

## Gift in virtual currencies

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### Abstract

Islamic law is concerned with financial matters, and the gift was one of the economic matters that concern the Muslim home, and it is considered one of the things that Islam urges, and one of the most important reasons for the emergence of virtual currencies is the existence of a virtual currency. A short period of time and its rapid spread, and perhaps the legal aspect of these coins is one of the aspects that still raise a lot of controversy, as it is a new type of currency that requires a jurisprudential opinion that resolves the controversy over its solution. Or the prohibition and the permissibility of dealing with it or not and the conditions related to that, and therefore it is permissible to give the gift in virtual currencies.

### I divided the research into two sections, which include:

The first topic: It includes three demands:

first requirement: Defining of gift language and etymologically

second requirement: evidence of legitimacy

third requirement: its pillars

The second topic: It includes three demands:

The first requirement: the rule of the gift in virtual currencies

The second requirement: models of giving the gift

The third requirement: the ruling on reversing the gift

### The gift in virtual currencies:

The gift is one of the economic issues that concern the Muslim home, where a person may wish to donate part of his money to someone while he is alive, and this person may be an heir or not an inheritor. (1997).

### The concept of the gift, the evidence for its legitimacy, and its pillars:

*Defining the gift linguistically and idiomatically:*

#### *The gift linguistically*

A gift that is free from compensation and purposes, and if it is abundant, its owner is called a Wahab. And Al\_ Wahab is from Allah's characteristics, the Bountiful on mankind and the Bestower: a man who gives a lot of donations. Grantor man, provider, and bestower, meaning a lot of donations for his money. (Al-Jawhari 1987; Ibn Manzur 1994).

### ***The gift idiomatically***

The definitions of the fiqh schools converged on the gift, as follows:

#### ***The Hanafi school of thought***

The Hanafi school defined the gift as: “ownership of the eye without compensation” (Al-Zayla’i 1896; Ibn Abdeen 1992), or “ownership of money without compensation” (Al-Babarti).

#### ***The Maliki school of thought***

The Malikis define the gift as: “the ownership of a self without compensation for the face of the given” (Muhammad Alish 1989).

#### ***The Shafi’i school of thought***

The Shafi’i is defined the gift as: “owning the eye without compensation” (Al-Sherbiny 1994; Al-Ramli 1984).

#### ***The Hanbali school of thought***

The Hanbalis defined the gift as: “ownership in life without compensation” (Ibn Qudamah 1968).

#### ***The aspect of the relationship between linguistic and idiomatic definitions***

Idiomatic meaning did not depart from the linguistic meaning, which means donating what benefits the gifted person, and it may be with the eye, it may be with debt, or it may be without money (Najmuddin Al-Nafie 1894), and the definitions of the sects are agreed that the gift is: ownership without compensation.

#### ***The second requirement***

Evidence of legality of the gift:

The legality of the gift is proven in the Qur’an, Sunnah and consensus. The Almighty said: “And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease” ( Surat Al-Nisa: Verse 4 ).

As for the Sunnah, it was reported on the authority of Abu Hurairah (may Allah be pleased with him), and about the Prophet Mohammed (Allah's blessing and peace be upon him) said “Give gifts to spread love with each other”. (Al-Bayhaqi 2003).

As for the consensus, the scholars have unanimously agreed on its legitimacy, and that it is related and recommended (Al-Zaila’i 1895).

#### ***The pillars of the gift: (Al-Sarakhsi 1993; Al-Kasani 1986):***

The gift has three pillars: two parties, a formula, and a gifted person, and each of these pillars has conditions that we explain below:

#### ***Conditions of the two contracting parties: they are the donor and the one given to him:***

The donor is required to be eligible for donation, to be the owner of the gifted person, and to have absolute disposal of his money.

It is stipulated in the endowed him that he is qualified to own what was given to him.

