

UNIVERSITI TEKNOLOGI MARA

**UNDERSTANDING LEVEL OF GHARAR
CONCEPT AMONG ACIS STUDENTS IN UiTM
PUNCAK ALAM**

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HUSLI**

Dip.

JUNE 2019

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Academic writing submitted in partial fulfilment of the requirements for
the **Diploma in Muamalat**

Academy of Contemporary Islamic Studies

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AUTHOR'S DECLARATION

I declare that the work in this academic writing was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the result of my own work, unless otherwise indicated or acknowledged as referenced work. This academic writing has not been submitted to any other academic institution or non-academic institution for any diploma or qualification.

I hereby, acknowledge that I have been supplied with the academic Rules and Regulations for Under Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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ABSTRACT

A study on understanding level of *gharar* concept among ACIS Students in UiTM Puncak Alam. The total number of student involved is 397 people (population). The method that has been used are quantitative that is a questionnaire through the google form. The result showed that the student of ACIS had a moderate level of understanding of *gharar* concept on the objectives of the study. In conclusion, there is still a lot of effort and knowledge in other to understand about the concept of *gharar* especially to the whole society.

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CHAPTER ONE

INTRODUCTION

1.1 RESEARCH BACKGROUND

Islam had already set the Shariah guidelines to the Muslims in all matters including in Muamalat fields. The failures to comply with these guidelines can cause the contract become invalid. As we know that, *gharar* or uncertainty are one of the elements that are clearly prohibited by the Shariah. In addition, *gharar* elements in a sales contract are recently exposed with the uncertainty of the matter that are related with the goods, price and other else. In generally, all of the contract including the sales contract that are contains *gharar* element are prohibited because it cannot make the contracts are perfect. If the contracts are perfect though, it can cause hazard or taking the people's right in the wrong way. Such as the seller who have no goods and absence of goods during the contract are the matter that contribute to *gharar* elements in a sales contract.

The word of *gharar* literally come from “*gharaha, yaghrahu, ghara, wagherura*” (غره, يغره, غرا, وغرورا). From this word, the term of *gharar* was published. *Gharar* are fraud “*alkhadiyah*” (الخدعة) and taking wealth in the wrong way. Thus, *gharar* means someone has been deceived by other or something, Ibn Manzur (1967). From the Shariah technically, the scholars give a various definition about *gharar*. Apart from that, different hukm and impact are existed to the any contract that contains the *gharar* elements. Firstly, Al-Sarakhsi (2000) stated that *gharar* is the goods that are hidden and unknown consequences. He gave an example about *gharar* transaction such as buying and selling animal children in the womb. This transaction was prohibited because the contract's parties doesn't know either the animal live or not. Thus, according to al-Sarakshi, *gharar* is the uncertainty either on the perfectly contract or ownership of goods. Next, according to Shafi'i scholar, *gharar* was been related with the seller's inability to hand over the goods, such as the transaction that sell the slave who runs. Moreover, the definition about *gharar* concept also had discussed among of the current scholar likes al-Zuhayli. According al-Zuhayli (1997), *gharar* is the hazard that are exist from the uncertainty about the quantity, characteristic and the existed of

the goods. It is because disability to control the time and place of the delivery of the goods. *Gharar* concept can be divided into 3 group that are *gharar yasir*, *gharar mutawasit* and *gharar fahish*. *Gharar yasir* also known as minor *gharar* that are not given an effect to the contract. The majority of scholar are agreed that *gharar yasir* had been given loosening and forgiveness because this element cannot or difficult to avoid. In addition, *gharar yasir* does not lead to dispute and its risk are low. Such as, the purchase of home that are unknown the basic condition of the house either perfect or not, although it is normally are perfect and strong. Next, *gharar fahish*. It is the largest *gharar* that are giving effect to a contract. This element in the contract must clearly and numerous to be known as a *gharar fahish*. According to Imam Nawawi (t.th.), outrageous element in *gharar* are the element of *gharar* can be seen or known and it can be avoided. Such as selling the birds that are still flying freely in the sky or selling the fish that are swimming freely in the sea. Lastly, *gharar mutawasit* is the category of *gharar* that are dissolved either including in the element that give effect or not give effect to contract.

This research is important in other to know the understanding level of *gharar* concept among the Academy Contemporary Islamic Studies (ACIS) as a respondent because this topic also as one of the syllabus in their studies. It also important to the society in others to give an addition knowledge about the *gharar* concept.

1.2 RESEARCH QUESTIONS

1. How does the student understand about the concept of *gharar yasir*?
2. How does the student understand about the concept of *gharar fahish*?
3. The extent of the relationship between *gharar yasir* and *gharar fahish*?

1.3 PROBLEM STATEMENT

Islam encourages its people to involves in business or transaction because many benefits will receive by people nowadays. With this activities, people can fulfil their needs to survive their life such as food, cloth and other else. It also coincided with the purpose of Islamic faith. According to Imam al-Ghazali “the objective of the shariah is to promote the well-being of all mankind, which is safeguarding their faith (deen), self (nafs), intellect (a’qal), posterity (nasl) and their wealth (mal). Thus, the transaction is very important because it can give a lot of necessity for the human being. Many verse in al-Quran that related with the transaction.

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

Meaning:

Allah SWT has permitted transaction and prohibited *riba*

(al-Baqarah: 275)

Based on that, it totally clearly shown that transaction is allowed and important as long as that are not have any prohibited element like *riba*. Any transaction that are contains the prohibited elements can make the any contract are not valid including the *gharar* element.

Gharar is one of the element that are less attention and understanding given by people nowadays. According to (Ahmad Hidayat 2004) This element not have deep discussion by the scholars on the issue of *gharar* causing his concept and position in the Islamic contract to be difficult to understand and subsequently induce dissensions in declaring the law for the current contract containing the *gharar* element. It is

because there are not every transaction or sales contract that are contains *gharar* elements are prohibited in Islam. Thus it needs more research or discussion about this element coincide with the modern era.

In generally, the sales contract that have *gharar* elements are prohibited and the contract are void. However, there are not the contract that contains this element are void. It is because *gharar* was divided into three categories that are *gharar yasir*, *gharar mutawasit* and *gharar fahish*. Any contract that are contains *gharar yasir* are permissible because it gave a benefit to the people and it has a low risk than the *gharar fahish* that are totally prohibited because has a large risk and causing a dispute between the contractual party. Thus, the people must have more knowledge about the *gharar* concept in other to apply in their daily life.

1.4 RESEARCH OBJECTIVES

1. To evaluate the understanding level of *gharar yasir* among ACIS students in UiTM Puncak Alam.
2. To evaluate the understanding level of *gharar fahish* among ACIS students in UiTM Puncak Alam.
3. To examine correlation between the understanding level of *gharar yasir* and *gharar fahish* among ACIS students in UiTM Puncak Alam.

1.5 RESEARCH SIGNIFICANT

1. To know the understanding level of *gharar* concept among ACIS students in UiTM Puncak Alam.
2. To add further research on concept of *gharar* to be used by the community.

1.6 CHAPTER'S SUMMARY

The topic about *gharar* concept had been described a little bit in this chapter. one of the important in doing the study or research, the researcher must have a clearly the objectives to make sure the objectives that had been set can be achieved with successfully. In doing something research, the selection of the topic also played an important role in other to make sure the topic that will be study can give a benefits not only for self but all of the society.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter will state and show some of the previous studies that are related with the study about the *gharar* topic in other to compare with this study.

