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## Islamic Ethics of Business and Transaction: A Lesson for Nigerian Muslim Entrepreneurs

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### **Abstract**

*Economic set back is one of the major problems facing the world today. In Nigeria, business transactions are carried out with uncertainty, price manipulation, hoarding, withholding full measure, false swearing, interest, exploitation and fraud which is having a significant decline in business growth. However, mankind is directed towards exchanging goods and utilities through buying and selling for the promotion of social and economic life. This paper explains concepts such as Islamic ethics, business transaction, and entrepreneurship. It goes further to discuss the importance of Islamic ethics of business and transaction in eliminating cheating, fraud, hiding defects of merchandise, false swearing, monopolizing stocks and interest rates in business transactions. It concludes that, Islam prohibits every type of fraud and deception whether it be in buying and selling or in any other matter between people. It is therefore, recommended that, Muslim entrepreneurs should uphold the teachings of Islam on business and transactions. They should be honest and truthful by holding their faith dearer than any worldly gain that is ephemeral.*

**Keywords:** *Islamic ethics, Business transaction, Muslim entrepreneur, Halal, Haram*

### **1. Introduction**

Every society needs to define its values and engage in activities that will sustain those sets of values. The 1999 Constitution of the Federal Republic of Nigeria, section 23 provides that national ethics shall be discipline, integrity, dignity of labour, social justice, religious tolerance and patriotism (Agu, 2016). However, the life experiences of Nigerians are quite different from the constitutional provision on ethics and values for the country. The get rich syndrome and pursuit of easy money has reduced the dignity of labour and integrity no longer cherished by many Nigerians. According to Shehu (2017), economic practices which cause pains to the masses within the economic sphere include: hoarding, fraud, greed, extravagance, adulteration of goods and commodities such as diluting milk with water, blowing air into beef to increase its size, filling the measuring plastic with hot water to increase the size or compressing the container to reduce the size commodities and so on. All these often lead to transaction catastrophe. Many citizens are suffering from high interest rate, bankruptcy, inflation, rise in the price of goods and services over a period of time. Prior to Islam, different types of transactions and exchanges of properties were rampant among the Arabs. Islam approved and confirmed such types of transactions which do not conflict with Islamic ethics and disapproved and prohibited those business practices which are against the purposes and aims of Islamic law. The prohibitions were due to specific reasons, for example, trading in prohibited goods, transactions involving fraud or exorbitant profits or injustice to one of the contracting parties.

#### *1.1. Explanation of Concepts and Key Terms*

##### 1.1.1. Islamic Ethics

Islamic ethics which is the subject matter of this paper denotes traits of behavior that are regarded by Islam as good – abstaining from what is censured by God and His Messenger and doing what is enjoined by them. Islamic ethics is fundamentally dependent on the possession and commitment of Muslims of belief in God and be faithful unto Him by doing Good in all ramifications (Adigun, 2016). Beaker (1992) defined Islamic ethics as ‘good character’. It is the combination of the teachings of the Qur’an and examples of Prophet Muhammad (SAW). The Islamic ethics is given by *Shari’ah* – the Islamic legal system. According to Islam, whatever is injurious is morally bad. The ethical system prescribed in Islam is externally divine and forms the foundation of an Islamic-Society. Islamic ethics prepare its followers to zealously guard their behavior, words, thoughts, and intentions and observe certain norms and moral codes in their family affairs; in dealings with relatives, neighbours, and friends; in their business transactions; in their social affairs; and private and public life. The unique feature of the Islamic ethical system is that, it permeates all spheres and fields of human life (Mohammed, 2013).

### 1.1.2. Business Transaction

A business is an individual or a group of people whose goal is to make a profit by selling products or services (Kekereowo, 2007). A business is seen as the sum of all activities involved in the production and distribution of goods and services for the wage of an entrepreneur. Business transactions thus, refer to activities and events that affect the financial position of a business and are capable of being assigned monetary values. These activities include financing, purchasing, producing, selling, or distributing, advertising and expending. Business is an economic system where goods or services are exchanged from money or for one another. People needs foods, clothes, medicines, house, etc. and other necessities in their life for living generally, and people can obtain these goods and services through trade. Trade or business transactions are permitted in Islamic laws within the proceedings and rules of Islamic jurisprudence. As long as the transactions or business itself are undertaken according to the rules and regulations of the Islamic Laws (*Shari'ah*) (Salih 2009). A business transaction can either be an exchange transaction (involves physical exchange of values such as sale, purchase, payment, etc.) or a non-exchange transaction (which does not involve physical exchange (e.g. loss from flood, fire loss, internal production; depression, etc.). Most business transactions are characterized with:

- Investment of cash or other assets by the owners.
- Withdrawal of cash or other assets by the owners, and distribution of dividends.
- Borrowing of cash from other entities for business use.
- Sales of goods or services (either for cash or on credit account).
- Transfer of goods or exchange of goods and services.

