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OPPOSING TRAJECTORIES IN GOLD INSTALLMENT FATWAS: A COMPARATIVE STUDY OF THE EGYPTIAN AND JORDANIAN DAR AL-IFTA

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ABSTRACT

The practice of purchasing gold through installment scheme has emerged as one of the most debated issues in contemporary Islamic financial law, directly linked to the *hadith* on riba in gold transactions. Two leading fatwa authorities—Egypt's Dar al-Ifta' and Jordan's Dar al-Ifta'—have adopted strikingly opposite trajectories: Egypt shifted from prohibition to permissibility, while Jordan moved from permissibility to prohibition. This article maps these contrasting directions and explains them through the framework of *usul al-fiqh*, particularly the principle of *dawārān al-'illah ma'a al-hukm*, alongside semantic analysis, *qiyas*, *'urf*, theory of legal change, and *maslahah*. The study is a normative legal study based on the official fatwas issued by both institutions between 1978 and 2024. Using a method of close reading and comparative analysis, it identifies the patterns of usul-based reasoning employed and presents them in descriptive-analytical form. The findings reveal that Egypt's Dar al-Ifta' shift was driven by the judgment that the *illah* of *thamaniyyah* (currency-value) in gold has diminished in processed forms of gold, thereby weakening the application of riba. In contrast, Jordan's Dar al-Ifta' continued to uphold *thamaniyyah* as an inherent and enduring attribute of all types of gold, and consequently reaffirmed the prohibition of gold installment sales.

Keywords : *Fatwa; Gold Installments; Riba Nasi'ah; Egypt's Dar al-Ifta; Jordan's Dar al-Ifta*

ABSTRAK

Jual beli emas dengan cicilan merupakan isu sentral fikih muamalah kontemporer yang beririsan langsung dengan hadis-hadis riba pada emas. Dua lembaga rujukan, Darul Ifta Mesir dan Darul Ifta Yordania, menampilkan dinamika fatwa yang saling berlawanan: Mesir bergeser dari larangan ke pembolehan, sedangkan Yordania dari pembolehan ke pelarangan. Artikel ini memetakan arah perubahan tersebut serta menjelaskannya melalui lensa ushul fikih, khususnya melalui konsep *dawaran al-'illah ma'a al-hukm*, semantik, *qiyas*, *urf*, teori perubahan hukum dan maslahat. Penelitian ini adalah penelitian hukum normatif terhadap fatwa resmi kedua lembaga (1978–2024), analisis dilakukan dengan metode close reading terhadap teks fatwa kemudian dianalisis secara komparatif untuk mengidentifikasi pola argumentasi ushul fikih yang digunakan, kemudian disajikan dalam bentuk deskriptif analitik. Dari penelitian ini ditemukan bahwa perubahan arah fatwa Darul Ifta Mesir didorong oleh penilaian bahwa illat *tsamaniyyah* emas telah hilang pada emas olahan sehingga larangan riba tidak lagi melekat penuh, sedangkan Darul Ifta Yordania tetap mempertahankan illat *tsamaniyyah* sebagai sifat yang tetap pada semua bentuk emas sehingga larangan cicilan tetap berlaku.

Kata Kunci: *Fatwa; Cicil Emas; Riba Nasi'ah, Darul Ifta Mesir; Darul Ifta Yordania*

INTRODUCTION

The phenomenon of purchasing gold through deferred or installment payments has become a central topic in contemporary Islamic financial law, especially in Muslim-majority societies. Such transactions are increasingly popular, as they allow individuals to acquire gold gradually for purposes ranging from investment and savings to adornment, with banks also introducing gold installment products that have gained significant traction in recent years (Putri, 2025; Rifqi et al., 2021; Yuwono, 2025). Yet, beneath this growth lies a complex academic debate that has stirred considerable controversy.

From the perspective of the sharia, a number of *hadith* explicitly set that gold transactions must be conducted on a spot basis, whether exchanged with gold itself or with silver. One report from Umar bin Khattab cites the Prophet Muhammad as declaring that the exchange of gold for gold or silver constitutes riba unless carried out immediately; the riba in question is *riba al-nasi'ah*, arising from deferred settlement (Al-Naisaburi, 1998). On the basis of such traditions, the classical jurists prohibited non-spot transactions involving gold and silver, with authorities such as al-Nawawi (n.d.) and Ibn Rushd (1994) even asserting *ijma'* on this case

Most scholars, apart from the Zahiris, agreed that the prohibition of riba in gold rests upon a specific '*illah*, though they differed on its precise nature. Many identified the '*illah* as gold's role as a medium of exchange or *thaman*, which made it subject to the rules of *riba* (Dewan Syariah Nasional - Majelis Ulama Indonesia, 2010). On this basis, the principle of *qiyas* allows *riba* to be extended to any commodity that shares the same '*illah*. In modern times, this has led to fiat money being deemed subject to the same prohibition, despite its lack of intrinsic value, because it functions as money by virtue of public trust and state authority (Dar al-Ifta al-Urduniyyah, 2018). By this reasoning, exchanging gold for fiat money constitutes an exchange between two *ribawi* commodities of different kinds, which the *hadith* requires to be conducted on a spot basis.

