

The Provisions of Financial Transactions for the Refugees: Case of Syrian Refugees in Turkey

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Abstract:

The study discusses a very important topic at the moment, which is the extent to which Syrian refugees in Istanbul need to develop financial transactions provisions to help refugees adapt to the new reality, especially in terms of financial transactions that affect their daily lives and which they find difficult to implement. The importance of research lies in the identification of many jurisprudential issues in the field of financial transactions, the need to develop governance in them based on necessity, so that the refugee can adapt to his new reality without embarrassment or difficulty. In order to achieve the objectives of the study, the researcher adopts the qualitative approach. In addition, the researcher uses interviews to collect data. The most important findings of the study are: the need to strive for renewal in financial transactions, and the need to develop the financial dealings jurisprudence of refugees in accordance with contemporary developments and to put them in a new state of affairs. The study also contributes to the clarification of some of the rulings and fatwas in the field of buying and selling, and the banking transactions that concern the refugee. The study is the first building block that was developed by the researcher in this broad field, which is called the refugee jurisprudence. It therefore recommends the completion of research in all areas of concern to refugees and the establishment of a comprehensive encyclopaedia of jurisprudence that will always be their reference in all areas. Facilitation, awkwardness and the adoption of human necessities and needs taking into account the complete juristic rules of the Shariah are all adopted, as was the case during the examples given in his research.

KEYWORDS: Refugees, Financial transactions, Syria, Turkey.

1. Introduction

Recently, the refugee issue has increased, and the number of refugees in the world, especially Muslims, has increased, and their calamities have been accumulated with the complexity of life and their alienation. With the continuation of refugee movements, and the fact that transactions are the most important issue in their lives and reality, especially financial transactions, and that the Syrian refugees are the most in the world and their suffering is the worst; The paper entitled “the extent of Syrian refugees' need to develop their judgments of financial transactions”.

This study addresses the extent to which the Syrian refugees in Istanbul need to develop the provisions of financial transactions. The meaning of the process of development and modernization of financial transactions is to indicate the several requirements of the refugees that justify the development process, then to highlight samples of refugee transactions to show the need for development and modernization in the field of buying and selling, banking, transactions, etc., and finally to shed a light on the results, recommendations and proposals. Financial transactions derive their basic jurisprudence and rulings from the Noble Qur'an and the purified Sunnah of the Prophet *Mohammed* (pbuh); They are the two pure sources. Their rulings are characterized by stability, objectivity and impossibility to change, and the field of *ijtihad* is limited to subsidiary rules or to the current urgent and emerging issues, which affect people in their lives and their contemporary reality. The origin of financial transactions is fixed, and what is permissible is clear, and what is forbidden is clear, there are suspicious matters between them that many people do not know. Some may be lenient, others may be strict, and most people have some leniency in the financial issues due to the love of money and gain.

2. Literature review

Muhammad Al-Mahdi Al-Sheikh in his study “Controls for the Approval of Licenses in Contemporary Financial Transactions” addresses transactions, linguistically and idiomatically, the morals of the Muslim merchant, then the provisions of licenses and the opinions of scholars, the controls of transactions in general, and the jurisprudence rules for transactions. The results of the study are as follows: the introduction of licenses, taking into account the controls. The recommendations of the study are as follows: Continuing to delve deeper into the topic of research, which are the controls for the introduction of licenses in contemporary financial transactions

A study entitled “Developing the jurisprudence of financial transactions according to contemporary developments” (Journal of the Islamic University, Volume 23). The study addresses the requirements for the development of the jurisprudence of financial transactions in contemporary time in terms of clarifying the development measures represented by the five variables: time, place, the status of the taxpayer, interest, and custom. The most important results are as follows: We need to devise an appropriate jurisprudential approach based on the common element agreed upon by the jurists. This jurisprudential approach must also be based on the elements in which jurists differ, and on other innovative elements if necessary. The most important recommendations are as follows: People, institutions, and administrative bodies in charge must secure those requirements and contribute to creating a flexible jurisprudential generation that contributes to the development of Islamic jurisprudence in general and the jurisprudence of financial transactions in particular.

