

١- أَنْ يَكُونَ مُضْطَرِعًا بِالضَّعْفِ . وَ٢- أَنْ يَكُونَ جَنَسًا لَمْ يَخْلُطْ بِهِ غَيْرُهُ . وَ٣- لَمْ تَدْخُلْهُ الْآثَارُ لِإِحْاطِيهِ . وَ٤- أَنْ لَا يَكُونَ مُتَعَيَّنًا . وَ٥- لَا مِنْ مُعَيَّنٍ .
فَإِذَا لَمْ يَكُنْ مُتَعَيَّنًا فِيهِ فَمَالِيَّةٌ مُضْطَرِعَةٌ وَغَيْرُهَا :
١- أَنْ يَصِفَهُ بِعَدَدٍ وَفَرٍ جَنَسِيٍّ وَتَوْضِيحٍ بِالضَّرْفَاتِ الَّتِي يَخْلُطُ بِهَا الْكُتْرُ . وَ٢- أَنْ يَذْكُرَ قَدْرَهُ بِمَا يَنْفِي الْجِهَالَةَ عَنْهُ . وَ٣- أَنْ يَكَانَ مُؤَجَّلًا . فَكَفَرَتْ وَفَتَ حُجْلُهُ . وَ٤- أَنْ يَكُونَ مُؤْجَدًا عِنْدَ الْإِسْتِخْفَاقِ فِي الْقَالِبِ . وَ٥- أَنْ يَذْكُرَ مَوْضِعَ قَبْضِهِ . وَ٦- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا . وَ٧- أَنْ يَتَقَالَصَا قَبْلَ الْقَوْفِ . وَ٨- أَنْ يَكُونَ عَقْدُ الْكَلَامِ نَاجِزًا لَا يَدْخُلُهُ خِيَارُ الشَّرْطِ .

Soma /i: Curaar/d

فَضْلٌ : (فِي الْوُضْعِ) :

وَكُلُّ مَا جَازَ بَيْعُهُ . . . جَازَ رَهْنُهُ^(١) فِي الْإِثْنَيْنِ إِذَا اسْتَقَرَّ قَبْضُهُمَا فِي الدَّقَّةِ . وَالْإِثْنَانِ الْوُضُوعُ فِيهِمَا لَمْ يَفْضَحْهُ . وَلَا يَكُونُ مَقْلُومًا .
١- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٢- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٣- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٤- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٥- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٦- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٧- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٨- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
٩- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .
١٠- أَنْ يَكُونَ الشَّيْءُ مَقْلُومًا .

= Guarantor = Something that guarantees that you pay back your debt
you pay back debt : you get back your thing

- What is allowed to be RAHN?
anything you allowed to sell — you can't sell debt

- Once the Murtafin grabs/takes the Rahn:
Person giving out the loan

the Raahin can't go back on the Rahn item
Person taking the loan
= the person taking the debt says
I don't wanna give Rahn
& the one giving out the loan
can cancel his debt

you aren't allowed to
take back your RAHN
until you pay back your debt
in full

فَضْلٌ : (فِي الْخِيَارِ) :
وَالْخِيَارُ^(١) عَلَى بَيْعٍ :
١- الْخِيَارُ . وَ٢- الْمَجْلُودُ . وَ٣- الْخِيَارُ الْمُنْقَرِ
لِمَا^(٢) . وَ٤- الْخِيَارُ الَّذِي أَرْتَكِبُهُ الْكُتْرُ^(٣) .
وَهُوَ الْخِيَارُ فِيمَا رَأَى عَلَى الْكُلِّ . وَ٥- الْخِيَارُ الَّذِي لَمْ
يُؤَدَّ لَهُ فِي الْخِيَارَةِ .
وَتَضَرُّفُ الشَّيْءِ وَالْمَجْلُودِ وَالْخِيَارِ^(٤) خَيْرٌ صَحِيحٌ .
وَتَضَرُّفُ الشَّيْءِ يَصِيحُ فِي ذَوْنِ أَهْلِيَانِ مَالِي .
وَتَضَرُّفُ الْخِيَارِ فِيمَا رَأَى عَلَى الْكُلِّ مُؤَقَّتٌ عَلَى

- The Murtafin don't have to pay back
the marhun item if it breaks unless

by
negligence - you did something you weren't allowed to
- تقصير - you didn't look after it properly

that he neglected it & didn't look after it

= mean : An item was placed as guarantor
for a debt i loaned someone
if i neglect that item & it breaks
= i have to pay back

But if i took care of it : and still broke = i don't pay back

ex: someone give you a CAR as Rahn
says : don't drive it
then : you drive & crash : = you have to pay back
you don't drive, looked after it & someone crashed into it = you don't pay
you parked in middle of street & someone crash into it = you pay back

Types of possessions : Different types of ownership

- بَدَالَةُ الْأَمَانَةِ = You pay back only if it was your fault
- بَدَالَةُ الْقَضْبِ = Possession you have to pay in All situations if breaks
- بَدَالَةُ الْمَلِكِ = Ownership = No damaan : don't have to pay back
- بَدَالَةُ الْقَضْبِ = took it oppressively : has it's own rulling

check details : baab Al-gasb

RAHN comes
under this possession

possessions

Different types of
ownership

Faaidah

Different types of contract

can't go back on it - لا يَرِمَّة ex: buying & selling

Anyone can go back on it anytime ex: القَوَائِمَةُ = you tell someone to look after your money
then: he comes after time & say I don't wanna look after it anymore

you tell someone : marry my daughter of on my behalf
Before the Nikah: you take it back or he don't wanna

one side allowed to cancel
the other can't cancel

man allowed to cancel
woman not allowed

unless she goes through
some procedures

?