The central academic debate revolves around whether the '*illah* of *riba* in gold still applies once gold ceases to function as money. Contemporary scholars are divided: some argue that the '*illah* has disappeared along with gold's monetary function, thus permitting its sale against fiat money on an installment basis; others maintain that the '*illah* remains intact and that the Prophetic prohibitions continue to apply, thereby prohibiting gold installment sales (Olorogun & Aziz, 2021; Sapsuha et al., 2024).

The Egypt's Dar al-Ifta and the Jordan's Dar al-Ifta share the same point of departure: both accept that the *'illah* of ribā applicable to gold is *thamaniyyah*, namely, its function as a medium of exchange. From this identical starting point, however, the two institutions proceeded in opposite directions. The Egypt's Dar al-Ifta initially prohibited installment-based gold transactions, but since 2003 has reversed its position and permitted them on the grounds that the *'illah* of *thamaniyyah* no longer applies to processed gold. The Jordan's Dar al-Ifta, by contrast, followed the opposite trajectory: after permitting installment-based gold transactions during 2004–2006, it prohibited such transactions from 2007 onward on the grounds that the *'illah* of *thamaniyyah* remains inherent in gold regardless of its form.

This shared point of departure but divergent outcome cannot be characterized merely as an ordinary disagreement in *fiqh*. If two institutions accept an identical *uṣūlī* premise, they should, if they simply followed the textual logic of that premise, arrive at substantially similar conclusions. Since their conclusions in fact differ, the point of divergence must lie at another stage of the legal determination process, rather than in the text or in the *'illah* itself. That stage is *tahqiq al-manat*, namely, the verification of whether an *'illah* that has been established in general terms is actually realized in the concrete case under consideration. Egypt and Jordan undertook this verification with respect to the same factual circumstances—processed gold, fiat money, and the loss of gold's monetary function following 1971—yet arrived at opposing assessments as to whether the *'illah* continued to be realized or had ceased to exist. This divergence raises critical questions: How do these institutions conceptualize the '*illah* of riba in gold? What explains their reversal of positions? And what are the implications of these changes within the methodology of *usul al-fiqh*?

A considerable number of studies have examined the issue of gold installment sales, yet only a few have specifically applied the analytical framework of *usul al-fiqh*. Among those are the works of M. Dzul Fadli et al. (2021) and Ginan Wibawa et al. (2023), who analyzed and critiqued DSN-MUI Fatwa No. 77/2010 from an *usul al-fiqh* perspective. Similarly, Fithri Nurfauziyyah et al. (2020) questioned the claim that the *ribawi* '*illah* of gold had disappeared, as reflected in the DSN-MUI fatwa on gold *murabahah*. Other contributions include the studies of Fath Udin (2022) and Dewi Nurdiana (2019), who examined the views of Erwandi Tarmidzi in critiquing the DSN-MUI fatwa on gold *murabahah* through the lens of *usul al-fiqh*. In addition, research by Nurul Sri Ramadhani and Rafi'ah (2023) and Isnainiah Lawang et al.

(2020) engaged the perspectives of Taqiyuddin al-Nabhani, who opposed the DSN-MUI's ruling.

Previous studies on installment-based gold transactions, including those that have critically examined the DSN-MUI fatwa from the perspective of *uṣūl al-fiqh*, have generally remained at the level of describing or evaluating the arguments of a single fatwa. To the best of the author's knowledge, no previous study has examined two institutional fatwas that reach opposing conclusions as a basis for developing a model of how divergent rulings may emerge from identical *uṣūlī* premises. This gap is theoretical rather than merely practical. The question is not simply whether any study has addressed the fatwas on installment-based gold transactions issued by the Egyptian and Jordan's Dar al-Ifta, but rather how the mechanism of *tahqiq al-manat* can produce divergent assessments of identical facts. This article addresses this gap by developing a model of fatwa change that explains this pattern in the case of installment-based gold transactions, while also identifying the limits within which the model remains applicable.

This study maps the construction of the ribā-related *'illah* of gold within the Egyptian and Jordan's Dar al-Ifta, compares the trajectories of their respective changes in fatwa, and analyzes their divergence not at the level of the *'illah* itself—since both institutions accept the same *'illah*—but at the level of *tahqiq al-manat*: namely, the manner in which each institution assesses whether the *'illah* continues to be realized in processed gold. Within this framework, the study is expected to offer a model that can be further tested in other cases of *fiqh al-mu'āmalāt* in which the verification of an *'illah* is applied to changing factual circumstances. At the same time, it provides a concrete framework for Islamic financial institutions in interpreting differences in approach among fatwa authorities.

