

# Islamic Juridical Solutions for the Housing Shortage: A Juridical and Economic Study (Iraq as a sample)

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**Abstract---** Our glorious Sharia from its jurisprudential perspective, which seeks to achieve the objectives of the Sharia, is concerned with important human issues, preserving religion, soul, honor, reason and money, so the research study came to deal with how to deal with the housing crisis, by presenting jurisprudential opinions and proposing legal alternatives from a jurisprudential and economic perspective. Life, including (housing), is the environment in which a person lives, protects himself from the cruelty of nature, preserving his dignity, and in order to get rid of the burdens of loans that burden the citizen looking for housing, and from the high rents and interest in real estate banks and other things, the search was for legitimate alternatives to these obstacles are a legal and social necessity, so this research came to contribute to presenting these alternatives through its discussion: - It dealt with the concept of housing loans and its most important caveats in the exacerbation of the housing crisis, and dealt with the concept of housing loans and its most important caveats in the exacerbation of the housing crisis.

**Keywords:** Islamic Juridical Solutions, Housing Shortage, Juridical and Economic Study\_\_\_\_\_

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## Introduction:

Praise is to God, and may blessings and peace be upon the Messenger of God and his family, companions, and those who follow him. And after: One of the purposes of our law is to preserve the soul, and to protect me and to provide for several needs, the most important of which is H-C of housing, since it is one of the necessities of life that a person seeks to achieve, as is the basic need for the second after eating, clothing and medicine. Etc., he says: (God created you. He created you as mountains and asanah, which will make you release from you Sarabeel, which will give you the seraphs of your blessings, as well as a blessing upon you. You may greet) [1]. Hence, our study came to deal with the housing need, as a gap is formed between what is present in terms of housing units and what will be provided during a certain period of time for those units, so that we can bridge that gap. By developing legitimate solutions to be an alternative to solving the housing crisis away from illegal methods (such as usurious loans or usurious debts), which is the sanctity of our true glue, which may be practiced by the poor or those with limited income. Making money to meet their need for housing, so Islam came to values that include preserving the man who has been gracious to God and the grace of many, and he has created, and is consistent with the objectives of Sharia in terms of ensuring the provision of what is necessary for a man with the client. And clothes and housing. This is because housing has great value in human life, as it is the safe place to build a family, and its safety and security. It is a means of preserving the human self, and it should be at a level befitting the human being, providing him with an end fit to live with dignity. This research aims to develop alternative solutions for housing loans based on legitimate interest to meet the needs of the population, and these goals are represented in the important issues of the human being and society, namely:

- 1- Providing a decent life for the population.
- 2- It works to preserve the environment as it is the largest habitat for the population.
- 3- Raise the cultural and scientific level of the population.
- 4- Working to provide the basic needs of the population, in order to maintain a decent standard for people of different ages, genders and levels.

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Accordingly, the research expanded the descriptive approach to reach an explanation of the nature of the relationship between the population's needs and the most important legal solutions proposed to solve the housing crisis. To reach the goal of the research, the research is distributed among the following investigations and demands:

The first topic: It dealt with the concept of housing loans and its most important caveats against the exacerbation of the housing crisis, through the following demands:

- The first requirement: housing loans for state employees.
- The second requirement: housing fund loans.

As for the second topic, it dealt with the concept of housing loans and its most important caveats regarding the aggravation of the housing crisis through the following demands:

- The first requirement: activating the role of Zakat in solving the housing crisis.
- The second requirement: activating the role of the endowment in solving the housing crisis.
- The third requirement: activating the role of Islamic banks in solving the housing crisis.
- Fourth requirement: activating the state's role in solving the housing crisis.

My Net conclusion concluded the importance of diligence to find practical solutions for contemporary economic and social outlets, in the absence of a population policy for the country.