3. Methodology

The study adopts the qualitative approach in order to achieve the objective of the study. The researcher uses the interview as a tool of collecting data.

4. Discussion

4.1 The Evolution of Financial Transactions in Islamic Jurisprudence

In line with the changing times, social environments, and people's interests, and a large number of urgent and special jurisprudential cases, it has become imperative to renew and develop Islamic jurisprudence in general and financial jurisprudence in particular. It has also become necessary to issue new rulings and fatwas that contribute to the development of Islamic jurisprudence. The second chapter addresses the concept of evolving the jurisprudence of financial transactions, the extent of the need for renewal in financial transactions, in addition to clarifying the principle of evolving the jurisprudence of financial transactions for refugees under contemporary developments, the reconfiguration of financial transactions, the benefits of developing financial transactions, and the most important jurisprudence rules regarding the evolving of financial transactions.

The researcher uses the term evolving as it is broader in meaning and deals with cases that go beyond just issuing rulings and fatwas according to contemporary developments. The term evolving financial transactions has emerged as a result of the Syrians' resort to the European city of Istanbul to relieve themselves of embarrassment and distress. The evolution of financial transactions is not capricious and does not alter and change Islamic rulings. Rather, it is to confront jurisprudential special cases through issuing correct and simple jurisprudential rulings with full adherence to the sources of Islamic legislation. To revitalize it, there is a need for permanent renewal in Islamic jurisprudence in general and the jurisprudence of financial transactions in particular. The jurist needs to rely on the many sources of legislation, foremost of which are the Noble Qur'an, the Prophet's Sunnah, Ijma, and Qiyas. Sharia is based on the preservation of the five necessities. The objectives of Sharia are essential, needed, or ameliorative. Some of the rules of Sharia allow committing prohibited acts. The first rule is the likelihood of harm. The second rule is the lack of other legitimate means.

The third rule is the limitation of the commission of prohibited acts. The fourth rule is the limitation of time when committing prohibited acts. The fifth rule is that no similar or greater prohibited acts shall occur. When evolving and reconfiguring the jurisprudence of financial transactions for refugees, it is necessary to be carried out by qualified scholars who can deduce the legal rulings and consider the legitimate objectives. It should be based on knowledge of the reality in which refugees live and interact. Moderation and Facilitation approaches are to be utilized. It must be carried out only in special cases. Scholars should not adhere to one school of thought, and they have to respect the general rules of jurisprudence. Taking care of interests, issuing legal licenses, and observing the purposes of Sharia should be with truth and justice, not oppression and whims.

The evolution of Islamic jurisprudence or the so-called refugee jurisprudence, including the financial transactions of refugees, is very important as it achieves their interests and prevents mischief. The interests to be achieved are: providing a decent and easy life for refugees, whether individuals or groups, enabling Muslim refugees to apply Islam correctly in their lives, helping refugees to be open and disciplined, contributing to educating refugees, and making them aware of their religion and worldly life and providing them with a complete constitution that organizes their lives. In Islamic jurisprudence, a special jurisprudence is called the jurisprudence of special cases, and its fatwas are called fatwas of special cases. It refers to difficult or special cases that people go through and require exceptional provisions and fatwas that fit the nature of the critical situation they are in. This fully applies to the situation of Muslim refugees in several countries around the world. The most important rules in the evolution of financial transactions are as follows. First, the change of time has a very important role in developing and changing jurisprudence according to the legitimate interest. Second, Sharia is based on lifting embarrassment and burden. Third, the Widespread affliction of a case, Fourth, the existence of an issue among the people, such that it increases and is difficult to avoid, which requires facilitation and mitigation. The most important obstacles facing the evolving process are the misunderstanding of the term evolving and the backwardness of Muslims in applied sciences. The researcher recommends that the process of evolving jurisprudence is to be under truth and justice, not injustice and whims as some interests are not valid in Islamic law