RESEARCH METHOD

This study uses a normative legal research design, adopting a library-based approach to systematically examine official fatwas issued by Egypt's Dar al-Ifta and Jordan's Dar al-Ifta concerning gold installment sales. The primary data consists of fatwas released by the two institutions between 1978 and 2024, specifically those addressing the issues of gold sales on installment, processed versus unprocessed gold, manufacturing fees, and the application of *qabd* in modern transactions. The analysis proceeds through close reading of the fatwa texts, followed by comparative examination to identify recurring patterns of *usul al-fiqh* reasoning. The results are then presented in descriptive-analytical form. Egypt and Jordan were selected purposively as a most-different-outcome pair: both institutions accept the same majority usul al-fiqh premise that gold's ribawi illah is thamaniyyah, yet arrive at opposite rulings on gold installment sale. Because doctrinal starting point, Sunni affiliation, and reliance on classical fiqh are held roughly constant across the two institutions, the divergence in outcome can be more plausibly isolated to a difference in method, specifically in how each institution performs tahqiq al-manath on the same underlying fact. No comparable pair of contemporary fatwa institutions was found to exhibit this fully inverted trajectory on the same issue, which further motivates treating this pairing as a deviant case suited to isolating the mechanism of legal change rather than merely describing it.

FINDINGS AND DISCUSSION

The Concept of 'Illah in Usul al-Fiqh

In *usul al-fiqh*, a legal '*illah* is defined as an attribute that is apparent (*zahir*), appropriate (*munasib*), and measurable (*mundhabit*), and which serves as the effective cause for the establishment of a particular sharia ruling (Al-Syaukani, 2000). Within the function of *qiyas*, the '*illah* is the characteristic in the *asl* (the original case) that warranted the assignment of a legal ruling, and because the same attribute is also found in the *far'* (the new case), the ruling of the *asl* is extended to it (Zaidan, 2011). In simpler terms, the '*illah* is the attribute through which the *ashl* and the *far'* are linked (Hito, 2005).

The study of '*illah* in *usul al-fiqh* is notoriously complex. Not only are there multiple definitions, but theological debates have also been embedded in the discourse. Scholars have long debated the requirements for a valid '*illah* and the legitimate methods of determining it (Al-Sa'di, 2000). Unsurprisingly, jurists frequently disagreed on the identification of a law's effective cause, and such divergences inevitably led to differences in legal rulings.

The Ribawi 'Illah of Gold

In the case of gold, jurists disagreed on what constitutes its *ribawi* '*illah*. The Hanafis argued that weight was the determinant, such that any commodity measured by weight would be considered *ribawi* (Al-Sarakhsi, 1989). The Hanbalis and some of Malikis, however, held that the '*illah* was *thamaniyyah*—its function as a medium of exchange and measure of value. On this basis, they extended *ribawi* status to anything used as currency, such as bronze coins (Al-'Adawi, 1989; Al-Buhuti, n.d.; Al-Maqdisi, 1988). The Shafi'is took a different approach, locating the '*illah* in the intrinsic value of gold itself, as a natural element endowed with qualities that made it a standard of value (*jins al-athman ghaliban*). Consequently, they excluded commodities like bronze coins, even if they functioned as currency, from *ribawi* classification (Al-Nawawi, n.d.).

In the modern era, discussions over gold's *ribawi* '*illah* have continued. Most contemporary fatwa institution have followed the Maliki and Hanbali line, maintaining that gold's prohibition is rooted in its role as currency (*thamaniyah*). This position has been affirmed by Egypt's Dar al-Ifta (2017b; 2021), Jordan's Dar al-Ifta (2018), National Sharia Board-Indonesian Council of Ulama (DSN-MUI) (2010), Saudi Arabia's Lajnah Da'imah (1999), and Malaysia's Federal Mufti Office (2023). On this basis, fiat money is deemed *ribawi* through *qiyas*, since it functions as a medium of exchange in a manner analogous to gold.

The Principle of Dawaran al-'Illah and Legal Change

Following the collapse of the gold standard in 1971, when gold ceased to serve as the backbone of global monetary systems, a central question arose: does the *ribawi* '*illah* of gold continue to apply? In *usul al-fiqh*, two essential conditions for a valid '*illah* are *al-ittirad* and *al-in'ikās*. *Al-ittirad* requires that the presence of the '*illah* necessarily entails the presence of the ruling, while *al-in'ikās* requires that the absence of the '*illah* necessarily entails the absence of the ruling (Al-Sa'di, 2000). Together, these conditions establish the principle that the ruling must always follow its '*illah*. This principle is summarized in the maxim*: al-hukm yadūru ma'a 'illatihi wujūdan wa 'adaman*—a ruling exists or ceases to exist depending on the presence or absence of its '*illah* (Al-Mughiri & Al-Zanki, 2022).

Applied to the case of gold, since its ribawi '*illah* has been identified as its function as currency, and that function has effectively disappeared in the modern context, some fatwa authorities have argued that gold should no longer be treated as *ribawi*, and therefore its sale through installment contracts is permissible. This represents one of the interpretive approaches taken by both Egypt's Dar al-Ifta and Jordan's Dar al-Ifta, which will be examined in detail in the following section.

The Dynamics of Fatwas on Gold Installments at Egypt's Dar al-Ifta

Discussions on gold transactions with fiat currency on a non-cash basis appear in at least eight fatwas issued by five successive muftis at Egypt's Dar al-Ifta: Shaykh Jād al-Haqq (1978–1982), Shaykh Aḥmad al-Tayyib (2002–2003), Shaykh ʿAlī Jumʿah (2003–2013), Shaykh Shawqī ʿAllām (2013–2024), and Shaykh Nazir Muhammad Iyad (2024–present).