Islamic business precept quintessentially forms the ethical system which denotes that, everything that is good and beneficial for the society is lawful and permissible and anything that causes harm or menace to the society is unlawful and prohibited.

### 1.1.3. Halal

*Halal* is the Arabic word for lawful, (Oloyede et al 2007). It denotes things permitted with respect to which no restriction exists, and the doing of which the Law Giver (Allah) has allowed. It means what Allah out of His own wisdom and Knowledge made lawful for man. Therefore, lawful earnings means what one acquires through one's ability guided by Islamic ethics from what has been made lawful by God such as what one acquires through legitimate transactions such as lawful trade, lawful labour, booty from lawful *Jihad*, inheritance, gift etc., while lawful expenditure means lawful way through which one expends his lawfully acquired wealth. For example, in feeding one's family, close relations and the poor, and educating oneself, building a mosque, giving out charity etc.

### 1.1.4. Haram

Haram means 'prohibited'. It denotes things which the Law Giver (Allah) has absolutely prohibited. Anyone who engages in it is liable to incur the wrath of Allah in the hereafter as well as a legal punishment in this world. According to Oloyede et al 2007, *haram* connotes unlawful means of which Allah made unlawful for man to use. Unlawful earning means what one acquires through one's ability from what Allah has made unlawful for one. For instance, what one steals from another person, therefore *Haram* earnings include what is acquired through stealing, armed robbery, fraud, etc. Unlawful expenditure on the other hand means the unlawful way through which one expends one's wealth which one acquired through either lawful or unlawful means like buying and consuming alcohol. *Haram* expenditure includes, buying alcohol, spending money through illegal trade like gambling etc.

### 1.1.5. Entrepreneurship

2.5. The word entrepreneurship was coined from the French word "entreprendre" which means to undertake (Onyido, 2015). Igbo (2006) describes entrepreneur as an initiator, pace setter, inventor or developer of present-day technologies. Thus, an entrepreneur is basically an individual who has or operates a business venture where profit and revenue is obtained. Entrepreneurs play a key role in any economy, using the skills and initiative necessary to anticipate needs and bring good new ideas to market.

## **2. Islamic Ethics of Business and Transaction**

Islam, a religion and way of life has its own distinctive value-based ethics for business dealings and transactions. In Islamic law of Business transactions and contracts, it is under the law (*Shari'ah*) to engage in lawful and wide range of trade and commerce (*Tijarah*). There are verdicts on how trade and business should be carried out. Directives on sale transactions, law of contract, offer, withdrawal of an offer, consideration, termination of contract, the forbidden contracts of sale, distribution of income and wealth and so on are widespread in the Qur'an and *Hadith* which form the basis of Islamic law and Jurisprudence. It is from this law that Islamic ethics are derived.

Islamic ethics of business and transactions offer a balance between extreme capitalism and communism in respect of wealth and its ownership. It offers the individual the freedom to produce and create wealth, while surrounding the individual with an environment controlled, not by human rulers but by Divine guidance, which sets moral rules and norms of behavior that must require the utmost sincerity of intention. When these rules and norms are internalized and acted upon by people, peace and prosperity results for the wider society. Islam thus, gives room for mankind to utilize the world's assets to the best of their capability in the spirit of righteousness and brotherhood. It also accepts the necessary obligations of market economy, such as the right of ownership of enterprise and a competitive environment. Islamic ethics prescribes certain specific guidelines governing business. These ethics are dictated primarily by the notion of *Halal*

(Lawful permissible) and *haram* (unlawful or prohibited) as per Islamic law and jurisprudence (*Shari'ah* and *Fiqh*). The primary objective of *Shari'ah* and *Fiqh* is to promote human welfare, which consists in the preservation, the promotion and the enrichment of Muslim faith, the preservation of human life and human mind and the protection of posterity and wealth. For that purpose, Islamic law and jurisprudence offer prominent alternative dimensions for business activity where justice is the supreme purpose. It aims at establishing an ideal society based on justice, equity and virtue, where social security and peace are promoted, and where individuals and organizations are encouraged to cooperate in all activities in accordance with moral values in matters of goodness and prohibition from evil deeds and in solidarity with the needy and deprived people.