- 1 Formula: It is an offer and an acceptance, and it must be:
- 2 Affirmative acceptance contact
- 3 Unconditional
- 4 Not limited by time

The gift is made in the affirmative, by saying: I gave you, or your gift, or I granted you, and acceptance is by saying: I accepted, I agreed, and so on.

It is also contracted by giving it without an offer or acceptance.

***Gifted Terms:***

To be present at the time of the gift.

To be money.

To be owned by himself.

To be owned by the donor.

to be attainable.

To be given distinct from others.

Capture the gifted.

**The gift in virtual currencies:**

***The Rule Of Donation In Virtual Currencies:***

The gift is one of the desirable matters, and Islam has urged the gift because of what it contains of reconciling hearts, strengthening the bonds of love between people, and purifying souls from the vice of miserliness, stinginess and greed.

Accordingly, it is permissible to give the gift in virtual currencies, and this is through the arbitral exchange between the two parties, i.e., between the donor and the gifted, the giver and the given one of charity.

***Examples of giving the gift:***

One of the models for giving the gift is what the Chinese government has done to produce its own virtual currency. The authorities in many Chinese cities have given tens of millions of digital yuan as gifts in the Lunar New Year on February 12, 2021 AD, which can be downloaded to a smartphone. Beijing distributed And Suzhou alone has 200,000 packages each containing 200 RMB, equivalent to \$31 in a public lottery (cryptocurrency - launch - semi-official - digital currency - in China - given - as gifts 2021)

In experiments so far, users have been able to withdraw e-yuan via ATMs to their smartphone e-wallets. They then pay for the items by keeping their smartphone app near the animal's electronic point of sale machine (Haider Abdul Razzaq 2021).

In the new digital currency (Bee) (free from the Chinese company, a person needs 5 seconds a day and a gift upon registration, this gift is what the virtual currency (Bitcoin) does (who invented bitcoin), where points are given to be added to the account, and these points after a while can Selling it, that is, it is collected in the personal account, after which it can be sold, and the profit is transferred to the personal account, which is exactly the same way as Bitcoin when it was established (Haider Abdul Razzaq Mijbel, 2021).

It is a new type of encrypted virtual currency and its origin is not listed on cryptocurrency exchanges and has no value at the present time, but in the future the value of these currencies will be when these cryptocurrencies are listed on the “Bee Network” exchanges and you can easily mine this encrypted currency from phones, and you can Earn Bee Coins, so this is the time to start earning at a high rate; Because if this network is joined early, more can be gained and the reason for this is because the rate of mining speed will be reduced because more people will join this network (Abdul Rahman Hajji 2021).

The Chinese government offers a group of people this new currency as a gift or grant, it will give this currency after a period of time, and not after downloading the application directly, that is, the person will gain actual value for the currency he collected in 2023 AD, and collect the new virtual currency (Bee Currently, they are just numbers on the phones (Haider Abdul Razzaq Mijbel 2021).

If the Chinese government gives this currency as a gift to its users, then it is stipulated that the payment be made as mentioned previously, and the exchange is legal, given that this currency is digital, that is, virtual in the world of the Internet (Haider Abdul Razzaq Mijbil 2021).

The Chinese government said that this process has financial assets in government banks, and this means the ability of the metal person to convert the currency from virtual to real, and this is one of the advantages that characterize this currency. Accordingly, it is possible to mention the most prominent features of this new currency, and what are its negatives compared to other virtual currencies, which are as follows (Ahmed Bu Khurais 2018).

- 1 The currency has financial assets in Chinese government banks, and thus it differs from the rest of the virtual currencies in that the current virtual currencies have no financial assets.
- 2 Bee currency is a central government currency, that is, the source is known, and it is not anonymous like other virtual currencies.
- 3 Its purpose is to give it a monetary value, i.e., a professional digital currency, and not for Murabaha as in the rest of the virtual currencies that were intended for profit.

And when the Chinese government gives gifts, especially when it announced that a group of miners will get the new currency, that is, what was collected in their account will be recognized, and this is not for all miners, does it have the right to retract the gift from the rest of the people? I mean, when the Chinese government promised to give digital currencies to users and coins, it will not give to a billion people, but to a portion of them only.