Analysis of these fatwas reveals a significant shift in Egypt's Dar al-Ifta's position regarding gold installment sales. Initially, the institution's fatwas tended toward prohibition, on the grounds that gold retained its *ribawi* nature as a medium of exchange (*thaman*), thereby requiring that all transactions be conducted both immediately and equivalently. Over time, however—especially from 2003 onwards—fatwas increasingly moved toward permissibility, with the central argument being that gold's *ribawi* '*illah* had disappeared due to its transformation in modern society and its processing into jewelry.

This development can be divided into two phases. The first phase (1978–2002) was represented by the fatwas of Mufti Shaykh Jad al-Haqq (1978–1982) and Shaykh Aḥmad al-Ṭayyib (2002–2003). Shaykh Jad al-Haqq's fatwa in 1979 emphasized that gold's ribawi '*illah* lay in its role as a measure of value (*thaman*), thus requiring equivalence and immediacy in gold-silver exchanges, citing the Prophet's hadith: "Gold for gold... must be equal and immediate." This fatwa prohibited disparity in weight in loan contracts (*qard*) and underscored the consensus among the juristic schools that gold is *ribawi* regardless of its form (Al-Haqq, 2021). Similarly, Shaykh Aḥmad al-Ṭayyib's fatwa in 2002 explicitly prohibited non-cash gold transactions, arguing that gold and silver are the origin of money (*asl al-naqd*), and therefore non-cash gold transactions fall under *riba nasīʾah*. In his fatwa, al-Tayyib made no distinction between processed and unprocessed gold, thereby extending the prohibition to all forms of gold. He cited the hadith of ʿUbādah b. al-Ṣāmit, in which the phrase *yadan bi-yad* ("hand to hand") is used to stress the requirement of immediacy in gold transactions (Thayyib, 2021a, 2021b).

The second phase (2003–present) reflects the shift toward permissibility, beginning with the fatwas of Mufti Shaykh ʿAlī Jumʿah (2003–2013). He issued two fatwas on gold installments, one in 2003 (summarized in *al-Kalim al-Tayyib*) and another in 2006, both of which permitted the installment purchase of processed gold. His reasoning was that gold had lost its *thamaniyyah* function since it was no longer used as currency in the modern era, thus rendering it a commodity like any other. Jumʿah applied the *usul al-fiqh* principle of *dawārān al-'illah maʿa al-hukm*—the attachment of a ruling to its '*illah*. Since the '*illah* of *ribawi* status in gold (its role as currency) no longer existed, the prohibition ceased as well. He further cited Ibn Qayyim al-Jawziyyah, who argued that once gold is processed it loses its *ribawi* '*illah*, and thus becomes akin to clothing, which is not ribawi. Ibn Qayyim stressed that the hadith prohibiting riba in gold was context-specific, applying only when gold functioned as money (Jum'ah, 2006a, 2021).

This permissive trend continued under Mufti Shaykh Shawqī ʿAllām (2013–2024), who issued three fatwas (two in 2017 and one in 2020) allowing gold installments, including online transactions. ʿAllām reinforced the argument of lost *thamaniyyah* in processed gold by citing classical authorities such as Ibn Taymiyyah, Ibn Rushd, Ibn Rajab al-Hanbalī, and Mālik b. Anas, who also supported the view that processing removes gold's *ribawi* ʻ*illah*. He distinguished between lawful and unlawful processing: the lawful being gold made into women's jewelry, and the unlawful being gold made into utensils or men's adornments. For him, only lawful processing eliminated the *ribawi* ʻ*illah*. He used this distinction to reconcile his position with the hadith of ʿUbādah b. al-samit, which mentioned riba in gold vessels (Al-Naisaburi, 1998). According to ʿAllām, ribawi status remained in vessels not because they were currency, but because their processing was impermissible (ʻAllam, 2017a). He further likened this case to the exemption of women's jewelry from zakat obligations.

The latest fatwa from Egypt's Dar al-Ifta, issued by Mufti Shaykh Nazir Muhammad Iyad (2024), allowed price differentials in processed gold as legitimate production costs, citing Ibn Taymiyyah and Ibn Rajab, with the central argument that processed gold no longer functions as *thaman* (Iyadh, 2024).