### **Poverty, housing, and legal prohibitions**

The housing loans granted may be either from Islamic banks or from the housing fund, and it must be known that these loans come with interest, which is prohibited by our great Sharia, for saying every loan withdrawn from a benefit is [2] so that when we offer these loans we can determine What it has and its reservations, because the beneficiary of these loans is the borrower, and because the benefit condition is agreed upon by the jurists, even if it is a gift, because it is considered a loan that results in a benefit, if the payment is made with more or better than the borrowed amount, if the increase is not conditional in the contract. Abu Rafah borrowed the Prophet, may God's prayers and peace be upon him, from a virgin, so Rubaie stood up and said: "People choose their best." Iraq as loans designed to meet everyone's basic needs, namely housing, and the housing crisis in Iraq must be addressed, the state of Koh, chosen for Drash, especially since Iraq witnessed In recent years, there has been a clear recovery in housing investment benefiting from credit facilities for government banks in the first place in addition to other investment sectors, but it is noticed that the majority of Iraqi families suffer from a housing problem, and official recognition of the housing deficit, as well as the lack of infrastructure to expand N. And the inability to provide public services, which made the economic and social value of the resources spent on residential construction low [4]. With the absence of the government's role in this field, it has allowed the granting of housing loans to citizens, with conditions punctuated by some of the legal prohibitions that are dealt with in accordance with the Iraqi housing law, and from here a mechanism that can provide housing loans to citizens, so we cannot provide legal solutions to address the housing crisis that he suffers from. The defeated are the children of the rental law loans, which are divided housing loans in Iraq, of two types, namely:

#### **The first requirement: housing loans for state employees:**

This was done through the inclusion of all ministries with grants from the Rafidain Bank at a rate of (100) nominal salary that does not exceed (50) million Iraqi dinars and a period of not less than (15). Years with interest.

Therefore, the state can lay down instructions for obtaining such loans, which are as follows [5]:

- 1- To be a student who is employed as a loan holder for permanent housing owners.
- 2- The employee must have service of no less than three years.
- 3- That the granted loan period be (15) years.
- 4- It will deduct an interest rate of 8% from the granted amount.
- 5- The installments shall be paid monthly with the determined interest one month after the grant date.
- 6- A housing unit for the purpose of independent purchase is required, in terms of construction, without the name of the owner of the loan, and the fact that its value covers the amount of the loan to increase the interest rate (0%)

- 7- The grantor of the loan must present a guarantee of a draft for a period of six months with a guarantor working for the permanent owners before obtaining the loan.
- 8- If the loan is for the purpose of construction, the applicant must be the land in his name, or he must have a share of not less than 50 million, and the loan is documented against his mortgage in his favor. First degree bank and until the full amount is paid, provided that the loan amount is covered with more than 20% interest.
- 9- The loan grantor is required to complete his life insurance with the Iraqi insurance company and prove this in the loan contract, and this is in the best interest of the bank.
- 10- The loan grantor must submit his legal documents with a copy confirming his continued service, in addition to a pledge to collect the monthly installments of his salary and transfer it within a period not exceeding (10) days from the date of the salary. It is disbursed to the relevant bank.
- 11- In the event of delay in paying the installments, an interest of (2%) is deducted with the number of days of delay from the due date to the payment date.
- 12- The form shall be signed by the official of the Ministry's Administrative Department. After organizing a special contract between the bank and the employee, stamp duty of (2) thousand dinars shall be collected from it.

Since we are in the process of addressing the treatment plant to solve the aggravating crisis in society, which is housing, we notice through the provisions of the instructions regarding loans granted to employees, the legitimacy of the caveats, and guarantees, beware of dealing with them, the reasons for the following:

- A. An interest of 8% is collected from the monthly installments, and this is usury.
- B. Life insurance for the borrower for the benefit of the bank, representing another company.
  - a. Calculating delay interest of (2%) when payment is delayed for more than ten days after receiving the salary.
- C. Imposing stamp duty of two thousand Iraqi dinars, and this is a hidden benefit.

#### **The second requirement: housing fund loans:**

Residents Only Fund for Iraqis No. (32) of 2011 The type of other loans available to address the issue of housing under Article 20 of the Housing Fund Law, which are due to all Iraqis except for residents. Kurdistan exploits the lands of the loan, and that the loan due meets the following conditions [6]:

- 1- The age of the beneficiary of the loan ranges between (18) years and (65) years.
- 2- That the beneficiary owns a plot of land of no less than (100) square meters.
- 3- That the building area is not less than (65) square meters.
- 4- That the loan amount did not exceed (35) million most of Lee's works in Baghdad, and 30 million dinars that ended up in the districts, regions and regions data centers.
- 5- The loan recipient must have a sponsor (government employee).
- 6- That the borrower bears the fees for administrative deductions at a rate of (2%) of the loan amount, and one payment is taken from it in advance when the first payment is made to it.
- 7- That the loan amount be paid to the borrower in two installments.
- 8- A pre-agreed amount is charged as life insurance to the borrower.
- 9- The amount of completion (5000) Dean R, the price of the form, as mentioned in paragraph (19).
- 10- A delay fine is calculated at the rate of (5%) of the installment value for a delay period of more than (30) day from the date payment is due until the date of payment.
- 11- The fine is doubled in the event that the delay period (24 months) is reached, and it is applied in the correct paragraph (b) of Article 1 (13) for the authority to sell the property by auction to obtain all the rights from the housing fund.
- 12- Paragraph (21), (d) in the event of a decision to assign it, confirms that the installments previously paid by the beneficiary will not be returned, but rather it is the price of occupying the property throughout that period, and the fund. Fulfill its remaining rights. From the above, the following caveats are clear:
  - A. Upload fees (2%), not different from bank interest.
  - B. Life insurance for the borrower for the benefit of the fund and insurance is forbidden by Sharia.
  - C. Delay fine of (5%), of the value of the installment that is forbidden for another on this loan.
  - D. The amount of (5000) thousand dinars, the price of the form pitfall of another.
  - E. Its fine doubling every three months in the case of repeated non - payment, represent a pitfall of another.

