

Business Transactions by Modern Means of Communication ♦

The invention of computer, multimedia and Internet has enormously changed human life, to the extent that almost every aspect of society, i.e. education, culture, politics, war, trade and entertainment nowadays depend on these modern means of communication. The e-commerce is presently a widely accepted mode of trading and business transactions. These innovations, that are drastically changing life patterns everywhere, have posed various Islamic issues, including the Islamic authenticity of business transactions and contracting by using them. The Thirteenth Seminar of Islamic Fiqh Academy brought the matter on the anvil of Islamic guidance and concluded as follows.

- 1.1 *Majlis* (sitting) is the state in which two parties are engaged in deciding a deal. The purpose in *Ittihad-e-Majlis* (Unity of Sitting), is to interlink the proposal with consent at a time while *Ikhtilaf-e-Majlis* denotes that the proposal is not inter-linked to consent a time.
- 1.2 In a sale deal the proposal and consent will be acceptable if done through telephone and video conferencing. If the parties are present at a time on Internet and the consent is expressed from the second party soon after the first one makes the proposal, then it will be treated as *Muttahidul Majlis* (United in the Sitting).
- 1.3 There is a case in which one party proposed a deal on the Internet and the second party was not present on the Internet at that time and the second party later on received the message. This will be a mode of business through writing. The moment the second party reads the message it will have to express its consent instantly.
- 1.4 In case both the buyer and seller want to keep a secret of their deal and use a secret code, then the secret will be unfair. However, if the right of preemption or the Shariah right of a person is involved in that contract or deal he has a right to know about the secret deal negotiated between the two parties.

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