These shifts demonstrate how Egypt's Dar al-Ifta adapted its rulings to modern socio-economic contexts, in which gold functions more as a commodity than as currency. This adaptation was grounded in *usul al-fiqh* principles and supported by references to classical scholarship. Here is the conclusion of the eight fatwas:

Table 1: Conclusion of Egypt's Dar al-Ifta fatwas

No.	Mufti	Year	Fatwa Decision	Argument
1	Jad al-Haqq	1979	Establishing the cause of usury in gold and the necessity of transactions according to the rules.	- Gold *thamaniyah* still exist; - The *hadith* of the Prophet regulated the way of transacting gold.
2	Ahmad al-Tayyib	2002	Prohibiting gold installment	- Gold *ribawi ʻillat* is it's function as origin of money (*ashl al-naqd*); - That *ʻillat* is still exist; - The *hadith* of the Prophet prohibited non-cash gold transaction.
3-4	Ali Jumʿah	2003-2006	Allowing installment of processed gold	- Gold *ribawi ʻillat* is it's function as *thaman;* - That *ʻillat* was disappeared because of *dawaran al-hukm ma'a al-'illah* principle;

				- The *hadith* of the Prophet is tied to the *'illah* that caused it to no longer be applicable; - Citing Ibn Qayyim.
5-7	Syauqi Allam	2017-2020	Allowing installment of processed gold	- Gold *ribawi 'illat* is it's function as *tsaman;* - That *'illat* was disappeared because of *dawaran al-hukm ma'a al-'illah* principle; - The *hadith* of the Prophet is tied to the *'illah* that caused it to no longer be applicable; - Citing Ibn Taimiyah, Ibn Rusyd, Malik b. Anas dan Mu'awiyah; dan equating gold jewelry in *riba* with gold jewelry in zakat.
8	Nazir Muhammad Iyad	2024	Allowing differences in processed gold transaction	- Gold *ribawi 'illat* is it's function as *tsaman;* - That *'illat* was disappeared because of *dawaran al-hukm ma'a al-'illah* principle; - The *hadith* of the Prophet is tied to the *'illah* that caused it to no longer be applicable; - Citing Ibn Taimiyah, Ibn Rusyd, and Ibn Rajab al-Hanbali.

Source: Egypt's Dar al-Ifta website

The Dynamics of Fatwas on Gold Installments at Jordan's Dar al-Ifta

Unlike Egypt, Jordan's Dar al-Ifta displayed the opposite trajectory: initially permitting gold installment sales in its 2004–2006 fatwas, before shifting toward strict prohibition from 2010 to 2023. This shift was rooted in the conviction that gold's *ribawi 'illah* as *thaman* remained intact, even when gold was processed into jewelry, thus requiring that all gold transactions be immediate and equivalent to avoid *riba*.

The first phase (2004–2006) is represented by two *Qarārāt Majlis al-Ifta*—fatwa no. 78/2004 and no. 105/2006. The 2004 fatwa permitted installment sales of processed gold, allowing price differentials as production costs, on the argument that processed gold had lost its *thamaniyyah* function and become a commodity like clothing. This implied that gold no longer possessed its *ribawi* ʻ*illah*. The fatwa cited Ibn Taymiyyah, Ibn Qayyim, and early figures such as Muʿāwiyah, and interpreted the hadith on riba as being restricted to gold in its role as currency or to ribawi items unaltered by human effort, once human effort was invested in transforming the item, its ribawi status was removed (Dar al-Ifta al-Urduniyyah, 2004). The 2006 fatwa echoed this reasoning, affirming that jewelry had lost its *ribawi ʻillah* through processing, while stressing the importance of transparency to prevent fraud (Dar al-Ifta al-Urduniyyah, 2006).

The second phase (2007–present) marked a return to prohibition, beginning with Mufti Nūḥ ʿAlī Salmān (2007–2010), who issued fatwa no. 1434 (n.d.) prohibiting gold installments based on Prophetic traditions. Mufti ʿAbd al-Karīm al-Khaṣāwinah (2010) similarly prohibited non-cash gold transactions, arguing that gold and fiat money both function as *thaman*, and thus share the same rulings (Dar al-Ifta al-Urduniyyah, 2010). And from 2013 to 2023, the Jordanian Fatwa Council (*lajnah al-ifta*) consistently prohibited non-cash gold transactions, issuing rulings against gold *murabahah* (2013), against installment and price differentials (2016), and setting strict conditions for gold sales (2017). In 2018, it declared explicitly that fiat money shared the same *ribawi* status as gold by *qiyas*, since people had adopted it as currency through *ʻurf* (Dar al-Ifta al-Urduniyyah, 2018).

The central argument across these fatwas was that gold's *thamaniyyah* remained intact and could not be nullified. Accordingly, the Prophetic hadiths prohibiting non-cash gold transactions continued to apply, regardless of gold's form. The fatwas further appealed to the consensus (*ijmāʻ*) reported by al-Nawawī, and to authorities such as al-Shāfiʿī, al-Subkī, and al-Mardāwī, all of whom prohibited non-cash gold sales (Dar al-Ifta al-Urduniyyah, 2018).

Table 2: Conclusion of Jordan's Dar al-Ifta fatwas

No.	Mufti	Year	Fatwa Decision	Argument
1-2	*Majlis al-Ifta*	2004-2006	Allowing installment of processed gold	- Gold *ribawi ʻillat* is it's function as *thaman* - That *ʻillat* was disappeared because of *dawaran al-hukm ma'a al-'illah* principle; - The *hadith* of the Prophet is tied to the *ʻillah* that caused it to no longer be applicable; - Citing Ibn Taimiyah.