In Islam, a great deal of emphasis has been placed on Business (*Bai'*) as a recommendable source for the acquisition of wealth. Business in Islam covers sales on credit as well as sale for cash price. It also covers sale of a commodity to be delivered in future against price to be paid in cash, on the spot. The main contract of exchange in Islamic business law is the contract of *Bai'*. *Bai'* involves an exchange of one thing with other; one thing being the subject matter and the other being the price. Transactions in *Bai'* require the transfer of complete and instant ownership of the commodity at the time of sale/purchase and the transfer is irreversible once executed. Qur'an offers injunctions that make the transfer of goods safe and easy in order to facilitate business transactions by eliminating vagueness or misunderstanding in all types of contracts. It prohibits the charging of interest on loans as a form of injustice. According to Lawal (2007) the Qur'an which is the basis of Islamic ethics of business and transaction prohibits deceit, deception and fraud, coercive practices, gambling and usurious and injurious dealings. Hoarding, speculation and collusion among producers and traders against the interest of consumers, and such monopolies as are injurious to the socio-economic health of society are all ruled out. The basic ethics of business and transactions in Islam state that:

- There must be mutual consultation in business transaction.
- A person should be free to buy, sell or dispose of his possessions and money within the framework of Islamic law.
- There is no restriction on the percentage of profit which an entrepreneur may make. It is left to him and depends on the business environment and the nature of the goods. However, moderation, contentment and leniency must be taken into consideration.
- Islamic ethics emphasizes avoidance of illegitimate acts that is detrimental to the well-being of society or the individual.
- The state should not fix prices except where there are artificial factors in the market which may lead to excessive price increases or decreases or fraud. If there are such, the state should intervene to remove these factors.
- The state should ensure that producers, manufacturers and traders do not exploit each other or the buyers. It should curb adulteration, under-weighting, encroachment of thorough fares, unhealthy trades and unlawful professions and maintain good firm employee relationships (Lawal, 2017).

According to scholars Doi, 1984; Al-Qaradawi, 1989; Mohammad, 2013; Abd'Al Ati, 1989; Iqbal, 2003; Noibi, 1998; Abubakar and Mubarak, 2017; Oloyede et al (2007), Islamic ethics of business and transaction is based upon solid foundations and divine instructions. Business transactions thus, enjoy a great deal of attention from Islam. Honest trade and business are permitted and blessed by Allah. The business may be carried out through individuals, companies, agencies and the like, but all business deals should be concluded with frankness and honesty. Cheating, hiding defects or merchandise from dealers, exploiting the needs of customers, monopoly of stocks to force one's own prices are all sinful acts and punishable offence in Islamic law (Abd' Al Ati, 1989). According to Doi (1984), there are so many injunctions from the Qur'an which is the basis of Islamic ethics which encourage Muslims to engage in lawful and wide range of business, trade or commerce. Some of the injunctions specifically mention trade as "*Fadl* Allah" – the bounties and excellence of Allah (Qur'an 73:20; 35:12; 62:10). Allah commanded the use of seas, oceans and rivers in internal and external trade and movements of goods and commodities (Qur'an 73:20). The Qur'anic injunction emphasizes on good-will in business and transactions which indicates that there should be no displeasure or disagreement between the parties in business relationship. In as much as men and women are allowed to engage in lawful trade in Islam, the following are the prohibited business transactions according to Islamic law of ethics:

- Buying and selling of *Haram* goods.
- Sale involving uncertainty.
- Unjust measures.
- Price manipulation.
- Hoarding of Market.
- *Riba*.
- Business monopoly.
- *Tatfif* (deceit, cheating and exploitation)
- Sale over the sale of another.
- False swearing.

### 2.1. Buying and Selling Haram Goods

Trading in goods which are used for committing sin is *haram* based on Islamic ethics of business and transaction. Buying and selling things such as swine, intoxicants, and other prohibited foods in general as well as idols, crosses, statues, and the like. Permitting the sale or trade of such articles implies promoting and propagating them among people and consequently encouraging them to do what is *haram*, thereby preventing people from coming into contact with them. Prophet Muhammad (SAW) said in this regards thus: "Surely, Allah and His Messenger have prohibited the sale of wine,

the flesh of dead animals, swine and idols” and also, “When Allah prohibits a thing, He prohibits (giving and receiving) the price of it as well (Bukhari and Muslim).