### **The ruling on reversing the gift:**

On this, what is the ruling on retracting the gift in this case? Where the jurists - may Allah have mercy on them - differed regarding the ruling on reversing the gift into four sayings:

The first saying: It is permissible to revoke the gift after taking possession of it, even with the forfeiting of his right of recourse by saying: I forfeited my right of recourse (whole or part); Because proving the property of the one who is given to him is not necessary, unless there is an impediment, such as if the gifted person has a forbidden kinship from him, or it was his wife, or her husband, or he was a foreigner, and instead he (Sheikhy Zadeh) went to this tap

- may Allah have mercy on them - and they inferred on that:

From the book: The Almighty said: “And when you are greeted with a greeting, greet [in return] with one better than it or [at least] return it [in a like manner]. Indeed, Allah is ever, over all things, an Accountant”. (Surat An-Nisa: Verse 86).

The point of inference from the gracious verse: Salutation is a common word, which was placed to denote the meaning of peace, praise, and gift with money in different ways. And the participant must have one of his faces with evidence, and the meaning of the salutation has been specified in the verse with the gift, and the evidence for that is from the same verse, which is the Almighty’s saying (or return it); Because the response is achieved in the visible, not in the symptoms. Because it is about returning something, and this is not imagined in symptoms, including peace, and the verse requires the return of the gift in particular, and this can only be achieved by saying that it is permissible to return to the gift and it is the original, unless it is prevented by a legal impediment (Alaa Al-Din Al-Kasani 1986).

### ***From the Sunnah***

On the authority of Abu Hurayrah, may Allah be pleased with him, who said: The Messenger of Allah, may Allah bless him and grant him peace, said: “The donor is more deserving of his gift as long as he does not prove it.” (Ibn Hanbal 2001).

The significance of the honorable hadith: the text of the hadith in the permissibility of recourse to the gift; Because he, Mohammed peace be upon him, made the donor more entitled to his gift as long as the consideration did not reach him (Zain Al-Abidin Al-Hadadi 1988)

### ***It is reasonable***

A gift is one of the contracts in which there are multiple purposes and purposes, and these purposes and purposes are related to their owners, and no one knows about them, and the donor may give with the intention of benevolence and favor to the gifted to him, he may give him greed for reward and reward, customarily and customarily, and this purpose may not be obtained from the donor. him, and missing the meaning of a contract that is likely to be rescinded prevents its necessity, such as a sale; Because consent is non-existent, and consent, as it is a condition in health, is a necessary condition, as in a sale if the purchaser finds a defect in the thing sold, and the contract does not obligate him; Because of dissatisfaction when the intended purpose, which is safety, was not achieved, as well as the gift if the donor’s intention of the gift was not realized, he is not obligated to contract the gift, and he has the right to return to it (Al-Sarakhsi 1993).

### ***The second saying***

Whenever the gift is made by taking possession of the donor’s permission or handing it over to the gifted thing, the gift is obligatory and it is not valid to return it except to the father and if he is high, then it is right for the father to return to his gift, and the same is the grandfather and if he is high, as well as the mother and grandmother and so on (Al-Hattab Al-Ra’ei 1992), he went to this Maliki And Imam Ibn Hazm (Al-Andalusi Al-Qurtubi) - may Allah have mercy on him - and the Imami Shiites (Al-Sistani 2020), and they cited this in his saying, the Most Glorified: “O you who have believed, fulfill [all] contracts. Lawful for you are the animals of grazing livestock except for that which is recited to you [in this Qur'an] - hunting not being

permitted while you are in the state of ihram. Indeed, Allah ordains what He intends” (Surat Al-Ma'idah: Verse 1).