3	Nūḥ ʿAlī Salmān	2007-2010	Prohibiting gold installment	- The *hadith* of the Prophet regulated the way of transacting gold. - Gold *ribawi 'illat* is still exist
4	ʿAbd al-Karīm al-Khaṣāwinah	2010	Prohibiting gold installment	- Fiat Money and gold is sharing the same *ribawi 'illah* (*thaman*); - The *hadith* of the Prophet regulated the way of transacting gold.
5-15	*Lajnah al-Ifta*	2013-2023	Prohibiting gold installment	- The *hadith* of the Prophet regulated the way of transacting gold. - Gold *ribawi 'illat* is still exist - The consensus of scholars (*ijma*) regarding the obligation to transact usury goods in cash as stated by Al-Nawawi; - Citing Al-Syafi'i and Al-Subki.

Source: Jordan's Dar al-Ifta website

Table 3: Analytical Comparison of Usul al-Fiqh Reasoning

Usul al-Fiqh Dimension	**Egypt's Dar al-Ifta**	**Jordan's Dar al-Ifta**
Tahqiq al-manath on thamaniyyah	Verifies thamaniyyah as absent in processed gold; re-tests the 'illah against the concrete case rather than assuming it carries over automatically	Verifies thamaniyyah as still present regardless of processing; treats the attribute as inherent to gold rather than tied to its social function
Takhsis of the hadith's general wording (al-dhahab)	Accepts takhsis on the ground that the 'illah itself may narrow the hadith's scope once the 'illah no longer obtains	Rejects this takhsis, following al-Ghazali's position that an 'illah cannot be used to override the original general wording
Role of 'urf	'Urf functions as a defeater: contemporary social practice can nullify a previously established 'illah	'Urf functions as a confirming analogy: contemporary use of fiat money as thaman is invoked to extend, not weaken, the ribawi ruling
Consistency across personnel change	Permissive reading held across three muftis (Jum'ah, Allam, Iyadh, 2003-2024), indicating a settled institutional method rather than an individual mufti's preference	Restrictive reading held across Salman, al-Khasawneh, and the Fatwa Council (2007-2023), similarly indicating institutional consistency rather than individual preference

Application of the Concept Dawārān al-'Illah Maʿa al-Hukm

As demonstrated above, the dynamics of fatwas on gold installment transactions at the two institutions display opposite trajectories: Egypt's Dar al-Ifta moved from prohibition (pre-2003) to permissibility (post-2003), while Jordan's Dar al-Ifta shifted from permissibility (2004–2006) to prohibition (post-2007). The comparative construction of the *ribawi* '*illah* on gold may be analyzed through the lens of *dawārān al-'illah maʿa al-*hukm, which emphasizes the inseparability of a ruling and its effective cause, whether present or absent. In Egypt, this principle was applied flexibly: the *ribawi 'illah* of gold (*thamaniyyah* or monetary function) was considered to have disappeared due to the transformation of gold's role in modern times, particularly after 1971 when gold ceased to serve as the global monetary standard. This reasoning, supported by citations from scholars such as Ibn Taymiyyah and Ibn Qayyim, allowed the adaptation of *riba* rulings such that they no longer applied to processed gold. Yet this approach carried serious implications, including the practical suspension of Prophetic hadiths on riba in gold.

By contrast, Jordan's Dar al-Ifta maintained that gold's *thamaniyyah* remained intact, relying on a literal interpretation of Prophetic *hadiths* concerning *riba* in gold and invoking claims of *ijmā'*, as reported by al-Nawawī. Thus, the principle of *in'ikās*—that a ruling lapses when its *'illah* lapses—was not applied. This inverse trajectory reflects divergent approaches to the concept of *ittirad*, or the certainty of a ruling when its *'illah* exists: Egypt contextualized the *hadiths* historically, confining them to gold's role as currency, whereas Jordan viewed the '*illah* as inherent and independent of temporal circumstances.

A methodological alternative available within usul al-fiqh is the approach of multiple '*ilal* for gold, as argued by scholars who allow more than one effective *'illah* for a given ruling (Al-Ghazali, 2020; Al-Subki, 2021; Jum'ah, 2006b). In the case of *ribawi* rulings on gold, at least two attributes may serve as '*illah*: the functional aspect as a medium of exchange (*al-thamaniyyah*) and the substantial aspect as the natural essence of value (*jins al-athmān*—as upheld by the Shāfiʿī school). If this dual-'illah reading is accepted, both attributes could in principle serve as independent '*ilal* reinforcing the prohibition. On this basis, even if gold's functional '*illah* as currency has disappeared—as argued by Egypt's Dar al-Ifta—the substantial '*illah* of gold as *jins al-athmān* remains, thereby keeping the Prophetic hadiths on riba in gold in force, and sustaining the prohibition of non-cash gold transactions.

Semantic Analysis

The term *al-dhahab* appearing in the Prophetic *hadiths* on *riba* constitutes a general expression (*lafẓ ʿāmm*), meaning it encompasses all types of gold—raw gold, processed gold, jewelry, and gold coins. Any restriction (*takhsis*) of this general wording requires a valid and recognized *mukhassis*. If no such legitimate qualifier exists, the hadith retains its general applicability.