### 2.2. *Gharar (Bay'al-Gharar)*

Sale involving uncertainty: According to Doi: (1984), *Gharar* is a kind of sale in which uncertainty is involved, such as the sale of fish as birds before they are caught or produced by the vendor. Prophet Muhammad (SAW) had forbidden the *Gharar* sale through fraudulent means. *Munabadhah* and *Mulamasah* (throwing the cloth to the buyer before he has carefully examined it); *Muzabanah* (exchange of fresh fruits for dry ones when the quantity of dry fruits is measured and fixed while that of fresh to be given in exchange is guessed); *Bay'ul-hasah* (sales by means of pebbles) are all forbidden act of contracts (As-Sanani, (2002). Uncertainty of business also includes the type of transaction in which there is no guarantee that the seller can deliver the goods for which he receives payment (Qaradawi, 1989). Accordingly, the Prophet forbade accepting money for a stallion's or male camel's covering, for fish in the water or birds in the air which one has not caught, or for the offspring of a camel still in the female's womb, since there is an element of uncertainty as to the outcome in all such transactions. It is pertinent to note that, not every sale involving what is unknown or uncertain is prohibited; for instance, a person may buy a house without knowing the condition of its foundation or what is inside the walls. What is forbidden or prohibited is selling something about which there is an obvious element of uncertainty which may lead to dispute and conflict, or may result in the unjust appropriation of other people's money.

### 2.3. *Unjust Measures*

Any buying and selling that involves inaccurate measurement and weight, compressing the measuring container to reduce the real measures are forbidden in Islam. Islam enjoins mankind to measure and weigh justly. For instance, the Qur'an states; "Give full measure when you measure, and weigh with a balance that is straight: That is the most advantageous in the final determination (Qur'an 17:35). The Qur'an expresses the curse of Allah on those people that reduce their measuring scale in order not to give full measure thus: "Woe to those that deal in fraud. Those who when they have to receive by measure from men, exact full measure, but when they have to give by measure or weight to men give less than due (Qur'an 83: 1-3). One way of defrauding customers is to measure or weigh incorrectly.

### 2.4. *Price Manipulation*

Islamic ethics of business transaction denotes that; market should be free and allowed to yield to the natural laws of supply and demand. Any artificial forces, such as hoarding and manipulation of prices by certain merchants, interfere in the free market, then public interest takes precedence over the freedom of individuals. Also, *Bay'ul-mudtar* (trade conducted by force) is not desirable in Islam.

### 2.5. *Hoarding of Market*

In Islam, hoarding any type of good most especially food item is unlawful. It is through this inhuman practice that the society suffers a lot. Should the dealers in a commodity refuse to sell it, despite the fact that people are in need of it, unless they secure a price higher than its known value, they must be compelled to sell it at a price equal to the price of an equivalent commodities. The cattle seller is prohibited from leaving them un milked for some days before selling, so that they may fetch a higher price. Islam severely condemns those who, driven by ambition and greed, accumulate wealth at the expense of others and become rich by manipulating the prices of food and other necessities. This is why Prophet Muhammad (SAW) denounced hoarders in a very strong words saying: "If anyone withholds grain for forty days out of the desire for a high price, Allah will renounce him. He also said: "If anyone withholds goods until the price rises, he is a sinner (Muslim).

### 2.6. *Riba*

*Riba* is an Arabic word that means usury (Oloyede, 2007), Allah permitted trade and made *Riba* unlawful. Adding an interest on loan given to another person without making a clause that absolves the person from the loan and interest in case the amount so loaned is lost by the person is part of usury. According to Noibi (2008), *Riba* is an increase, grow or surplus income received by a lender over and above the principal amount as reward for waiting or parting with the liquid part of his capital for a specific period of time. *Riba* is of two forms; *Riba an-Nasa'ah* (interest on lent money) and *Riba al-Fadl* (interest based on superiority) Reima (2006). It is the taking of a superior thing of the same kind of goods and given more of the same kind of goods of inferior quality e.g. dates of superior qualities for dates of inferior quality in greater amount. As Islam permits increase in capital through trade, it also condemns increase through lending on usury or interest (*Riba*), whether it is at a low or a high rate. The injunction on it revealed thus:

O you who believe, fear Allah and give up what remains due to you of interest if you are indeed Believers. And if you do not, then be warned of war (against you) by Allah and His Messenger while if you repent you shall have your capital. Do not do wrong and you shall not be wronged (Qur'an 2: 278 – 279).