In the event of sale of the property and not the usually least premiums that have been paid previously, it represents a whole of a pro vanity.

## **The second topic**

### **The legitimate solutions for housing loans**

It is known as loans to a group of everyone, as they are treated on the basis of (usury) or interest-based debt, and they are the loans that were prevalent in ignorance and practiced by most of the banks and commercial institutions at the present time, and Islam was correct every time. The place is to address all community issues within the Islamic circle and remove them from the circle of forbidden and corruption, not corruption, and the prohibition of usurious loans or usury, and permissible loans are not. Useful, and develop appropriate alternative solutions to solve community issues, especially to solve the housing crisis that most of us suffer from, the only public and private Arab Muslim, away from the usury tricks that relate to health insurance, or the real one. Sources of the legacy or dead gypsies that sometimes delay the reproduction of it and the piece. Accordingly, we review the most important alternatives that can contribute to solving the housing crisis in accordance with the laws of our sacred Sharia, as follows:

The first requirement: Zakat and its role in solving the housing crisis:

Before proceeding to clarify the role of Zakat in solving the housing crisis, it is necessary to clarify the concept of Zakat in language and customs, its legality, the extent of its commitment, and its spending on those who deserve it as follows. :

#### **First: Zakat in language and convention:**

1. Zakat is a language: it has several meanings, including: purity, growth, blessing, and goodness. (7).
2. Zakat in the terminology of the jurists:
  - A. Presentation Here Tap: "It is the ownership of money for a person intended for a specific purpose [8].
  - B. And the owners defined it as: A name from the money required for its owner that the money reaches its minimum level if the property is completed and changed without metal or plowing [9].
  - C. As Shafi'i defined it as: "an explicit name for taking a specific thing from private money on specific descriptions of a particular sect" [10].
  - D. It says in his definition according to the Hanbalis: "a right to money" [11].

#### **Second: Legality of Zakat:**

Zakat is a third pillar of Islam after martyrdom and prayer, and it is: to some extent the assumptions of God, which God Almighty has enjoined in His dear Book, as the Prophet's Sunnah indicated to the purgatory, as well as the intercourse of the ummah and the reasonable, All king squint and quorum.

A. The book: There are several verses in the Holy Qur'an that call for measures to impose zakat, but we enumerate some of them, as God Almighty said: (Take from their money charity that purifies and purifies them, and praises them with it. And upon them be peace) [12]. And the Almighty said: (And establish the prayer and pay the zakat and lend God a good loan) [13] There are several verses that indicate the necessity of paying zakat, and there are other verses that are related to prayer, because it is inseparable from the reward and reward of the one who does it, and the sin and punishment of those who neglect it.

B. The Sunnah of the Prophet: The Sunnah confirmed the greatness of this duty and its place in Islamic law. Therefore, many hadiths have been issued urging the payment of zakat and its payment from its owner and giving it to those who deserve it. On the authority of Ibn Abbas, may God be pleased with both of them: The Prophet, may God's prayers and peace be upon him, sent the people of Yemen, and said to him: He told them that God Almighty upon them, with alms in their wealth, is taken from their rich and returned to his poor [14].

C. The consensus of the nation: The nation has been unanimously agreed from the time of the Companions of Radwa that God is upon them to this day, according to the words of Caliph Abu Bakr, may God be pleased with him, in fighting the apostates in order to announce. The pledge of allegiance said: "By God, to those who fight, there is a difference between prayer and zakat.

Zakat right money », that is: that zakat on their money is obligatory on them, and because prayer escaped from the call to prayer, zakat is a law in which there is no difference between what he said, may God be pleased with him): “If God forbids me an embrace [15]” It was said to the wise man. [16], they performed it for the Messenger of God (), so I fought them to prevent him.