Egypt's Dar al-Ifta argued, following Ibn Taymiyyah and Ibn Qayyim, that processed and ornamental gold fall outside the scope of the hadiths on riba, on the grounds that their *ribawi* '*illah*—their role as currency—had been eliminated by lawful processing ('Allam, 2017a, 2017b; Iyadh, 2024; Jum'ah, 2021). Yet such *takhsis* warrants critical re-examination, since it is grounded solely in '*illah*. In effect, the '*illah* itself becomes the tool that restricts the *hadith's* scope to gold functioning as currency, while excluding non-monetary gold. This type of *takhsis* is considered invalid, for—as al-Ghazālī stated in *al-Mustasfā*:

أن العلة إذا عكرت على الأصل بالتخصيص فلا تقبل

"If an '*illah* disturbs the original ruling through specification, it cannot be accepted." (Al-Ghazali, 2020)

Accordingly, if this *takhsis* is rejected, the hadiths on *riba* in gold retain their general scope, applying to all forms of gold. This underpins Jordan's Dar al-Ifta's insistence on adhering to the generality of these hadiths, rejecting any restriction based on processing or function.

Analysis of Qiyās

The implications for *qiyās* on fiat money can be examined through the *usul al-fiqh* framework of analogy, where the '*illah* serves as the bridge connecting the ruling of the *asl* (gold) with the *far'* (fiat money). Egypt's position—that gold has lost its *ribawi* '*illah*—creates a structural problem: how can fiat money, whose *ribawi* status is derived by *qiyās* from gold, retain its prohibition if the *asl* itself no longer carries that ruling? Can the *far'* persist if the *asl* is nullified?

Al-Ghazālī, in *al-Mustasfa* (2020), maintained that the ruling of the *asl* cannot be altered by the process of *taʿlīl*. Al-Shīrāzī (1983) likewise stated that the ruling of the *far*ʿ exists only by virtue of its *asl*; if the latter collapses, so must the former. Hence, a fundamental *dabit* of *usul al-fiqh* asserts:

أن لا تعود العلة المستنبطة على أصلها بالإبطال أو التغيير

"An inferred '*illah* cannot return to nullify or alter its own original ruling." (Al-Mughiri & Al-Zanki, 2022)

Since the *ribawi* '*illah* of gold is an inferred one (*mustanbatah*) rather than directly textual, it cannot legitimately abrogate the original ruling. Therefore, the *ribawi* status of gold should not be considered nullified.

Analysis of ʿUrf

The role of ʿurf can be understood through the maxim *al-ʿādah muhakkamah* (custom is authoritative), which explains how social contexts may influence the determination of an *'illah*. Islamic law does not prescribe which commodities must serve as currency; rather, it sets principles for monetary exchange while leaving the choice of currency to societal practice. In this sense, modern society no longer uses gold as money, especially after 1971, even if it continues to acknowledge gold's intrinsic value as *jins al-athmān*.

In Jordan's Dar al-Ifta, however, modern ʿ*urf*—where fiat money fully replaced gold—was invoked to reinforce, not negate, the *ribawi 'illah* of gold. For example, the 2018 fatwa cited Imam Mālik's view on riba in alternative currencies, such as animal skins if used as money (Dar al-Ifta al-Urduniyyah, 2018). This reflects a more conservative approach in which ʿurf determines what functions as money, but does not invalidate explicit textual rulings.

By contrast, Egypt's Dar al-Ifta employed ʿ*urf* as a ground to suspend textual rulings, arguing that since societal practice no longer recognized gold as currency, its *ribawi 'illah* had disappeared. This was reflected in Mufti Nazir Muhammad Iyad's 2024 fatwa permitting price differentials as production costs (Iyadh, 2024). Such an approach, however, risks excessive subjectivity, as it relies heavily on the perceptions of modern urban society—viewing gold primarily as an asset rather than money—at the expense of *hadith* texts. This divergence in the role of ʿ*urf* explains the contrasting trajectories: Egypt leaned toward global economic adaptation, while Jordan emphasized textual fidelity.

Analysis of the Theory of Legal Change

The integration of the theory *taghayyur al-ahkām bi-taghyīr al-azmān* (legal change with the change of times), as articulated by Ibn Qayyim (2002), provides a broader framework for interpreting the dynamics. Egypt's Dar al-Ifta applied this theory positively through dynamic *ijtihād* in its post-2003 fatwas: the demise of the dollar-gold standard (1971) was seen as eliminating gold's *thamaniyyah*, thereby justifying gold installment sales to enhance accessibility for lower-income groups. This reflects a proactive adaptation to modernity, with Sharia law being contextualized without negating foundational texts.

Jordan's Dar al-Ifta, conversely, limited the application of this theory. Its post-2007 fatwas upheld a strict prohibition of *riba* to preserve textual continuity and avoid overly flexible interpretations. This restrictive approach reflected concern about contemporary harms (*mafsadah*), such as speculation in gold transactions. By confining *taghayyur al-ahkām* to circumstances that do not contradict definitive texts (*nusus qat'iyyah*), Jordanian fatwas emphasized caution and restraint. Thus, the divergence highlights both the flexibility of Islamic law in commercial matters and the challenges of achieving cross-institutional harmonization.