2.2 AN ECONOMIC EXPLICATION OF THE PROHIBITION OF GHARAR IN CLASSICAL ISLAMIC JURISPRUDENCE (EL-GAMAL 2001)

According El-Gamal (2001), Prohibited *bay al-gharar* can be interpreted as "risky transaction". Any transaction will involve several levels of risk. Legal advisors dissimilar in opinion whether certain contracts are prohibited or not based on the amount of risk in the contract whether they are small or large. Furthermore, the prohibition may be exempted if it benefits the economy which can only be done through a contract that contains large *gharar*. We show that "doing a risk-taking" is usually ineffective compared to other forms of risk sharing. Therefore, if a contract can improve the economic efficiency through some form of risk transfer, a risky transaction ban should apply. This ban is debated in some cases that do not use risk transaction instruments and do not affect general conclusions. In situations where the risk exists in the contract, but the contract is essential to meeting the economic needs (eg *salam*), this assessment can still be used in two areas: (I) we can consider whether the risk sharing method can reduce the risk risky transactions, and (ii) we should consider the another option if secondary tools for managing the resulting risks are sought.

Based on El-Gamal (2001), the research above was focus on the prohibition of *gharar* in the transaction. The researcher also translated *bay al-gharar* as a risky transaction. This research is using the quantitative research. As the result, the researchers as shown that alternative of risk sharing still available in trading in risk. Next, shown that doing a risk-taking is usually ineffective. Also, shown that the

prohibition of *bay al-gharar* can be best translate as a trading in risk. A little bit different to compare with this study, this study is focus on the understanding level of *gharar* concept among of the respondent. This study is using the quantitative research through the survey that has been conducted. As a result, can be show the understanding level of *gharar* concept among of the ACIS student as a respondent.

2.3 THE PERMISSIBLE GHARAR (RISK) IN CLASSICAL ISLAMIC JURISPRUDENCE (AL-SAATI 2003).

According to Al-Saati (2003), To know why *gharar* is permissible in some a transaction, can be the root to adjust the *gharar*-packed concurrent transaction such as options and futures. Next, we show that prohibited *gharar* is a gamble likes a transaction after determining *gharar* and risk uncertainty is almost the same. We see the permissible *gharar* in some transactions and find that jurist leave the original hukm of *gharar* that is prohibited and justified by *maslahah* that can be think about as particularization of general ruling (*hukm*) on the base of stronger evidence which is either clear or imbibed.

Based on Al-Saati (2003), the research is more focus on the permissible of *gharar* element in the transaction. The result of the research is the researcher are found that the *hukm* of *gharar* are prohibited but it changed because of the *maslahah*. Moreover, the researcher is compare the definition of risk and uncertainty given by the conventional with the Shariah definition about *gharar* in other to understand the nature of *gharar* in new transaction such as futures and option trading. Furthermore, the researcher found that the the prohibited *gharar* which is the excessive *gharar* are the same like gambling. The research above is using the quantitative method through the content analysis. It a little bit different with this research because this research is focus about the understanding level of the *gharar* concept which is *gharar yasir*, *gharar fahish* and their correlation. In addition, this research using the quantitative method through the survey that are be conducted.

2.4 THEORY OF *GHARAR* AND ITS INTERPRETATION OF RISK AND UNCERTAINTY FROM THE PERSPECTIVES OF AUTHENTIC HADITH AND THE HOLY QURAN: REVIEW OF LITERATURES (WAEMUSTAFA, WAEIBRORHEEM AND SURIANI, SUKRI 2016)

According Waemustafa et al., (2016), In the current study can be found on the definition of *gharar* that is not so convincing as risk and uncertainty. The difference in the meaning of *gharar* in general is due to the various differences in views given. Current practice is that there is no standard in explain of terms. The content analysis approach has been used in this study to see the literature accessible in the term *gharar*. As a result of this study, it can introduce the ways to determine the terminology; definition of jurisprudence, definition of Arabic language and of dictionary. But the risk philosophy found in the Qur'an and Hadiths are different that have been expressed in conventional finance about the risk concept. In addition, was be founded that the risks in Islamic banking refer to a broader explanation that are covering concept of *maysir*, *gharar*, *mukhatarah*, *al ghunm bil ghurm* and *al kharajbil daman* compared element of uncertainty in the conventional finance. Thus, it has added the existing knowledge in the field of risk elements in Islamic contracts.

Based on Waemustafa et al., (2016), the research above is about the theory of *gharar* risk and uncertainty. The researcher more focus on the definition of the *gharar* and the interpretation about risk, uncertainty that are already stated in al-Quran, hadith and various literature. They found that the five concept that are related with the risk in Islamic perspectives that are *Mukhatarah*, *gharar*, *maysir*, *al ghunm bil ghurm* and *alkharaj bil daman*. As a result of study, they found the way to determine the terminology. The research above is using the quantitative method which is content analysis. It a little bit different with the research because the research more focus on understanding level of *gharar* concept among of the student as a respondent. This research using the quantitative method which is survey. As a result of the research, can know the level of understanding about *gharar* concept in among the respondent.

2.5 CHAPTER'S SUMMARY

After researching and understanding a little bit about the previous study, have found that the study about the topic of *gharar* are different with this study. It important to ensure the topic to be study are something new. A lot of information in the previous study also can be as a reference and a new additional knowledge to be used in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

Irny, and Rose, (2005), “methodology is the systematic, theoretical analysis of the methods applied to a field of study”. Basically methodology is the process that have been used to collect data and information for the purpose of making decisions. This chapter will discuss in detail about the important things in the methodology and strategies that have been used in this study. It will discuss about the type of research, sampling method, instrument in data collecting, instrument in data analysing and analysis method.

3.2 TYPE OF RESEARCH

this research is using the quantitative research which is survey. This survey has been conducted among ACIS Student in UiTM Puncak Alam which is 3rd semester until 5th semester student of diploma in Halal Management and diploma in Muamalat. This survey is using the set of questionnaire through the google form.

3.3 SAMPLING METHOD

Sampling is a method that allow the researchers to gain information about a population based on the result from the sample that have been targeted. This research is using the random sampling method on the population which is ACIS Student in UiTM Puncak Alam. Each member of population has a probability also equal chance to be chosen or selected.

3.3.1 Population

This research was conducted at UiTM Kampus Puncak Alam. The population in this research are emphasize the ACIS Student which is student in diploma in Halal in Management and diploma in Muamalat. The total of population are 397 students which is 3rd semester until 5th semester of ACIS Students.

3.3.2 Sample

The sample size of this research is calculated by using Gay & Diehl (1992) which is apply 10% of population. The population of this research are 397 students. After applying and using Gay & Diehl (1992) method, the sample of this research are only involved 40 students which 10% percent from the population that is 397 students.

3.5 INSTRUMENT IN DATA COLLECTING

This study uses a set of questionnaires as an instrument for obtaining the data. This set of questionnaires was built the researches themselves. It contains three parts that are part A, B and C. Part A is a demographic that related with the background of the respondents that are programme, gender and the level of study. Next, part B is related with the understanding level of *gharar yasir* concept. For the part C, the questions are related with the understanding level of *gharar fahish* concept. Furthermore, part A must be answer by the respondents with the answers that have been provided. For the Part B and C, respondent must use the Likert scale as an answer options that are Strongly disagree, disagree, neutral, agree and Strongly agree. Lastly, the researches have referred this set of questionnaires to the experts in other to ensure the validity and reliability of questionnaire items.