[17] It is an exaggeration that he (may God be pleased with him) would fight them with anything they had to play the role of the Prophet () and then they refused to perform it. This is evidence of consensus. The Companions and their Hajj during their time according to the Sunnah of their Holy Prophet (2).

D. The reasonable: God make people disparate in their strongest and deserve them. Some of the rich, among them are poor, and some of them with their entry into the high limits, which ordered them to enter justice and equality by taking them from the rich and high-income people and giving them to the poor and needy with low incomes. For the sake of the safety of their lives without humiliation or a million, because ownership of money belongs to God Almighty and the rich and the agent of God Almighty to give the rights of the poor, and on the other hand from zakat to purify the soul from miserliness. And miserliness and avoiding the grudges that may arise because of extreme poverty among members of society. On the other hand, the payment of zakat leads to a social and economic balance, which brings security and peace throughout the country.

### **Third: The amount of Zakat must be:**

Zakat is required in cash (gold and silver), zakat on fruits, livestock, and commercial goods, zakat al-Fitr that people demand periodically, and zakat on raw materials and minerals, which is not cyclical, but we do not provide it as the obligation of Zakat in detail, but rather we refer to it briefly, as it is not the subject of our research. The books of jurisprudence have also enriched it with all its details, and therefore it should be in the wealth of money after excluding the nisab (planting and fruits, because zakat is the first harvest and harvest) that is owned by public ownership, and is due. From the needs of the whistle, and after that it is forbidden to exclude the whole yearlong (button z and fruit), they should only be supporters and youngsters emerging in our era the pain he witnessed after the disclosure of the legislation in which a, called stocks and bonds, which are the basis of wealth, and must be in the factories Swimming pools, liberal professions, and trades. And so forth [18]. Therefore, general zakat is not more horizontal than necessary, according to [19]. It also features vertical generality [20].

### **Fourth: Paying Zakat to Those Who Deserve It:**

Allah obligated the zakat to be distributed to those who deserve it as it came in the verse: But alms are given to the poor and the needy and those who work for them, the one whose hearts and their necks and their debtors in the way of God and the son of the road to God, and God is All-Knowing, Wise [21]. The Almighty does not deviate from it, confirming the saying: Do not be satisfied with the rule of the Messenger or any other of my alms, for the judgment is bent and it is, so they seek its eight parts, and it will give you of those parts your right [22] The poor are the first to deserve it, but some scholars are Those who stipulated the need for these types (except for those who work on them because they receive a reward), and whose hearts are shaped so that faith is from their hearts, so if someone wants more details in these categories, then he must pay zakat in the books of fiqh. What matters to us here are to know that the individual's lack of housing because of his poverty makes him fall under the beneficiaries of zakat since the sufficiency that zakat seeks to provide to those who deserve it includes food, clothing and housing, in addition to medicine. Indeed ,some of our older scholars have made books of knowledge, travel, and tools Service, and servant, increase the marriage of a full enough. The adoption of research for this opinion and on generality horizontal and vertical, is to provide a large toll of Zakat fund and in which they can help solve the housing crisis ,if we take pal legal safeguards to prevent evasion of its performance, as we work to provide honest management and sincere in managing The subject of collecting and spending zakat .Hence, zakat must be presented as an alternative to usurious loans.

### **Fifth: Zakat and its optimal solution to the housing crisis:**

It is in our place to address the housing crisis and solve its problem with zakat away from usurious loans, by adopting one of the two sayings in the payment of zakat, as soon as we give a year's sufficiency or the sufficiency of life, by determining: the amount of zakat and the number of those who are entitled to it. Since the amount is large and the number is small, there is nothing wrong with giving the sufficiency of life, and if the amount is small and the number is large, then the sufficiency of the year is given, taking into account that the amount may be affected by a set of circumstances that may be economic, political,

security and ethical .. And what until then. All this affects the amount of zakat proceeds, and then the opinion adopted each year, as the housing problem is studied each year separately, and the following can be suggested:

