obligation of zakat will be canceled if the fiat money is not considered a currency with 'illah thamaniyyah.
- (v) There is no proof of the qat'i (fixed) mentioning of gold and silver as currency because both metals have been used as currency before the Islamic era and the advent of the Prophet (peace and blessings of Allaah be upon him) only acknowledges the continuity of its use.

Fiat money is a currency that has features such as gold dinar and silver dirham that are used in Islamic history. Thus, transaction law using fiat money can be deduced to the gold dinar and silver dirham because it has the same 'illah, ie thamaniyyah (price). Hence, the practice of sharia in the use of gold, including the obligation of gold zakat also includes obligations of zakat on fiat money including ringgit Malaysia.

Conclusions

The present study addressed three questions concerning effectiveness of the Explicit Ruled-Based Approach in improving reading comprehension of LD students. Findings of this study that all students performed better during the intervention phases with explicit and systematic instruction. This finding was similar to the previous research [20-21]. However students' achievement was distinctive for each test. Students showed a significant progress in one test and performed less well in another. There were instances where students' achievement was more significant during the baseline phases. Student did show a substantial improvement during the maintenance phase meaning to manifest the effects of the approach was apparent. However students' achievement was contradicting to this fact on other tests.

Students' achievements were comparable for each phase and each test. Nevertheless there was no particular trend of achievement to prove which student's overall achievement is most proficient. Effects of the Explicit Ruled-Based approach may be significant in improving the mean scores of the students. However, it is a fact that the approach's effect in maintaining and improving the consistency of scores was not significant. There are certain factors that contribute to the effects of the findings.

Generally, the researcher was unable to control behavioral changes of the students throughout the research. Negative and positive behaviors influenced students' engagement to be on-task and in-seat. Students may take much or less time to read according to their pace and mood. Therefore, scoring of correct words per minute escalated at the certain phase. The mean number of words in the text was notified. However the actual number of words in each text was notified. Students may commit less or more error while reading. Likewise certain text may be short or long. The percentage of accuracy relies on the ration of the correct words to read to the overall number of words in the text. Therefore it is another factor that could not be controlled, by which has influenced the students' achievement.

Students showed an erratic achievement in their comprehension and retelling test scores. Observational report showed that regardless of the phases, interest in fables stimulated students ability to identify character motives efficiently. Students' ability to recall and apply the strategies of skills taught was inconsistent. Students seemed to apply the skills while learning during the baseline phases and not during the intervention. Therefore, students' In conclusion, currency law includes fiat money is like the gold and silver laws. Therefore, zakat must be paid on the currency of the deposited or traded currency after nisab and haul have been sufficient. Similarly, fiat currency transactions contain usury in the event of a delayed transaction and must use conditions such as gold and silver in the sale of al-salam or as capital in business and equity.

Researchers conclude this issue by submitting al-Qaradawi's statement: "Banknote has become a widely used trading tool around the world. So, how do we want to cancel the law of riba (on it) whereas all people use banknotes in transactions and no longer deal with gold or silver? Anyone who owns a banknote is considered to be rich in human sight, so rich people are obliged to pay zakat. On

the other hand, zakat on property should not be imposed on a person who is considered to be a poor man who has no gold and silver. Someone who says this is certainly hostile or crazy. A man pays for a dowry with a bill as it is a treasure that permits sex. A man pays the price of a merchant that permits the purchase. A man pays rent of tenant goods to legalize the benefits of rented goods. A man pays diyat when killing accidentally in lieu of murder blood. Thus, every transaction uses a banknote, then it is already (functioning) completely in the position of gold and silver which is not doubted by anyone.”(al-Qaradawi, 2010).

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