3.5 INSTRUMENT IN DATA ANALYSING

The data that have been gain through the set of the questionnaire have been process by Statistical Product and Service Solution (IBM SPSS Statistics). This software will facilitate a statistical data to be processed accurately and systematically as required by the researcher. The researches also using the Microsoft software such

as word and excel that are function in prepare the table, graph and pie chart of the data that have already been collected.

3.6 ANALYSIS METHOD

In analysing the data, the researcher has used the descriptive statistic for the question in part A, B and C. It will analyse the data in the form of percentage and frequency on the answers of the questionnaire. Furthermore, the inferential statistic has been used to elaborate the relationship or correlation between the study variables. On the objective 3, bivariate analysis had been used to examine the correlation between the understanding level of *gharar yasir* and *gharar fahish* concept. The purpose to use the bivariate analysis because it just involved the two variables of data.

3.7 CHAPTER'S SUMMARY

The research methodology is really important in doing the research. It is because the methodology is the process to collect data and information about the study that have been conducted. The researcher must know and smart about the type of research that want to be used. For the example, in doing the survey, the population and sample are matter that is firstly to be decided.

CHAPTER FOUR

RESULTS & DISCUSSION

4.1 INTRODUCTION

In this chapter, the researcher will analyse the data that has been collected through questionnaire. The data will be present in the form table and pie chart to be easily understood by others. This chapter also will prepare the discussion about the topic between this study and others study.

4.2 RESULTS OF DEMOGRAPHY

4.2.1 Programme

For this question (Table 4.1, Figure 4.1), a total of 86 respondents (100%) that representing student of diploma in Muamalat and diploma in Halal Management. The respondent of diploma in Muamalat are 47 (54.7%) and respondent of diploma in Halal Management are 39 (45.3%).

Table 4.1: The Frequency and Percentage of Respondents' Programme

		Frequency	Percent
Valid	Diploma in Muamalat	47	54.7
	Diploma in Halal Management	39	45.3
	Total	86	100.0

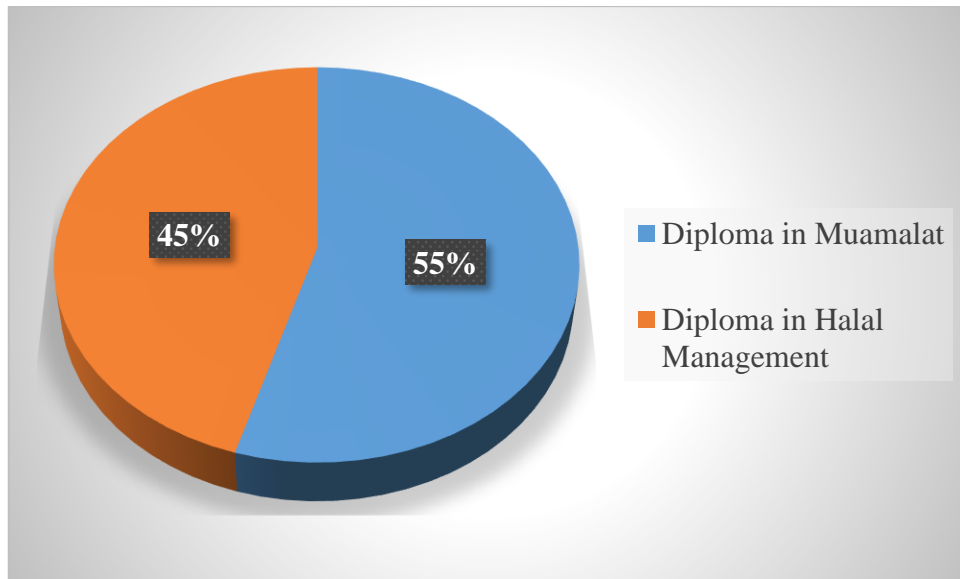


Figure 4.1: The Percentage of Respondents' Programme

4.2.2 Gender

For this question (Table 4.2, Figure 4.2), a total of 25 respondents (29.1%) representing the male and 61 respondents (70.9%) are representing the female had answer the questionnaire.

Table 4.2: The Frequency and Percentage of Respondents' Gender

		Frequency	Percent
Valid	Male	25	29.1
	Female	61	70.9
	Total	86	100.0

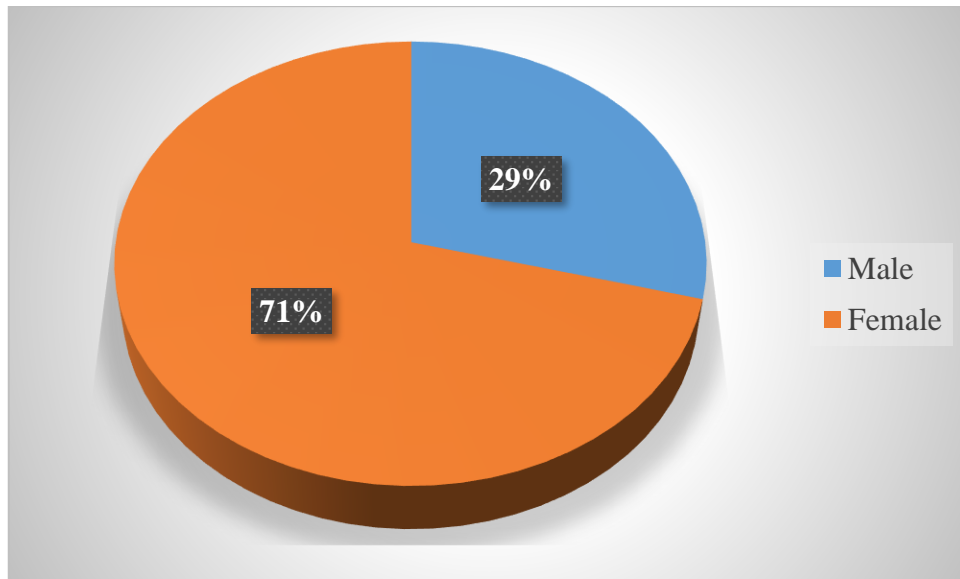


Figure 4.2: The Percentage of Respondents' Gender

4.2.3 Semester

For this question (Table 4.3, Figure 4.3), a total of 21 respondents (24.4%) from 3rd semester, 26 respondents (30.2%) from 4th semester and 39 respondents (45.3%) from 5th semester.