- The sufficiency of the year was approved: J proposed to pay a wage to the poor the annual rent, in the event that he entered into a transaction with the bank in the solution mentioned in the clause that I pay him (after reassuring him), the effect of the annual installment in favor of the bank that provided him with housing according to the murabaha contract.
- If the approved age is the appropriate age: it is suggested to buy houses and own them for some of the poor, or build houses for them from zakat funds, bearing in mind that we realize that the issue of building housing for the poor is different, and a group of jurists see that it is not permissible to give zakat to the homes of the poor. Because the poor gave them a sufficient year, but there are those who said that it is permissible to build, as mentioned above, including what was mentioned. On the authority of Abu Ubayd, Ibn Hazm and some contemporaries. On the authority of Abu Ubayd a.n. Omar bin Abdul Aziz, may God be pleased with him, he said: The debtor judge wrote to him: We find the man his home, his servant, knight, furniture, Omar's books. : There must be a single Muslim from the house in which he lives, a servant who suffices with his profession, and a horse who wrestles with his enemy, and if he has furniture in his house, yes they compensate him, so he is. [23].
- Ibn Hazm says: "They shall be given what they eat of the necessary food, and the same manner of winter and summer clothing, and a place that protects them from rain and summer from rain. The sun and the eyes of those passing by [24].

As for contemporary jurists, they have set conditions for building housing for the poor from zakat funds, the most important of which are:

- That this does not affect the basic needs of the rest of the beneficiaries, especially if these needs are more important than housing, such as food, medicine, or clothing.
- That housing is purchased or built for the poor by the Zakat Authority (the agency operating with it), or by the Zakat Foundation, and not by the taxpayer, because the Zakat payer's funds may not be sufficient to buy the house. .
- The beneficiary of the housing must follow when entering the property, including sufficient housing rent, so he leaves the housing and gives it to other poor people.
- It is a condition for the poor not to transfer the property from his property for sale or the equivalent. Because this indicates the lack of need of the poor or a lack of management and rationalization of it. In these housing units, the following may be stipulated: The ownership of the charity shall be so that the poor cannot dispose of the transfer of ownership [25].

Because we will present proposals and solutions for an alternative to an interest-based loan or usury from money to meet the needs of the poor, and to accommodate people with limited income, we need to see that zakat is in it and through possible methods:

1- Method of financing: it is the introduction of giving a year's sufficiency as mentioned by paying rent or installments owed by the poor or the poor, monthly or annually.

2- The method of ownership: which is the introduction of life sufficiency through the purchase or construction of housing according to what the opinion holders of the jurisprudence have mentioned, especially if Islamic banks cooperate with charitable institutions for zakat. We propose the establishment because it is a branch of the Diwan endowments in activating the ownership method, as the Islamic bank works in the form of murabahah in the housing construction project, and the Zakat Foundation is the one that guarantees the payment of installments in case of delay, or in the case of the solvency of the housing applicant with the same financing, and this proposal is the one that adopts ownership When we get enough life [26]. Among the countries that adopted this method and succeeded in this regard the Sudanese experience, where the Office of Zakat adopted a solution to the housing problem (albeit partial), starting in 2003 AD by building housing for about 300 poor orphan families in the city of Khartoum at a cost of about (450) million dinars, After that, he moved to the city of Kassala, which was affected by the floods, to build houses there, where the cost was about (50). One million dinars, it also contributed to housing the widows of the martyrs in North Darfur. It also paid the advance of popular housing for the poor, needy and low-income people by about (201) families for each family (350) Thousand dinars.

**The second requirement: activating the role of the endowment to solve the housing crisis:**

Before embarking on the statement of the endowment as one of the proposed solutions to the housing crisis, its concept must be clarified in language and customs, and its legality, and then the role of the endowment in solving the housing crisis must be explained, as follows:

**First: Defining endowment in language and convention:**

1. Endowment in the language: it is the confinement and prohibition, the collection of endowments, and the source of stopping and stopping a thing, that is: imprisonment and imprisonment [27].
2. Waqf in the terminology of the jurists:

The electronic custom is: "Owned by prison for the ownership of others" [28].

B- As for the Shafi'i: To benefit from it, while keeping his eye on cutting his neck in a permissible bank [29].

**Second: The legitimacy of the endowment:**

Those who look at our Islamic history will find that our righteous predecessor worked without stopping from the era of prophethood to the present day, because the Quba Mosque was the first Islamic endowment, and then the Prophet's Mosque was built on the land of orphans. Banu al-Najjar, as our noble Messenger, may God's prayers and peace be upon him, said: "O Ibn al-Najjar, take this wall for me? They said: No, by God, we only ask for its price. To God" [30] As for the time of the Companions, may God be pleased with them, Uthman, may God be pleased with him, stood for a well of Ramah, and he was from the East of his money as a friend, and after him. Umar bin Al-Khattab, may God be pleased with him, waited when he put money for him in an expert, then competed with the Companions, may God be pleased with them, in this regard, as Jabir bin Abdullah mentioned that no one is. Knowing who has money from the immigrants and supporters except from withholding his charitable money for life, which is neither bought nor donated nor inherited [31].

