

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question

Giving the Buyer a Gift when He Spends A Certain Amount

To: Abu Al-Bara' Muhammad Ali

(Translated)

Question:

Asalaamu Alaiyikum Warahmatullahi Wabarakatuhu

Our eminent Sheikh, Ata Bin Khalil Abu Al-Rashtah, may Allah open the doors for you, and we ask Him (swt) to grant you ease to access pure and righteous people of power and protection. My question to you, our honourable Sheikh is:

Some shop owners advertise offers like:

If a buyer buys from the store the equivalent amount of twenty dinars, the buyer in this case will be entered into a mysterious draw and he may win a prize.

Question: Is this advertisement Haram? Or is it permissible?

And if the customer is registered by the owner of the store (in the draw) without the knowledge of the buyer, is this Haram on the buyer? Or does the sin fall on the one who made the advertisement? May Allah bless you and gather us to pledge allegiance to you in Bayt Al-Maqdis soon, Allah willing.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatu

We have previously issued an answer to such a question on 14/5/2007 CE. I will cite it to you:

(The sale of *gharar* is void; the purchased commodity must be known. If the commodity is known, the sale is valid; otherwise, if the commodity is unknown, this invalidates the sale.

As for the cases you mentioned, they are different in their reality and therefore in their rulings:

1- Giving the buyer a certain quantity, giving him extra, as a gift or the like, is permissible, and the sale is valid, and the extra falls under the (ruling) of gift and it is valid.

2- To add a known gift to a known commodity (a spoon, a children's watch, or to attach a piece of paper) with the name of the prize written on it to the commodity and when the buyer finds it he can take it to the seller to receive the known gift or prize, this is permissible. This sale is valid as long as the bought commodity is known, for example: (a Kleenex boxes, inside some boxes are gifts included). This sale is valid because he paid for the Kleenex box and found a watch inside it, which is a gift. If he does not find a gift, it is also permissible. This is because he bought the Kleenex box and paid its price. The seller is not obliged to give him a gift for it, but if he finds a gift included in the box, this is permissible and it is equally permissible if the gift is not included.

3- As for the sale of a locked box whose contents are unknown, it may be empty, or it may contain an item of more value than what is paid for the box, or it has an item equal in price to what is paid for it or less than what is paid for it, this is a *gharar* sale and it is not permissible.

4- Putting a number in a known commodity that entitles its owner to participate in a prize draw, this is more likely to come under gambling. This is because gambling involves the defeating taking from the defeated or when the winner takes from the loser, and every matter in which there are parties, such that the winner takes from the loser comes under gambling.

If people play cards and the winner takes from the losers, then this is gambling and it is forbidden. If two people race on horses, bikes or cars, and the winner of the race takes from the loser, then it is gambling. And if ten people put their names or numbers on a piece of paper, then they put it in a box and they pull out a piece of paper, and its owner takes away from those whose papers were not chosen, then it is gambling, and it is forbidden, and so on...

Now we come to the numbers placed in the purchased commodity and then it is put on a draw. It is most likely that the seller has taken into account the price of the prize. For example, the prize of the draw is one thousand dinars, and its number is (50), so he adds a number to all of the ten thousand boxes; that is, he puts on a box number 1, and on another 2, ... to 10,000, it will include the number 50, and he inserts the value of the prize (a thousand dinars) in the price of ten thousand boxes, so instead of selling the price of the box for a dinar, he sells it for an increase of ten piastres/qirsh. After the draw is done, after selling ten thousand boxes, he has increased 10,000 x ten piastres/qirsh, i.e., one thousand dinars, the value of the prize that he pays to the winner. **So, the winner would have obtained the prize from the money of the losers of the numbers, and this is kept a secret.**

Here, someone might say that the seller sells the commodity in a normal way as if he did not put numbers on which to draw a prize to encourage customers and tempt them to buy his commodity, and that he does not take into account the collection of the prize price from the price difference. Although this is possible, meaning that the prize is placed without an increase in prices to entice customers, but it is a weak possibility, especially when the prize is large, such as a raffle on a car or the like.

In any case, if it is not at the expense of the losing numbers, it falls under the suspicious matters.

Therefore, I advise that the brothers who buy commodities that contain numbers should not participate in the raffle, and that they tear the number in the commodity so that the devil does not tempt them and they become interested in the raffle. 27 Rabi` al-Akhir 1428 AH corresponding to 05/14/2007 CE) End

As you can see, what I outweigh is that the seller has increased the price of the goods to at least compensate for the value of the prize. The winner of the car (the prize) would have taken it from the increase borne by the owners of the losing numbers, so what I outweigh is that this transaction is not permissible. I mentioned above that it, at the minimum, falls under the suspicious matters, and the believer must stay far away from what is suspicious. Al-Tirmidhi narrated, and said this is a Hasan Sahih (good, authentic) Hadith, on the authority of Abu Al-Hawra Al-Saadi, who said: I said to Al-Hasan bin Ali: What did you memorize from the Messenger of Allah (saw)? He said: I memorized from the Messenger of Allah (saw): «دَعُ مَا يَرِيْبُكَ إِلَى مَا لَا يَرِيْبُكَ فَإِنَّ الصِّدْقَ طَمَآنِيْنَةٌ وَإِنَّ الْكُذْبَ رِيْبَةٌ» **“Leave what causes you doubt and turn to what does not cause you doubt. Truth is tranquility, but falsehood is doubt.”**

But if you are convinced that the seller did not increase the price of the commodity as much as the price of the prize, but rather he gave the prize, for the sake of Allah, as a gift to people to promote his goods! Therefore, the issue requires further study.

I hope this is sufficient and Allah knows best, He is most wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

29 Muharram Al-Haram 1443 AH

6/9/2021 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/3014447138801290>