Table 4.3: The Frequency and Percentage of Respondents' Semester

		Frequency	Percent
Valid	3 rd semester	21	24.4
	4 th semester	26	30.2
	5 th semester	39	45.3
	Total	86	100.0

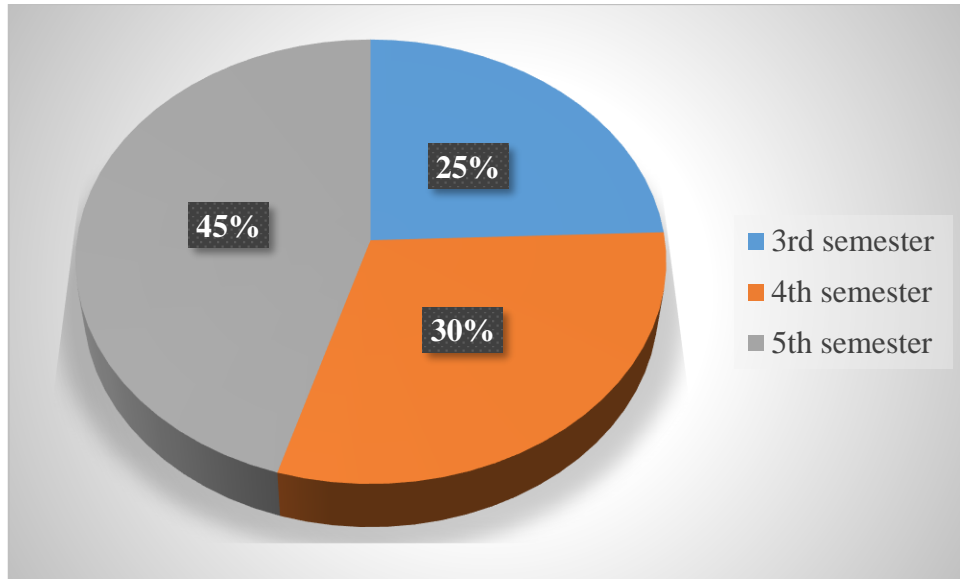


Figure 4.3: The Percentage of Respondents' Semester

4.3 RESULTS OF THE OBJECTIVE 1

4.3.1 Descriptive Statistic for Understanding Level of *Gharar Yasir*

Descriptive statistic for understanding level of *gharar yasir* can be elaborated as follows (Table 4.4). The mean for understanding level of understanding level of *gharar yasir* as basic categories of *gharar* (3.84), understanding level of *gharar yasir* as a permitted *gharar* (3.52), understanding level of *gharar yasir* are the most common that are happen (3.77), understanding level of *gharar yasir* involves the lowest risk (3.78), and understanding level of *gharar yasir* for house as an example (3.42). The details of the understanding level (frequencies and percentages) are reported in the tables (Table 4.5, Table 4.6, Table 4.7, Table 4.8 and Table 4.9).

Table 4.4: Descriptive Statistics for Understanding Level of *Gharar Yasir* (n=86)

	Basic categories of <i>gharar</i>	Permitted <i>gharar</i>	Most common happen	Low risk	House as an example
Mean	3.84	3.52	3.77	3.78	3.42
Std. Deviation	.852	1.185	.966	.873	1.000
Sum	330	303	324	325	294

4.3.2 Understanding Level of *Gharar Yasir* as Basic Categories of *Gharar*

For this question (Table 4.5, Figure 4.4), a total of 2 respondents (2.3%) answered a strongly disagree. 27 respondents (31.4%) choose answer to neutral. Next, a total of 38 respondents (44.2%) are agreed for this question. Lastly, 19 respondents (22.1%) answered strongly agree for this question.

Table 4.5: Understanding Level of *Gharar Yasir* as Basic Categories of *Gharar*
(n=86)

		Frequency	Percent
Valid	Strongly disagree	2	2.3
	Neutral	27	31.4
	Agree	38	44.2
	Strongly Agree	19	22.1
	Total	86	100.0

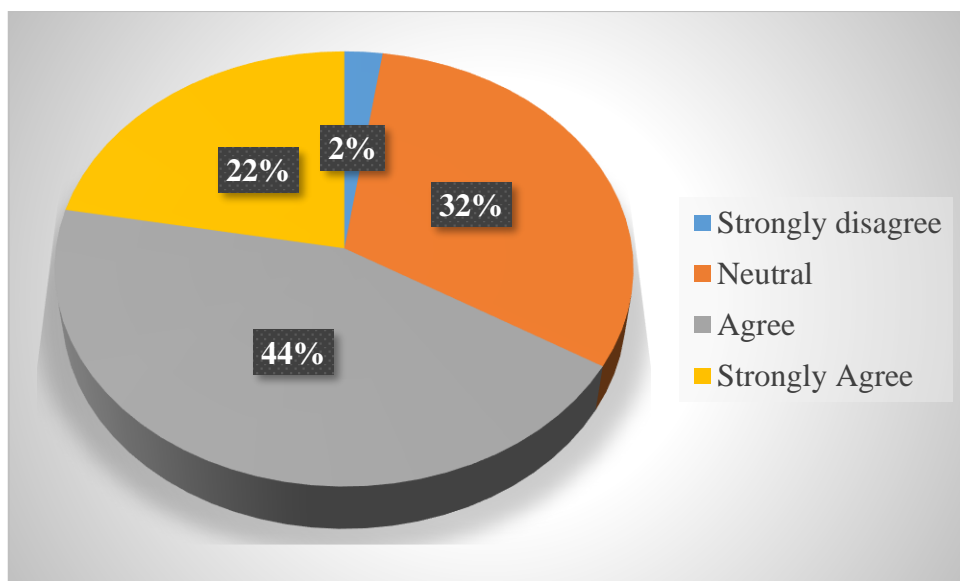


Figure 4.4: Understanding Level of *Gharar Yasir* as Basic Categories of *Gharar*

4.3.3 Understanding Level of *Gharar Yasir* as a Permitted *Gharar*

For this question (Table 4.6, Figure 4.5), a total of 8 respondents (9.3%) was answered a strongly disagree. Also, 8 respondents (9.3%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 18 respondents (20.9%). Furthermore, a total of 35 respondents (40.7%) are agreed for this question. Lastly, 17 respondents (19.8%) was answered strongly agree for this question.

Table 4.6: Understanding Level of *Gharar Yasir* as A Permitted *Gharar* (n=86)

		Frequency	Percent
Valid	Strongly disagree	8	9.3
	Disagree	8	9.3
	Neutral	18	20.9
	Agree	35	40.7
	Strongly Agree	17	19.8
	Total	86	100.0

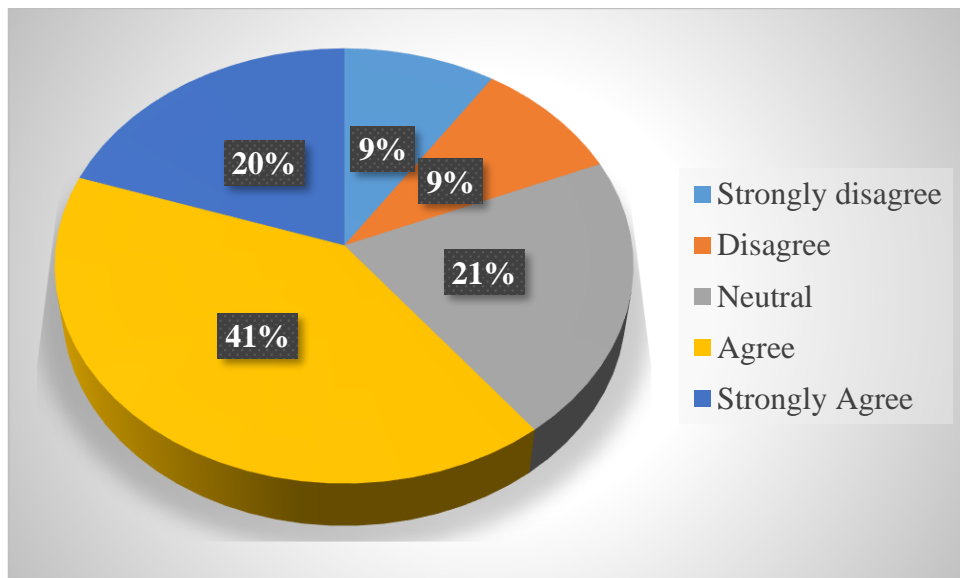


Figure 4.5: Understanding Level of *Gharar Yasir* as a Permitted *Gharar*

4.3.4 Understanding Level of *Gharar yasir* Are the Most Common That Are Happen

For this question (Table 4.7, Figure 4.6), a total of 2 respondents (2.3%) was answered a strongly disagree. 5 respondents (5.8%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 25 respondents (29.1%). Furthermore, a total of 33 respondents (38.4%) are agreed for this question. Lastly, 21 respondents (24.4%) was answered strongly agree for this question

