

Limited interests in Muhammadan law / Kamila Tyabji

Tyabji, Kamila

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20383712&lokasi=lokal>

Abstrak

Subject a special branch of Muhammadan law, which is not only of great practical importance, but involves the application of principles peculiar to that system of law. Muhammadan law recognises only absolute ownership of property, though, broadly speaking, it permits limited interests in the use of property. As judges whose duty it is to interpret and apply existing law, is to adapt the rules of Muhammadan law to modern society. The prohibition of usury may be taken as an example of the difficulty of applying old rules to modern society. If applied literally the prohibition would prevent the borrowing of money at interest, whether the lender be the State, a bank, or a private individual, and would make the conduct of business on a large scale in a modern capitalist State wellnigh impossible. But if Muhammadan law is to be modernised, it is essential that the principles upon which it is founded should be clearly understood. It is in that regard that I believe that this treatise will prove of lasting value.