**Third: Endowment and the solution to the housing crisis:**

The endowment is one of the proposed solutions to the housing crisis, as the Islamic endowment occupied a distinguished position in the history of Islam in covering the needs of the poor and those in their position in terms of satisfying their basic needs, including the foundation. Because of the role of knowledge and spending on its students and those in charge of it, endowments were established to guarantee citizens in Cordoba, and there is A and S to redeem Muslim prisoners of landlessness, and endowments in the field of health, but to exceed more than endowments on animals, and this is how the old institution entered into all aspects Society to take care of man to take care of the animal, and Ataqaf was unable to contribute to providing even a partial solution for the purpose of housing. [32]. What we need at the present time to solve the housing problem is the presence of a rational and conscious leadership that stops keen on the enforcer, works hard, reads the truth, underestimates his problems, and provides him with solutions, instead of having to sliders usury and its effects [33]. And it can contribute to stopping it from several angles, including:

1- Establishing an Islamic bank affiliated with the endowment, whose task is to address the housing problem and ensure the provision of funds according to Islamic formulas, whether through the formula of murabahah, mudarabah or participation with other banks, in which the murabahah formula is activated and interfering with participation or relying on participation entirely to solve a crisis Housing based in Islamic formulas away from usury.

2- In order for the endowment to implement flat operations on its lands with private sector companies, these lands are converted into complexes that the latter can exploit for a specified period of time until it recovers its expenses from the desired profits, then it is returned to the endowment (similar to what happened in Sudan), to be used by Managing endowments to accommodate the poor, the needy, and those with limited incomes, with symbolic wages, or at least reasonable rents commensurate with their capabilities. [34]

**The third requirement: the state's role in providing housing:**

The state has a responsibility to provide housing for its citizens, through several axes, the most important of which are:

First: Countries open the doors of banks and financial institutions to citizens, by offering loans without interest, being at least an ideal solution to meet citizens' housing needs, as well as without life insurance. . I think that this does not affect the state's budget, especially since the loans that countries spend are due to them in monthly or annual installments.

Second: The state contributes to distributing land to those who deserve housing, while providing all the services that a person needs, including water, electricity, and others. Then, Islamic banking takes over the financing process and distributes the lands. Free of its services, and I believe that this contribution solves almost half of the crisis that society suffers from.

Here, the state's role in resolving the crisis must be emphasized, according to the great capabilities of other institutions and other responsible bodies. Being the one to whom the responsibility rests first, as stated in the hadith narrated by Al-Bukhari and Muslim in their Sahih on the authority of Ibn Omar, may God be pleased with them, on the authority of the Prophet, may God bless him and grant him peace. He, may God bless him and grant him peace), said: "Are you all a shepherd, and you are responsible for their shepherds. He who takes care of the people and is responsible for his herd, and the man is the shepherd of his responsible family, and the woman takes care of her husband's house and his son responsible for her, and the shepherd's servant. Each one of you is a shepherd, and you are responsible for his herd. "Agreed upon." And his saying, peace and blessings be upon him: "Whoever leaves money for his heirs, and whoever leaves everything is ours." [35] Here, the state fulfills its legitimate duty towards it. Being responsible for Khala FH, the Maori stated: "He is the guardian of religion and world politics." 36 So the state is not only an authority, it is a responsible body whose duties include providing for the needs of its citizens, including housing.

#### **Fourth requirement: the role of Islamic banks in solving the housing crisis:**

It is noteworthy that the Islamic ports of Shiref can contribute to solving the housing crisis, and adopting financing formulas operating in accordance with Islamic law, murabahah, mudaraba and musharakah. . Etc., but we found that the most different formulas in Islamic banks are murabahah, which can be an alternative to an interest-based loan in solving the housing crisis, so we will discuss this formula briefly, by presenting its defining and legitimate data in addition to being one of the suggested alternatives to solve the crisis. Accommodation is as follows:

#### **First: Murabaha is both a language and a custom**

The language of murabahah: a formula (interaction) from the layer of bah, so the vase is taken from the profit and the profit is broken and opens it, in the sense of development in leasing. Because God Almighty says: (Those who bought misguidance with guidance, their trade was not profitable, nor were they guided) ([37]) and he is his lord in their trade. The Arabs say to a man if he enters into trade: he will earn in lire or poison, uh. And the electronic trade won: profit and profit, and the profit, that is, the profit of the trader in electronic trade. He said: Atta, the profit, profit from it ([38]).