Table 4.7: Understanding level of *Gharar yasir* are the most common that are happen (n=86)

		Frequency	Percent
Valid	Strongly disagree	2	2.3
	Disagree	5	5.8
	Neutral	25	29.1
	Agree	33	38.4
	Strongly Agree	21	24.4
	Total	86	100.0

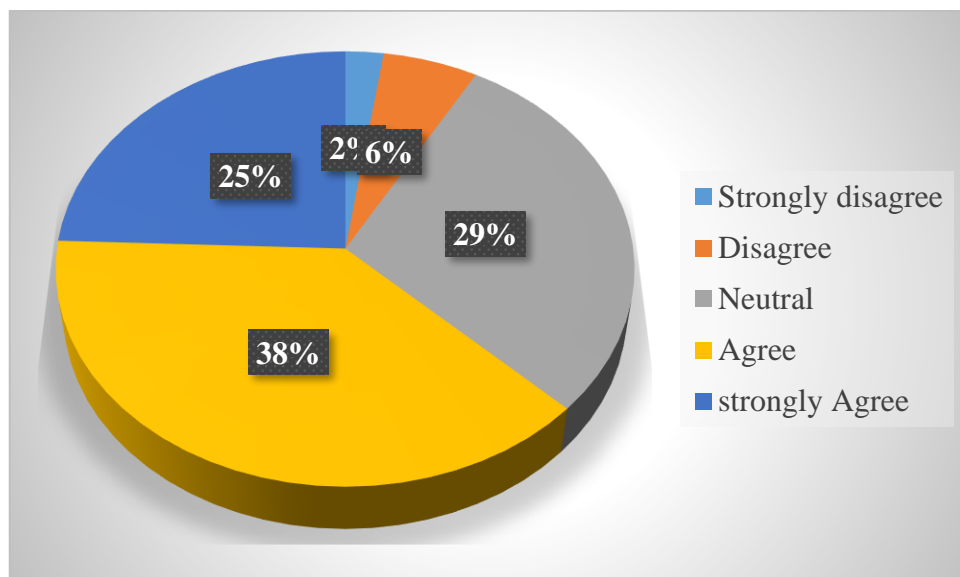


Figure 4.6: Understanding level of *Gharar yasir* are the most common that are happen

4.3.5 Understanding Level of *Gharar yasir* Involves the Lowest Risk

For this question (Table 4.8, Figure 4.7), a total of 1 respondent (1.2%) was answered a strongly disagree. 4 respondents (4.7%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 26 respondents (30.2%). Furthermore, a total of 37 respondents (43.0%) are agreed for this question. Lastly, 18 respondents (20.9%) was answered strongly agree for this question

Table 4.8: Understanding level of *Gharar yasir* involves the lowest risk (n=86)

		Frequency	Percent
Valid	Strongly disagree	1	1.2
	Disagree	4	4.7
	Neutral	26	30.2
	Agree	37	43.0
	Strongly Agree	18	20.9
	Total	86	100.0

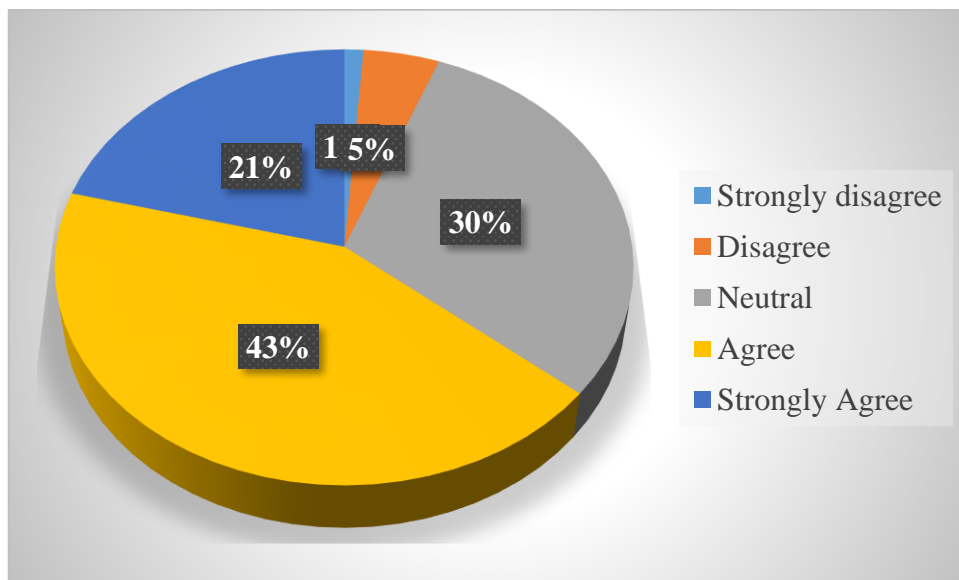


Figure 4.7: Understanding Level of *Gharar yasir* Involve the Lowest Risk

4.3.6 Understanding Level of *Gharar yasir* for House as an Example

For this question (Table 4.9, Figure 4.8), a total of 6 respondents (7.0%) was answered a strongly disagree. 5 respondents (5.8%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 31 respondents (36.0%). Furthermore, a total of 35 respondents (40.7%) are agreed for this question. Lastly, 9 respondents (10.5) was answered strongly agree for this question.

Table 4.9: Understanding Level of *Gharar yasir* for House as an Example (n=86)

		Frequency	Percent
Valid	Strongly disagree	6	7.0
	Disagree	5	5.8
	Neutral	31	36.0
	Agree	35	40.7
	Strongly Agree	9	10.5
	Total	86	100.0