### ***The point of inference from the noble verse***

If the gift had not been concluded by word, it would not have been necessary to take possession; Because the mere capture if the saying is canceled and does not make a ruling for it does not necessitate charity or gift, and the evidence for their conclusion is by saying, since the arrest must be following a previous contract, and if it is not following a previous contract, it does not necessitate a ruling on its own (Ibn Rushd Al-Qurtubi 1988). And his saying, peace be upon him: ((It is not permissible for a man to give a gift and then return to it, except for the father in what he gives his son, and the likeness of one who gives the gift and then returns to it is like a dog that ate until it was full and then returned to its vomit)) (Ibn Hanbal 2001, Ibn Majah 2009).

### ***The meaning of the hadith from the honorable hadith***

(It's like the one who comes back in his giving.) That is, he returns what he gave to someone else (such as) by increasing the kaf or the like (the dog ate until when it was full, then returned in its vomit and ate it) the phenomenon of the prohibition of taking back the gift after Arrest and its position in the foreigner (Al-Harari Al-Shafi'i 2009).

The third saying: The donor has no right to recourse. Because the gift is a necessary contract (Abu Zakaria Al-Nawawi), a section of the Shafi'is went to this, while others went to say that it is completed and obligated by mere contract, In the completion of the capturing and this is well-known (Al-Mawardi 1058), and some of them say: It is not completed except by arrest and arrest is a condition in its completeness, if it was not obligated, and the donor had the right of recourse, except for the father and mother, who had the right to return (Abu Yahya Al-Siniki 2000), and they cited this in a hadith The Messenger peace be upon him,: ((The one who returns in his gift is like the one who returns in his vomit)) (Al-Bukhari 2001).

### ***The evidence from the honorable hadith***

That returning to vomit is forbidden, so is what is similar to it, which is returning with a gift, and the mention of a dog in the other narration is an exaggeration in rebuke and prevention. This is also confirmed by the Prophet, peace and blessings be upon him: ((We do not have something like evil)) (Al-Bukhari 2001), i.e., this behavior is not our business and it is not one of our morals, i.e., it is forbidden to us (Ibn Battal 2003).

### ***Fourth saying***

The Hanbalis went to say that the donor has the right to take back his gift before receiving it; Because the contract of gift is not completed except by taking possession, so if the donor sells the gifted or donated it before the gift is invalidated, because that is considered a return. It must be reclaimed if it is given to him without the permission of the rest. Because reconciliation between children according to their legal rights is obligatory for the father, mother and other relatives (Ibn Qudamah 1968). And they used as evidence: what Ibn Abbas may Allah bless him narrated that the Prophet peace be upon him said: ((It is not permissible for a man to give the gift, so he returns to it only the father in what he gives his son)) (Ibn Hanbal 2001, Ibn Majah 2009).

### ***The evidence from the honorable hadith***

That the father is not accused of returning; Because he does not return except for the necessity, or the reform of the child, and the grandfather does not return; Because the story

deals with the fact of the father, not the grandfather in its meaning; Because it is cast by, and falls by the father, and the brothers do not fall, as for the mother, it is possible that there is no return to her; Because she has no guardianship over her son, unlike the father (Abu Omar Youssef Al-Qurtubi 1980).

***The most correct opinion, and Allah Almighty knows best***

view of the majority jurists from the Maliki, Shafi'i Hanbali and Imami Shiites, who see the necessity of the gift, and the impermissibility of recourse to it, provided that it is caught in the movable, such as measured and weighed, and the strength of the evidence contained in that is a bond and a body, and in order to achieve the legitimate purpose of the gift, which is the reward, wage and love between people, and the return leads to strife, conflict and enmity, and these are forbidden and invalid matters, so what leads to them, which is the return of the gift, is invalid (Al-Zahili 1997).

We conclude from sayings of the jurists, who say that the gift is required after arrest, so this means that the Chinese government is obligated to fulfill his gift after the arbitral exchange between the two parties, the Chinese government and the miner of the new Chinese virtual currency, but all this remains just talk that is only applied In the year 2023 AD, when this official currency is issued.

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Previously graduated / p. 10.

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