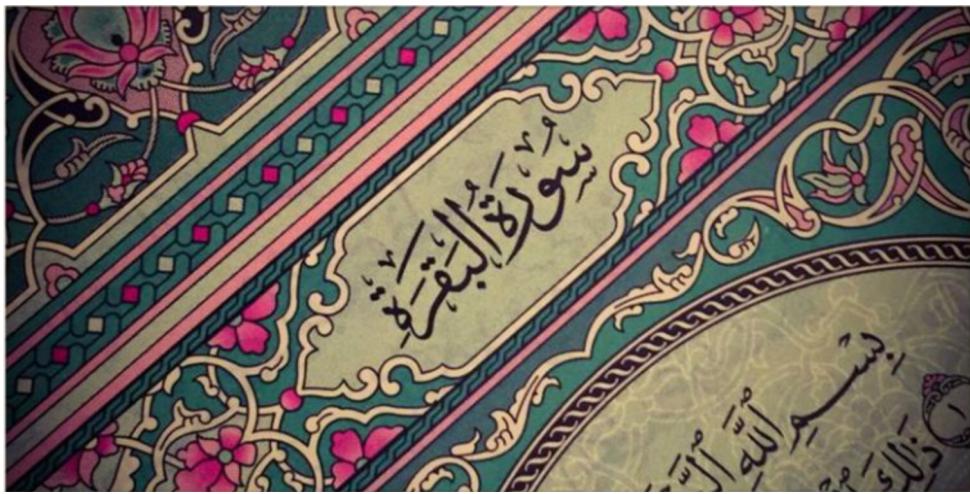


Surah Al-Baqarah

28 ربيع الأول 1441
26.11.19



Everything is calculated and thought out in the ayah, nothing is left out regarding this topic. This longest ayah of the Qura'an is sufficient.

وَلَا يَبْخَسْ مِنْهُ شَيْئًا

Dont be unjust, don't decrease in the amount, don't put your own estimation. This is for 'B'. He must not follow his desires. 'A' gave 'B' 1000 dirhams, and that is what he should get back. 'B' should not make the amount less even in his intention. He must account himself and take responsibility. It is up to 'A' whether he wants to pardon the debt of 'B' or take it back. But 'B' must strive to repay it. It is around his neck.

Sometimes a contract is from both sides, a payment for services rendered, in which case, both parties are equal.

فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا

Allah mentions another case which may occur. 'B' may be having some issues or problems. He may be foolish, unable to handle his money, so that he squanders it.

You can recognize an intelligent person and a foolish one. The foolish one will make random actions, acting unthinkingly.

Allah calls those who questioned the changing of the direction of the qiblah foolish سَيَقُولُ الْسُّفَهَاءُ مِنَ النَّاسِ مَا وَلَامُوا عَنْ قِبْلَتِهِمْ التَّيْ كَانُوا عَلَيْهَا The foolish among the people will say : What has turned them away from their qiblah, which they used to face? (2:142).

The one who comments on the decrees and the legislations is foolish.

وَإِذَا قِيلَ لَهُمْ أَمْنَى كَمَا آمَنَ النَّاسُ قَالُوا أَنْؤُمُنْ كَمَا آمَنَ النَّاسُ إِلَّا إِنَّهُمْ هُمُ السُّفَهَاءُ وَلَكِنْ لَا يَنْلَمُونَ And when it is said to them, "Believe as the people have believed," they say, "Should we believe as the foolish have believed?" Unquestionably, it is they who are the foolish, but they know [it] not (2:13).

The intelligent person weighs each word and action. He is cautious and obedient.

A young person can also be foolish, because he is not wise and has no experience in handling money. He may need money and borrow it, but he may not repay it.

أَوْ ضَعِيفًا

'B' may also be weak or handicapped in some way. He may lack understanding, or may be unable to separate clearly.