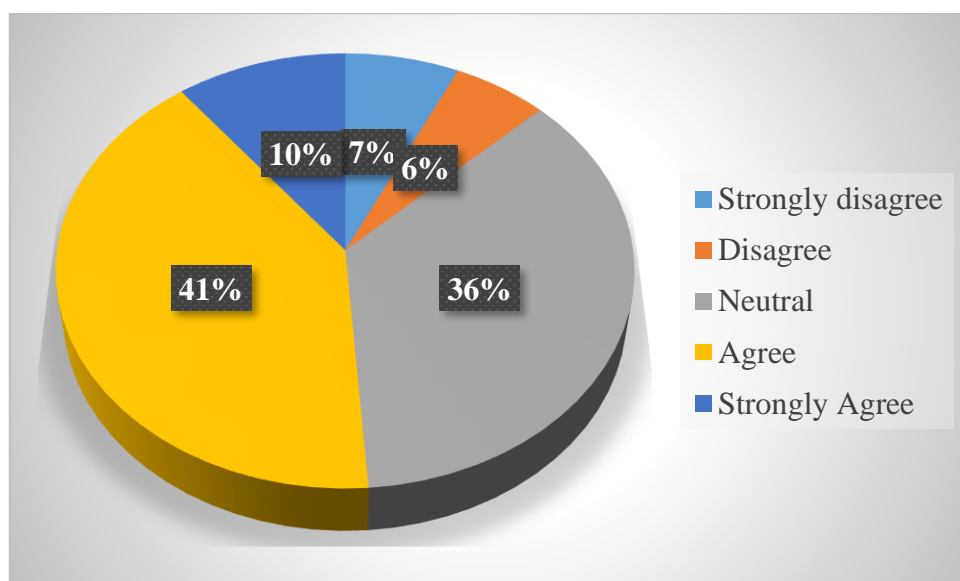


Figure 4.8: Understanding Level of *Gharar yasir* for House as an Example

4.4 RESULTS OF THE OBJECTIVE 2

4.4.1 Descriptive Statistic for Understanding Level of *Gharar Fahish*

Descriptive statistic for understanding level of *gharar fahish* can be elaborated as follows (Table 4.10). the mean for *gharar fahish* as a serious fraud risk (4.21), understanding level of purchase and sale that including *gharar fahish* are prohibited (4.27), understanding level of *gharar fahish* has an element of oppression (4.16), understanding level of *gharar fahish* as sell goods that are not owned (3.84), and understanding level of *gharar fahish* as selling goods that do not exist (3.95).The details of the understanding level (frequencies and percentages) are reported in the tables (Table 4.10, Table 4.11, Table 4.12, Table, 4.13 and Table 4.14).

Table 4.10: Descriptive Statistics for Understanding Level of *Gharar Fahish* (n=86)

	Serious fraud	Prohibited	Oppression	Not owned	Not exist
Mean	4.21	4.27	4.16	3.84	3.95
Std. Deviation	.856	.832	.906	1.105	1.028
Sum	362	367	358	330	340

4.4.2 Understanding Level of *Gharar Fahish* as a Serious Fraud

For this question (Table 4.11, Figure 4.9), a total of 1 respondent (1.2%) answered a strongly disagree. 18 respondents (20.9%) choose answer to neutral. Next, a total of 28 respondents (32.6%) are agreed for this question. Lastly, 39 respondents (45.3%) answered strongly agree for this question.

Table 4.11: Understanding Level of *Gharar Fahish* as a Serious Fraud Risk (n=86)

	Frequency	Percent
Strongly disagree	1	1.2
Neutral	18	20.9
Agree	28	32.6
Strongly Agree	39	45.3
Total	86	100.0

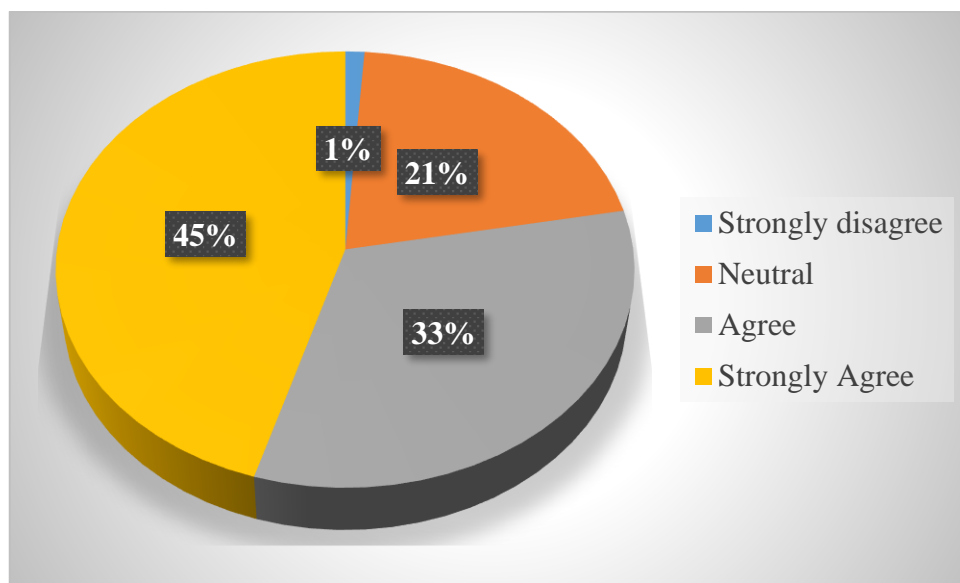


Figure 4.9: Understanding Level of *Gharar Fahish* as a Serious Fraud Risk

4.4.3 Understanding Level of Purchase and Sale That Including *Gharar Fahish* are prohibited

For this question (Table 4.12, Figure 4.10), a total of 1 respondent (1.2%) was answered a strongly disagree. 15 respondents (17.4%) are choose answer to neutral. Furthermore, a total of 29 respondents (33.7%) are agreed for this question. Lastly, 29 respondents (33.7%) was answered strongly agree for this question

Table 4.12: Understanding Level of Purchase and Sale That Including *Gharar Fahish* Are Prohibited (n=86)

		Frequency	Percent
Valid	Strongly disagree	1	1.2
	Neutral	15	17.4
	Agree	29	33.7
	Strongly Agree	41	47.7
	Total	86	100.0

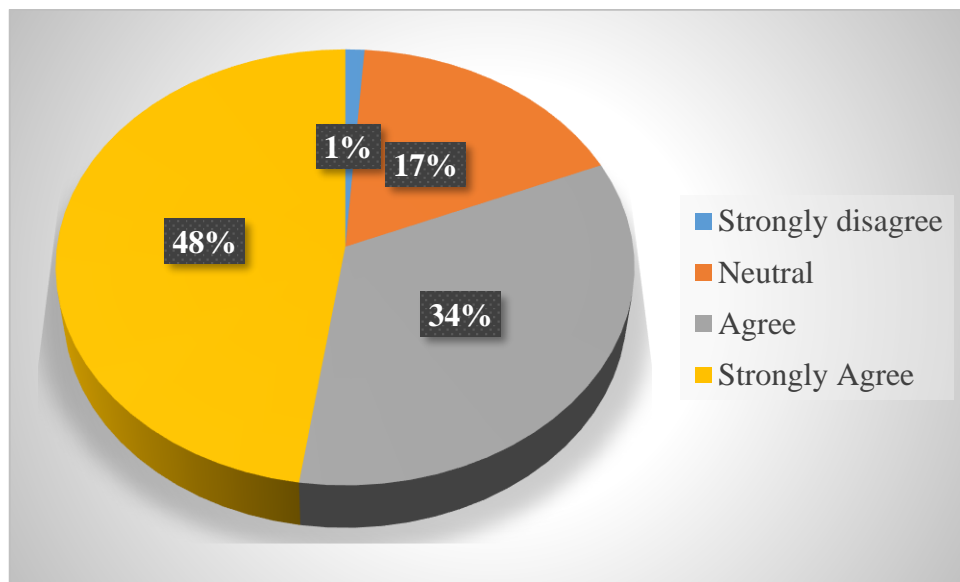


Figure 4.10: Understanding Level of Purchase and Sale That Including *Gharar Fahish* are prohibited

4.4.4 Understanding Level of *Gharar Fahish* has an Element of Oppression

For this question (Table 4.13, Figure 4.11), a total of 1 respondent (1.2%) was answered a strongly disagree. Also 1 respondent (1.2%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 20 respondents (23.3%). Furthermore, a total of 25 respondents (29.1%) are agreed for this question. Lastly, 39 respondents (45.3%) was answered strongly agree for this question.