Analysis of Maslahah

By nature, *maslahah* is not an independent source of law like the Qur'an or Sunnah, but a general principle inductively derived from them (Al-Buthi, 1973). Since *maslahah* involves the interplay of scriptural evidence with human reasoning, it is possible for something to be deemed beneficial by society but not by Sharia, or vice versa. Scholars therefore classified *maslahah* into three categories: *muʿtabarah* (recognized), *mulghāh* (rejected), and *mursalāh* (neither supported nor opposed by texts).

The permissive fatwas on gold installments were partly justified by *maslahah*, namely providing financial ease for those unable to purchase gold outright due to rising prices. Yet such *maslahah* risks being deemed *mulghāh*—especially by those prohibiting gold installments, such as Jordan's Dar al-Ifta—because it contravenes explicit Prophetic hadiths requiring immediacy in gold transactions and prohibiting non-cash gold sales. Jordan thus opted to reject this *maslahah*, adhering instead to textual mandates.

CONCLUSION

The fatwa trajectory concerning installment-based gold transactions issued by the Egyptian and Jordanian Dar al-Ifta has developed in opposing directions. The Egyptian Dar al-Ifta shifted from prohibition to permissibility beginning in 2003, whereas the Jordanian Dar al-Ifta shifted from permissibility to prohibition beginning in 2007. This divergence centers on a crucial point: not on the *'illah* itself—since both institutions agree that the *'illah* underlying the prohibition of ribā in gold is *thamaniyyah*, and both apply the framework of *dawarān al-'illah ma'a al-*hukm—but on *tahqiq al-manat*, namely, the verification of whether the quality of *thamaniyyah* is still actually realized in processed gold or has ceased to exist. The Egyptian Dar al-Ifta holds that the function of *thaman* ceases once gold is processed into jewelry, and therefore concludes that the *'illah* is no longer realized under such factual circumstances. The Jordanian Dar al-Ifta, by contrast, examines the same factual circumstances but reaches a different conclusion, maintaining that the quality of *thamaniyyah* remains inherent in gold regardless of its physical form.

This consistency of assessment has persisted despite successive changes of muftis within both institutions: the permissive position in Egypt continued from the tenure of Jumu'ah through that of Iyadh, while the restrictive position in Jordan continued from the tenure of Salman through the *Lajnah al-Ifta*. This continuity indicates that the outcome of *tahqiq al-manat* has developed into an institutional methodological precedent rather than merely a personal preference of individual muftis that may change with changes in personnel. Accordingly, the change in fatwa in this case is a consequence of how the institution establishes and standardizes its own criteria for verifying the *'illah*, rather than the product of individual *ijtihād* detached from its institutional context.

The five analytical lenses employed in this article—*dawarān al-'illah ma'a al-hukm*, semantics, *qiyās*, *'urf*, and *maslahah*—converge on the same fundamental point: the divergent conclusions reached by Egypt and Jordan do not result from either institution applying *uṣūl al-fiqh* incorrectly. Rather, they arise from processes of *tahqiq al-manat* that are broadly similar and equally legitimate, yet yield different assessments of the same factual circumstances. Their methodological implications, however, are not symmetrical. The Egyptian position carries greater methodological implications because once the ribā-related status of gold is deemed to have ceased, the *qiyās* underpinning the application of ribā rules to fiat money is likewise placed under pressure, whereas the Jordanian position does not entail a comparable risk. This greater methodological implication does not mean that the Egyptian argument is weaker. Rather, it is the logical consequence of adopting a form of *tahqiq al-manat* that is more receptive to changes in contextual circumstances.

Theoretically, this article demonstrates two points. First, changes in fatwas concerning the verification of an *'illah* in relation to changing factual circumstances can be explained without importing variables external to *uṣūl al-fiqh* itself. It is sufficient to examine how *tahqiq al-manat* is applied differently to the same factual circumstances. Second, the consistency of this verification across successive changes of muftis demonstrates that the outcome of *tahqiq al-manat* can solidify into an institutional precedent rather than remain a fluctuating personal assessment. Practically, the two models identified here—the limited accommodative model represented by Egypt and the cautious and strict model represented by Jordan—are relevant to Islamic financial institutions that must select fatwa references for gold-pawning products, installment-based gold transactions, and other precious-metal-based instruments. The choice of a fatwa authority is therefore not merely a choice between legal opinions; it is also a choice of the methodological standard for verifying the *'illah* that the institution will employ in its future legal assessments.

This study is limited to a textual analysis of the two fatwa institutions and does not address the socio-political factors underlying why each institution adopted a different standard of verification. Future research may examine whether similar patterns of *tahqiq al-manat* emerge in other areas of *fiqh al-mu'āmalāt* that depend on the verification of an *'illah* in changing factual circumstances. It may also extend the comparison to DSN-MUI, Malaysia, and other fatwa authorities to determine whether this model has broader applicability to the dynamics of contemporary fatwas.

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