The Prophet also declared war on *Riba* and those who deal in it; he pointed out its dangers to society, saying: "When usury and fornication appear in a community, the people of that community render themselves, deserving of the punishment of Allah (Reported by al-Hakim, cited in Al-Qaradawi 1989). Therefore, the strict prohibition of interest in Islam is a result of its deep concern for the moral, social and economic welfare of mankind. So, any monetary gain which comes too easily, so much that, one does not have to work for it is unlawful. Thus, transactions similar (in nature) to gambling (*maysir*) is condemned in principle that is based on gaining what one has not earned, or lose by mere chance. Game of chance, dice, lottery prize bonds and horse race betting are to be held with the definition of gambling.

### 2.7. Business Monopoly

Monopoly means concentration of supply in one hand. (Reima, 2006). This creates concentration of wealth in few hands and it leads to exploitation of the consumers and the workers and thus declared unlawful in Islam. Huge trusts, cartels, and monopolies should not exist in Islamic Society. The monopoly-dominated economic order betrays lack of harmony between private and social good and is, thus, a negation of the principle of maximum social advantage which the Islamic Society sets out to achieve.

### 2.7. Tatfif

*Tatfif* is an Arabic term which means deceit and cheating (Oloyede et. al, 2007). It means cheating, exploiting and deceiving people in business transactions which is done when a person uses a standard measure to buy grains and when he sells, he uses a sub-standard one thereby cheating the buyers. Also the case of person who uses a scale to weigh sacks of grains, while selling, he puts in the sacks an object that will add weight to them so that he unduly gets better profit, it can also be by way of mixing good and bad products to deceive and cheat the buyer. Islamic ethics of business and transaction considers possession of wealth a trying test, and not a token of virtuous excellence or privileged nobility or a means of exploitation. It is therefore, forbidden to gain property or wealth by fraud, deceit, theft or other falsehoods.

### 2.8. Sale over the Sale of another

If a person sold goods to another, another person (third) should not disturb the bargain by wanting to sell his own goods to the latter, offering them at lower rates or pointing out the defect in the goods already sold to him by the former. So also, is the selling of goods at the point of purchasing, in this regards, a narration from Ibn Umar; "I bought some oil in the market and when I had taken it (from the seller), a man met me and offered to give me a good profit for it. Then, when I was about to finalize the deal with him, a man caught hold of my forearm from behind. So, I turned and found that he was Zaib bin Thabit. He said; "Do not sell it in the place where you have bought it, till you take it to your dwelling. This is because Allah is Messenger forbade that commodities to be sold in the place where they were bought, till the traders take them to their dwellings. (As-Sanari, 2002). This means that an article bought at a place should not be sold at the same place, until it is taken into the buyer's possession before reselling.

### 2.9. False Swearing Over Sale

Taking of oaths in sale transaction most especially using the name of Allah to convince customer is expressly forbidden. This practice is very rampant in business transactions among people where traders keep on swearing to describe their merchandise and their prices. Some will even swear and lie in order to sell his or her goods in time. In a *Hadith*, the Prophet was reported to have said: "If the two parties speak the truth and make manifest, their transaction shall be blessed and if they conceal and tell a lie, the blessing of their transaction shall be obliterated". (Buhari, Chapter 34, *Hadith* 19.)

## 3. Conclusion and Recommendation

This paper had pointed out the prohibited parts of business and transactions in Islam while discussing Islamic ethics of business transactions. Islam condemns all form of fraud and dishonesty in the course of buying and selling. Therefore, trade in all forms must be clean and honest. The Prophet was reported to have said: "The honest and truthful businessman will be in *Jannah* (Paradise) among the Prophets (Doi. 1984) This *Hadith* proved that, if one carries out his transactions according to the guidance of the Qur'an and the *Sunnah* where Islamic ethics are derived, one will see the favour and blessings of Allah even though he may not be able to amass fabulous wealth. It is therefore recommended that:

- Muslim entrepreneurs should abide by the lessons taught by Islam on Business and transactions by running a clean and honest business.
- Muslims should do away with *riba* (interest) in their business and transactions in order to receive the blessings of Allah and not incur His wrath.
- Business men and women should measure and weigh accurately and desist from the habit of compressing the measuring scale to increase profit.
- Unwholesome means of livelihood and business practices should be shunned by Muslim entrepreneurs.

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