Table 4.13: Understanding Level of *Gharar Fahish* has an Element of Oppression (n=86)

		Frequency	Percent
Valid	Strongly disagree	1	1.2
	Disagree	1	1.2
	Neutral	20	23.3
	Agree	25	29.1
	Strongly Agree	39	45.3
	Total	86	100.0

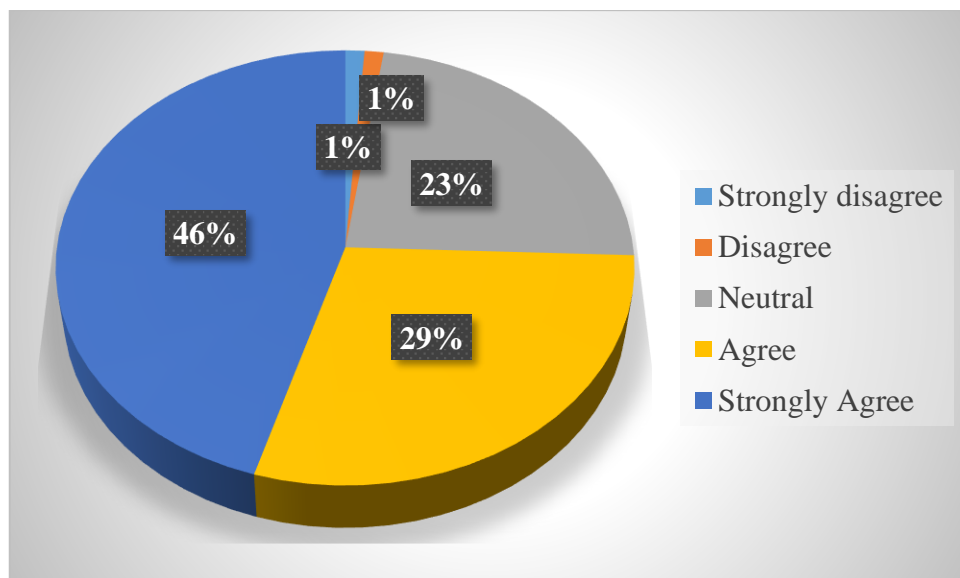


Figure 4.11: Understanding Level of *Gharar Fahish* has an Element of Oppression

4.4.5 Understanding Level of *Gharar Fahish* as Sell Goods That Are Not Owned

For this question (Table 4.14, Figure 4.12), a total of 5 respondents (5.8%) was answered a strongly disagree. 1 respondent (1.2%) are choose answer to disagree. Next, the answer of neutral of this question was answered by 27 respondents (31.4%). Furthermore, a total of 23 respondents (26.7%) are agreed for this question. Lastly, 30 respondents (34.9%) was answered strongly agree for this question.

Table 4.14: Understanding Level of *Gharar Fahish* as Sell Goods That Are Not Owned (n=86)

		Frequency	Percent
Valid	Strongly disagree	5	5.8
	Disagree	1	1.2
	Neutral	27	31.4
	Agree	23	26.7
	Strongly Agree	30	34.9
	Total	86	100.0

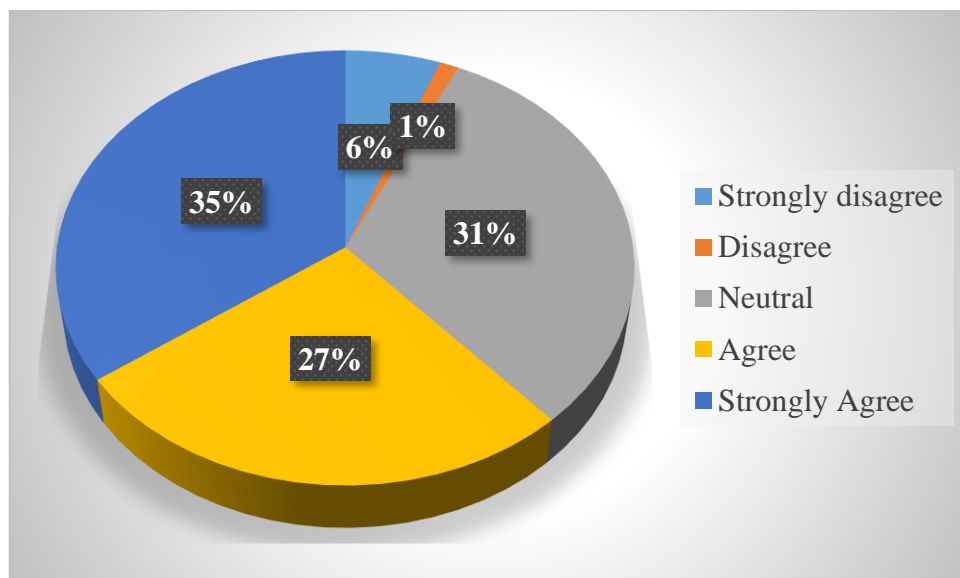


Figure 4.12: Understanding Level of *Gharar Fahish* as Sell Goods That Are Not Owned

4.4.6 Understanding Level of *Gharar Fahish* as Selling Goods That Do Not Exist

For this question (Table 4. 15, Figure 4.13), a total of 4 respondents (4.7%) was answered a strongly disagree. Next, the answer of neutral of this question was answered by 23 respondents (26.7%). Furthermore, a total of 28 respondents (32.6%) are agreed for this question. Lastly, 31 respondents (36.0%) was answered strongly agree for this question.

Table 4.15: Understanding Level of *Gharar Fahish* as Selling Goods That Do Not Exist (n=86)

		Frequency	Percent
Valid	Strongly disagree	4	4.7
	Neutral	23	26.7
	Agree	28	32.6
	Strongly Agree	31	36.0
	Total	86	100.0

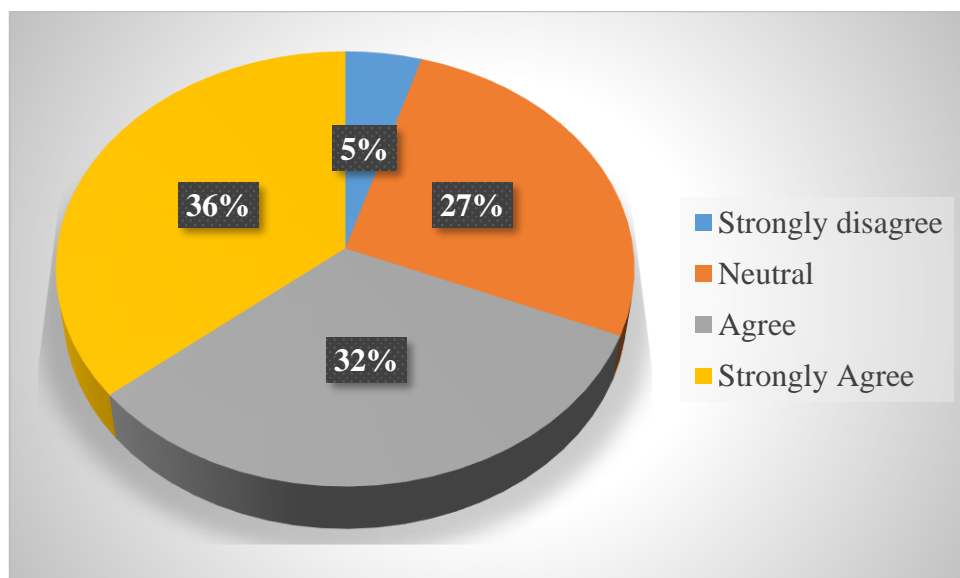


Figure 4.13: Understanding Level of *Gharar Fahish* as Selling Goods That Do Not Exist