4.2 The need of refugees to evolve provisions for financial transactions

This addresses the extent to which the Syrian refugees in Istanbul need to evolve the provisions of financial transactions. The chapter also addresses the needs of the refugees, the approach to dealing with refugee issues, the characteristics of refugees in Istanbul and other countries, the characteristics of refugee jurisprudence, especially in financial transactions, the economic conditions of refugees, and their living conditions in Istanbul, and the necessity of giving attention to the issue of refugees and giving them all their rights, especially financial ones. The new reality of the refugees has imposed a set of legitimate needs that jurists and scholars have been interested in while taking into account the humanitarian conditions of the refugees, their special and urgent cases, and the purposes of Sharia and to achieve the interests of the people. Refugees are governed by the customs in the host countries. Custom is considered a special case, and it has an impact on the rulings. Before passing judgments, it is necessary to look into the custom of the country, provided that it does not contradict our Sharia. Refugees are located in various lands, and under different regimes, which leads to the diversity of their needs thus demanding vigorous research into the affairs of refugees.

The approaches to dealing with refugee issues vary. One of the approaches is the approach of narrowing and exaggeration. The followers of this approach suggest that the rulings of refugees are the same as the rulings of other Muslims, and there is no difference between them at all and they consider the Qur'an texts and hadiths sufficient to rule on all special issues. They deny changing the fatwa by changing customs, interests, and habits. Another approach is the approach of negligence and leniency, for its followers put the interest ahead of the legal text. The third approach is the approach of mediation and moderation. The intended moderation is the moderation of Islam

without exaggeration or negligence, a moderation that is regulated by the legal texts, taking into account legitimate purposes, and fulfilling the interests considered legally. The emergence of refugees is due to several reasons: the most important of which is the forced migration that arises from the military and political conflicts in the country. There is a large community of refugees of Arab and non-Arab nationalities in the host countries, with nothing in common except asylum. However, the things that unite them are suffering and pain. By extrapolating the reality of Muslim refugees in Istanbul and elsewhere, we find that refugees need psychological, educational, financial, religious, and political support and even linguistic support that enables them to communicate and understand the Holy Qur'an. Undoubtedly, the refugees have their issues and economic problems related to distinguishing the halal (permissible) from the haram (forbidden) in financial transactions, banking transactions, or working in institutions where the haraam prevails, or the halal and the haraam are not clear-cut. The jurisprudence of refugees, especially regarding financial transactions, includes a set of characteristics. It is a combination of old and new.

It is a jurisprudence that views the Islamic heritage with appreciation and attention and deals with the new reality and its emerging problems in various areas of life prudently. The jurisprudence of refugees is characterized as "a balance between examining the partial texts of Sharia, and its general purposes, so that it does not neglect one aspect for the sake of another. It is a jurisprudence that addresses the problems of refugees in various fields. A new jurisprudence considers the difference of time, place, custom, and others in the fatwa and special jurisprudential issues. Jurisprudence takes into account the preservation of the distinctive Islamic personality of the inhabitants of those countries while ensuring their effective integration and communication with other nationalities. Countries in general, bodies and committees, must take care of refugees and give them their material and moral rights, and help them with food, housing, drink, work, and all their necessities, and this requires helping refugees to secure work, achieve sufficiency, and facilitate financial transactions for them. The right to work is one of the important rights in Islam, as well as in international agreements

4.3 Contemporary applications of developing financial transactions for refugees (buying, selling, and having a job)

Under difficult circumstances and many challenges imposed on them, Syrian refugees in Istanbul seek to meet their needs by various means. This has forced them to adapt to their new conditions and seriously look for work. Working unofficially was the beginning, and on a small scale, as the Turkish government issued regulations and laws regulating the work of refugees late, specifically at the beginning of 2016, when the state recognized the right of Syrians with temporary protection to work. The Syrians have excelled in various fields of life and competed with the Turks, even in the fields of language and educational specializations, whether in schools and universities Syrian students achieved excellence, creativity, and high grades, even at the state level. Despite all the success amidst adversity, Syrians still suffer from multiple difficulties in the labor market. Many refugees seek to find self-employment to support themselves and their families