أَوْ لَا يَسْتَطِعُ أَنْ يُمْلَّ هُوَ

'B' may also be unable to dictate the conditions for some reason.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَابَّنْتُمْ بِدِيْنِ
الِّي أَجَلَ مَسَمِّي فَأَكْتُبُوهُ وَلَيَكْتُبَ
بَنِّكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْبَ كَاتِبٌ أَنْ
يَكْتُبَ كَمَا عَلِمَهُ اللَّهُ فَلِيَكْتُبْ وَلَيَمْلِلَ
الَّذِي عَلَيْهِ الْحَقُّ وَلَيُبَقِّي اللَّهُ رَبِّهِ وَلَا
بِخُسْ مِنْهُ شَيْئًا فَإِنْ كَانَ الَّذِي عَلَيْهِ
الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِعُ
أَنْ يُمْلَلُ هُوَ فَلِيَمْلِلَ وَلَيَهُ بِالْعَدْلِ
وَاسْتَشِهِدُوا شَهِيدَيْنَ مِنْ رَجُلَيْكُمْ فَإِنْ
لَمْ يَكُونَا رَجُلَيْنَ فَرَجُلٌ وَامْرَأَتَانِ مِنْ
تَرْضُونَ مِنَ الشَّهَادَاءِ أَنْ تَخْلُصَ احْدَاهُمَا
فَتُذَكِّرَ احْدَاهُمَا الْأَخْرَى وَلَا يَأْبَ
الشَّهَادَاءِ إِذَا مَا دُعُوا وَلَا تَسْأَمُوا أَنْ
تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَى أَحْلَهُ
ذَلِكَ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ
وَأَدَنَى لَا تَرْبَأُوا إِلَّا أَنْ تَكُونَ تِحَارَةً
حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ
جُنَاحٌ لَا تَكْتُبُوهَا وَاسْتَهِدُوا إِذَا
تَبَاعِنْتُمْ وَلَا يَضَارُ كَاتِبٌ وَلَا شَهِيدٌ
وَإِنْ تَفْعَلُوا فَإِنَّهُ فُسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ
وَيَعْلَمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلَيْمٌ

O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah , his Lord, and not leave anything out of it. But if the one who has the obligation is of limited understanding or weak or unable to dictate himself, then let his guardian dictate in justice. And bring to witness two witnesses from among your men.

And if there are not two men

[available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her. And let not the witnesses refuse when they are called upon. And do not be [too] weary to write it, whether it is small or large, for its [specified] term. That is more just in the sight of Allah and stronger as evidence and more likely to prevent doubt between you, except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it. And take

witnesses when you conclude a contract. Let no scribe be harmed or any witness. For if you do so, indeed, it is [grave] disobedience in you. And fear Allah . And Allah teaches you. And Allah is Knowing of all things

فَلَيُمْلِلْ وَلِيُهُ بِالْعَدْلِ

If 'B' is unable, for any of the above reasons, then Allah gives an option, without which there can be dhulm. If you see someone who is weak and cannot dictate, you would, out of mercy, tell him it's alright to leave the writing. This is unfair.

An example of this is wudoo. If there is no water, you still can't leave it, you must do tayammum. If you can't pray while standing, sit and pray, you can't leave the prayer. Here the case is of a debt, this is the haq of 'A', so all the steps must be followed.

In this case, the guardian of 'B' must take charge. This is the fourth person in the equation, in addition to 'A', 'B', and the writer. Allah gives so much detail, He likes to put everything in its place. Allah takes care of the rights of the people. If these rules didn't exist, there would be dhulm. 'A' may end up with his rights not fulfilled, and 'B' may be cheated. This option is protection for all three categories. The wali has the authority, so he must also have taqwa.

وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رَّجَالِكُمْ

Now more people enter the equation. There must be two witnesses to the writing. Everything must be documented and witnessed. The two witnesses must sign the contract document as proof of their witness. This is an added protection for the haq.