Idiomatic murabahah: There were many facts about rural murabahah according to the scholars of various schools of Islamic jurisprudence. 39)).

- The tap has defined it as: (transferring what he owns in the first contract at the first price with an increase in profit) ([40]).
- The Malikis knew that: (Selling what he bought for its price and acquiring knowledge) ([41]).
- Define the Shafi'i as: (Your father this garment is a profitable one to buy one hundred dirhams, and you win every ten people) ([42]).
- And Al-Hanbali defined as: (The type of selling the price that he bought and the increase in his profit is known and agreed upon) ([43]).

As for contemporary economists, they have agreed that murabahah is: (selling at a price equal to the first price and an increase in a known profit agreed upon by contracting parties) () [44]).

#### **The main elements of murabahah are:**

Including a material in the property of murabahah so that it can be sold to the purchaser of murabahah, so that it does not fall within the rights of sale, not on account of this, which is forbidden in Islam.



**Indicate the original price of the item.**

**G- A known return, a profit agreed in advance.**

## **Second: Evidence of the legality of the murabaha sale**

Murabaha sale of sales of Y j applies of the general rules of sales contract. To some extent, it sells am of NH pictures that reveal where the buyer is with Aia for the price of the commodity, so it requires the validity of the other murabahah contract, which requires the validity of the sale contract, and en was not private selling through public prostitution and credit [45]. This is evidenced by the introduction of the Latte Dallah:

**1. The Book:** It came in the Almighty saying: (God permitted trading and prohibited usury) [46]. And Ta said to me: (If you spend a prayer on the ground and it is finished, then seek the pleasure of God and remember God a lot to prosper) [47]. She indicated Yes first; the origin of the sale of passports. The word deals with every sale that requires any annihilation, unless it explicitly states prohibition and prohibition [48]. The second verse indicates: It is taken from its legitimacy in selling Pane Ptghae credit for that e-commerce and includes all conscious gain (49).

## **2- The Sunnah of the Prophet:**

What was narrated from Ibn al-Sahah or R. R., Walt passed an ax, and the mussels sore the mussels, for example evenly, hand in hand, if these types are different, then sell how you like, if it is hand in hand] [50]. On the authority of Wael Bin Dawood Bin Abaya Bin Rifa', on the authority of his grandfather, according to the Prophet, peace and blessings be upon him, it was said: Which is the best earning? He said: [The man makes his hand and every sale is justified] [51]. It is clear from these hadiths in general that selling is legal, including the sale of murabahah, noting that the first hadith referred to the six funds only, and among the jurists is measured by what they share in the work, so they obtain the same ruling in terms of selling controls, so that it does not fall in the interest of credit and misery. So it appears that it is forbidden to differentiate between the six women who have agreed to mention them and differed between others, that is, if they differ between two fetuses, it is permissible to sell, and profit-making, where the two sexes differ in the weight of another sale [52], and the second It refers to determining what has become of the nature of the demand for gains, and determining manual labor on justified sale, indicating that it is better.

3. The consensus: Muslims have lost this inherited sale, and it is permissible to collect it, because to some extent it is one thousand from the Financial Times award according to Sharia, and that people have inherited these properties (murabahah and others) in the remainder of the disc and a tape without ranks. This consensus is on the air) [53].

4. Reasonable: Murabahah "selling is permissible to gather passport strips, an urgent need for this type of sale, because the fool who is not guided by trade needs to do it depends on smart preaching and perfume himself as much as he buys profit [54].

## **Second: Conditions for Murabaha Sale:**

Murabahah is required for the validity of what is required for the validity of the conditions of sale, as one of the conditions of the contract, the condition of arrival, the health condition, the necessary condition, as well as the condition of completion.

- 1- To be the first buyer of the price of information (Olathe of Ni), as it was not known to him, so the father is corrupt to a scholar in the council choosing wills, or letting it stop, and the issue of corruption is foolish from the price.
- 2- That the profit information is. Because some price, the state of health of the price of Baaat, whether it is sexual gain of capital in the murabaha or sex afterwards as the first price information and profit information.
- 3- The price in the first contract corresponding to the wealth should not be from the same supporter of interest, in the two corresponding wealth for himself if the mikel buys or the weighted wealth from themselves, for example, such as this is not permissible for him to sell murabahah, with regard to the first sale of murabaha the price and the increase, and the increase In supportive usury, interest is not profit, but when the gender is different, there is nothing wrong with murabahah even if he buys a dinar for ten dirhams, the idea of winning a specific dirham. It is permissible to sell the first murabahah and increase the price ([56]).
- 4- That my winning of the first contract is valid, as a corrupt sale is not permissible for a murabahah, for a murabahah sale for the first increase in price and profit.