Therefore, many Syrians are forced to work in multiple jobs, which do not suit their educational level and are at low wages constituting a significant loss for the Turkish economy. Many Syrian refugees in Istanbul seek employment and investment opportunities. Rather, they create these opportunities in the difficult circumstances they live in to secure a livelihood for their families. Most of them work hard and sincerely after losing hope of returning to their country. The refugee situation has worsened and unemployment has increased due to the outbreak of the Corona disease and a large number of infected people. Many refugees ask many questions and inquiries in interviews related to the Islamic provisions regarding work and profession. Some refugees have questions about the ruling on working in restaurants that serve alcohol to their customers, and in some shops that sell smoke and offer shisha. The previous actions are forbidden.

The refugees have to search for a legitimate source of livelihood, away from what God has forbidden and if they do not find a good, lawful job, nor a valid source of livelihood, then they may work in the restaurant in the food and hygiene department only and not engage in selling and serving alcohol themselves. The Muslim refugees must ask the employer to exempt them from this work and assign another non-Muslim worker. Some passengers ask the Muslim driver to take them to forbidden places, such as amusement parks and nightclubs. One of the prohibited acts is a refugee selling food and drink to non-Muslims during the day in Ramadan. This issue is very controversial among scholars. Moreover, the majority of scholars forbid that a Muslim works for a non-Muslim in building temples, or delivering forbidden things such as wine, pork, dead meat, usurious transactions, or in factories that produce forbidden things.

The Islamic Fiqh (jurisprudence) Academy of the Organization of the Conference has issued a fatwa, prohibiting work in cafes and restaurants that serve pork or alcohol, as well as the prohibition of designing or participating in building temples. But if the refugee is forced to work in these restaurants, it is permissible, provided that he does not personally engage in pouring, carrying, manufacturing, or trading in alcohol. The same applies to serving pork, and other taboos. The refugee Muslim must strive to earn lawful income and work in what pleases God, and avoids working in these suspicious places that lead to the corruption of religion. It is noticeable among refugees that women and children seek work. The woman seeks to secure a livelihood for herself and her orphaned children by working, so she engages in various jobs, which are often not suitable for her. The Islamic principle is for women to look for a suitable job opportunity with a Muslim family.

This is not possible in the country of asylum, Therefore, the work of Muslim women as a nanny for the children of non-Muslims is a reason for some of these families to convert to Islam. Under difficult circumstances, some refugees are forced to work to make ends meet. They sell cigarettes on the roads and streets, or in shops owned by them or others. The ruling is the same, and it does not differ much regarding the sale of these forbidden things, because it is not permissible to sell them because of the harm and danger that they entail. Some refugees work in women's or men's clothing stores, or sewing factories. The ruling on this issue is generally permissible.

Nevertheless, if the Muslim seller knows for sure that these clothes are for a forbidden purpose or are used for what God has forbidden, then it is not permissible to sell them. Some Syrians resort to selling their organs, such as kidneys, livers, and others, for exorbitant sums of money to pay for their basic needs, such as paying rent or buying medicines for some of their chronic diseases. Many

scholars believe that it is forbidden to sell organs while they allow the use of organs by donation. Based on the foregoing, it is not permissible for a person to offer his organs for sale under any circumstances, as they are not goods that can be bought and sold, and it is not permissible for a person to sell his organs to spend a debt or otherwise. Some refugees are forced to pay bribes to government officials, brokers, or merchants. Although the scholars, even if they agreed that bribery is a major sin, the majority of scholars agreed that it is permissible for a person to pay a bribe to ward off harm or get his right. The other opinion regarding the issue is summed up in the fact that it is not permissible to pay a bribe to obtain a right due to the dire implications arising, including the spread of corruption in society, the loss of the rights of people, especially the weak and the poor.