- 5- That the capital be from “A” people, for example, because if there is nothing as if he owns it, then his ownership is of unknown value [57].

#### **Fourth: The role of murabahah as an alternative to solving the housing crisis:**

Could we suggest to those who are working on Islamic banking to adopt the formula as murabaha alternatives and one color that can contribute to solving the housing problem, by following the formula of murabahah methods.

The first method: the Islamic bank that people, in agreement with the owner of the land, who need to equip the housing with building materials that cover his needs by the method of Murabaha, and this method is beneficial for both parties, as it is the bank of the Islamic party that has achieved an amount of profit from it and from the other party to accommodate the needy has obtained the necessary materials to implement The housing project, on the other hand, the Islamic bank takes sufficient guarantees, and this method of dealing with the usurious garment has gone out, and it is preceded by Sharia. As it serves the end of the deal, it serves the bank because it provides it with guaranteed profitable opportunities, and it serves those who really want to obtain housing through obtaining materials and construction supplies. Provided that the building is mortgaged to the bank and that the payment is in pre-agreed installments.

How to use this method is as follows:

- Choose those who are serious about housing, and then you must be careful in this choice.
- The housing applicant submits an application to the bank specifying the required materials.
- The bank studies the request and then a date is made between them on the quality and price of the materials to be prepared for the customer, the installments and the dates for their payment.
- The bank buys these materials.
- The materials are delivered to the customer, and the house under construction is mortgaged in favor of the bank.
- The reservation will be lifted from the house when the installments are paid.

This method effectively addresses the problem, as it prevents the use of murabahah as a means of obtaining cash, because the bank puts its hand on the house, and because it supplies the customer with materials that are difficult to liquidate, because the implementation is under the supervision of the bank.

The second method: for the customer to submit an application to the bank declaring his desire to buy a house, and here the bank examines the customer's seriousness, reputation, ethical aspects and suitability after the bank finds that his study gave positive results in favor of the purchase. He agrees with the customer to buy the house, then that is done. The house sells the murabahah to the customer in installments between them, with the house being seized in favor of the bank until the installments are fully paid, and here it is possible to get out of the dilemma of the binding promise. The type of sale, then it becomes an option for a longer period that allows the bank to choose how serious the customer is, then the sale is executed, otherwise it is returned during the option period without the bank being affected by any damage.

Note that the binding promise was full of research by contemporary jurists and scholars, and they came out with the conclusion that there is nothing wrong with a binding promise, so that the promise of damage is not reflected on the bank, with a difference in the future price, after it has been approved by the Sharia supervisory authorities for more than one Islamic bank, as approved. On him by two conferences of Islamic banks [58].

Here we are talking about establishing Islamic banking outlets in interest-based banks around the world to facilitate the implementation of this proposal. It is said that Islamic banking is still modern and is not specifically in Iraq, as it is not. Currently able to take the aforementioned, the launch of such bonds (housing bonds) may open a wide scope for winning the public, as we did not know that the parties to the sale contract in the form of murabahah are carried over. Islamic banks consist of three parties, as follows:

- 1- The first party: (the bank), because he obtained the return in his capacity as an agent for the owner of the bond and the agency with an indisputable fee.
- 2- The second party: (the owner of the money), if he invests his money in the form of profitability, then his share of the profit (his money) will be a lawyer in trade. The profit here is to blame.

- 3- The third party: (the needy for housing) is to obtain humanitarian materials or obtain housing, with no liquidity available to him, and he pays the value of that house in the form of periodic installments that may not exceed the monthly rent if he wants to live in a house for rent.
- 4- The bank here is just an intermediary between the owners of money on the one hand, and those in need of housing on the other hand, so that the process here becomes a raw material for the three parties.

## Conclusion

Research has indicated that the application of Islamic law is the best way to achieve human society than achieving happiness in al-Dari, and that leaving it causes widespread problems in the areas of life for everyone, especially the problem of housing, as it is the necessity of human life, yes, and its purpose is the purposes of the law and the right of mankind, for them to have a decent life And protect it from all harm, so the research addressed to the housing crisis came by developing legitimate solutions and activating them in caring for the population. The needs of distant usurious loans or usurious debts, as this research showed that the housing crisis is one of the most prominent problems that include Islamic societies, especially Iraq, and what the Iraqi citizen suffers in this aspect, by imposing usurious interest on housing loans.

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