4.4 Contemporary applications of developing financial transactions for refugees banking transactions

The issue of banking and financial transactions is one of the most important topics that play a fundamental role in the lives of refugees. The refugees have some questions and inquiries regarding this matter thus prompting the researcher in this chapter to shed light on some important topics, including the provisions of the Islamic Sharia regarding the refugee's opening a bank account in usurious banks, the issue of loans, and its necessary purposes, the issue of bank financing for the purchase of housing, the issue of currency trading and exchange, and the issue of letter of credit. The issue of opening a bank account has become one of the necessary things in people's financial dealings, such as transferring monthly income, purchasing items via the Internet, or paying electricity, water, and mobile bills, and other necessities.

As evidenced by the reality that refugees live in Istanbul and interviews for refugees, it is difficult for refugees to open a bank account, and even when it is possible to open an account, some banks impose high financial fees on bank accounts for people with limited income, including refugees. It is not permissible to deal with usurious banks when there are Islamic banks. Bank loans may be permissible if they are lawful, and if the refugee is forced to borrow to work to start a small project that will provide for him and his family, and they are forbidden if they are not in a lawful manner. The Islamic ruling on a refugee who is forced to take a loan from an interest-based bank stipulates that the interest-based loan is prohibited and is not permissible in any country other than Islam. Another ruling states that it is permissible to take an interest-based loan in non-Islamic countries. The ruling on obtaining a loan from an interest-based bank to secure housing, in general, is that it is permissible to obtain an interest-based loan to buy a house when needed, and there is no legal alternative for refugees and residents in Western countries. Another ruling states that it is forbidden to take a loan from an interest-based bank to secure housing

As a result of the widespread use of exchange currency offices and currency trading offices in Turkey and among refugees in particular. Currency trading is permissible as it achieves the interests of people and provides different currencies and facilitates people' Profit from currency trading is permissible and legitimate if the rules of exchange are observed. Some refugees need to send some money to their families in Syria through some exchange companies or through some people who work in this business. The provision of the exchange of currency in Sharia is that it is to be delivered

hand to hand. If there is any delay in the exchange, then the two contracting parties have committed usury. The two legally considered methods of exchange are that the money sender exchanges the currency he wants to send then delivers it to the transferor, and asks him to transfer it for a certain fee.

As for the second case, it is the presence of an agent for each of the dealers in the country to which the transfer is to be made, then they agree on a specific date on which they meet so that the transferor pays the money to this person, and at the same time, the agent of this person in the other country gives the transferor's agent the entire money in the other currency. Is it permissible for a refugee to request a debt or a loan in Istanbul, provided that he writes a letter of credit or a paper to the creditor to recover his money in Syria or any other place according to the agreement? The majority of scholars are of the view that the bill has an extra benefit for the lender and is conditional at the beginning of the contract, and it is a profit on the road safety, so they consider it not permissible.

5. Results and Recommendations

The researcher has reached several results, the most important of which are:

The need for Syrian refugees in Istanbul to develop provisions for financial transactions. The necessity of assisting refugees in finding solutions to some of their financial, economic, and jurisprudential problems in the society in which they live and answering their important questions in some disputed issues. Syrian refugees in Istanbul are affected by the development of financial transaction provisions. The necessity of adequately addressing these transactions, exploring the opinions of refugees, and the difficulties and obstacles that prevent the optimal application of financial transactions. The study concludes that the change of time, place, institutions, and some modern and technological means and developments are among the most important reasons for changing, renewing, and developing jurisprudence in general and jurisprudence of financial transactions in particular

Recommendations

- addressing the needs of the refugees at present, because caring for the refugees and their physical, psychological, scientific, medical, and financial needs is consistent with the divine honoring of the human being
- Creating a special jurisprudence for refugees under the title (Jurisprudence of Asylum), similar to (Jurisprudence of Minorities)
- continuing the research in the fields related to refugees and establishing a comprehensive jurisprudence encyclopedia that will be their permanent reference in all fields
- Taking care of the refugees and giving them their full rights in the country of asylum will contribute to the actual participation of the refugee in the process of building the country and achieving further progress in all fields

- Assisting refugee-receiving countries by establishing huge development projects to accommodate the largest number of human capabilities, and activate their enormous capabilities and potentials in the field of development for the host country and the refugee.

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