4.5 RESULTS OF THE OBJECTIVE 3

Spearman's rho analysis (Table x) indicated that there is significant moderate positive correlation between *understanding level of gharar yasir concept* and *understanding level of gharar fahish concept*, with $r_s=0.514$, $p<0.05$

Table 4.16: Correlation Between Understanding Level of *Gharar Yasir* Concept and Understanding Level of *Gharar Fahish* Concept

			Average_Gh arar Yasir	Average_Gh arar Fahish
Spearman's rho	Average_Gharar Yasir	Correlation Coefficient	1.000	.514**
		Sig. (2-tailed)	.	.000
		N	86	86
	Average_Gharar Fahish	Correlation Coefficient	.514**	1.000
		Sig. (2-tailed)	.000	.
		N	86	86

** . Correlation is significant at the 0.01 level (2-tailed).

4.6 DISCUSSION ABOUT THE RESULT

4.6.1 Demography Result's Discussion

The research is involved among ACIS student as a respondent to answer the survey through the questionnaire. Based on the result, ACIS's faculty are divided by two programme which is diploma in Muamalat and diploma in Halal Management. In addition, the total of all students are 397 people (population) and the sample of this research are 40 respondents after applying and using Gay & Diehl (1992) method. This research success get data of 86 respondents. Apart from that, 47 respondents (54.7%) are representing students of diploma in Muamalat. While, 39 respondents (45.3%) are representing student of diploma in Halal Management.

Next, 25 respondents (29%) representing the male and 61 respondents (70.9%) are representing the female in the category of gender. In the category of semester, the survey was involved 3rd semester, 4th semester and 5th semester which is 21 respondents (24.4%) from 3rd semester, 26 respondents (30.2%) from 4th semester and 39 respondents 45.3 (45.3%) from 5th semester.

4.6.2 Objective 1 Result's Discussion

Based on the questionnaire, five questions had been stated in the objective 1 and all of the questions had been successfully answered by the respondents. This questions are using the Likert scale as the answer that are strongly disagree, disagree, neutral, agree and strongly agree. For the first question which is *gharar yasir* as basic categories of *gharar*, the result shown that 2 respondents (2.3%) are answer a strongly disagree, 27 respondents (31.4%) are answer neutral, 38 respondents (44.2%) are answer agree and 19 respondents (22.1%) are answer strongly agree for this questions. It can conclude that 57 respondents are successfully answer this question with correctly.

Next, question number two which is *gharar* as a permitted *gharar*, the result shown that 8 respondents (9.3%) are answer strongly disagree, also 8 respondents (9.3%) are answer disagree, 18 respondents (20.9%) are answer neutral, 35 respondents (40.7%) are answer agree and 17 respondents (19.8%) are answer strongly

agree for this question. Based on the result, it concluded that 52 respondents are successfully answer this question with correctly and know that *gharar yasir* is permitted,

For the question, *gharar yasir* are the most common that are happen, 2 respondents (2.3%) are answer strongly disagree, 5 respondents (5.8%) are answer disagree, 25 respondents (29.1%) are answer neutral, 33 respondents (38.4%) are answer agree and 21 respondents (24.4%) are answer strongly disagree. It can conclude that, 54 respondents are correctly answer this question and know that the *gharar yasir* are recently happen nowadays.

Furthermore, the fourth question which is *gharar yasir* involve the lowest risk, a total of 1 respondent (1.2%) are answer a strongly disagree, 4 respondents (4.7%) are answer disagree, 26 respondents (30.2%) are answer neutral, of 37 respondents (43.0%) are answer agree and 18 respondents (20.9%) are answer strongly agree. It can conclude that, 55 respondents are correctly answer this question and shown that they are knows that *gharar yasir* are result the low risk in some of the transaction.

Lastly, the question about buying house without known its condition as example for the *gharar yasir*. For this question, a total of 6 respondents (7.0%) are answer a strongly disagree, 5 respondents (5.8%) are answer disagree, 31 respondents (36.0%) are answer neutral, 35 respondents (40.7%) are answer agree and 9 respondents (10.5%) are answer strongly agree. This example was one of the example *gharar yasir*. It can conclude that, an about half of the respondents are successfully to answer this question with correctly in among 44 respondents.

4.6.3 Objective 2 Result's Discussion

For the objective 2, the five questions had been state and also using the Likert scale as like in the objective 1. This question is related with the *gharar fahish* in other to know the understanding level of respondent about this element. Firstly, the question is about *gharar fahish* as a serious fraud. Based on the result, a total of 1 respondent (1.2%) are answer strongly disagree, 18 respondents (20.9%) are answer neutral, 28 respondents (32.6%) are answer agree and 39 respondents (45.3%) are answer strongly agree. It can conclude that the majority of the respondent are known *gharar fahish* is

the serious fraud in some transaction. In among of 67 respondents are understand the question and correctly answer this question.

Next, the question is about the purchase and that including *gharar fahish* are prohibited. Based on the result, a total of 1 respondent (1.2%) are answer a strongly disagree, 15 respondents (17.4%) are answer neutral, 29 respondents (33.7%) are answer agree and 29 respondents (33.7%). It can conclude that, a total of 58 respondents are correctly answer this question and know that the *gharar fahish* is totally prohibited in Shariah. One of the reason it has been prohibited is involved the serious fraud.

The third question which is *gharar fahish* has an element of oppression, a total of 1 respondent (1.2%) are answer strongly disagree, also 1 respondent (1.2%) are answer disagree, 20 respondents (23.3%) are answer neutral, 25 respondents (29.1%) are answer agree and 39 respondents (45.3%) are answer strongly agree. It can conclude that, a total of 64 respondents are answer correctly for this questions.

Furthermore, for the question four which is, *gharar fahish* as sell goods that are not owned, the total of 5 respondents (5.8%) are answer strongly disagree, 1 respondent (1.2%) are answer disagree, 27 respondents (31.4%) are answer neutral, 23 respondents (26.7%) are answer agree and 30 respondents (34.9%) are answer strongly agree. It can conclude that, a total of 53 respondents are correctly answer this questions.

Lastly, the question about *gharar fahish* as selling goods that do not exist, a total of 4 respondents (4.7%) are answer strongly disagree, 23 respondents (26.7%) are answer neutral, 28 respondents (32.6%) are answer agree and 31 respondents (36.0%) are answer strongly agree for this questions. It can conclude that, a total of 59 respondents are correctly answer this questions.

4.6.4 Objective 3 Result's Discussion

The objective three is to examine the correlation between the understanding level of *gharar yasir* and *gharar fahish* among ACIS students in UiTM Puncak Alam. the result shown that, there is significant moderate positive correlation between understanding level of *gharar yasir* concept and understanding level of *gharar fahish* concept.

4.7 DISCUSSION WITH PREVIOUS RESEARCH

4.7.1 An Economic Explication of the Prohibition of *Gharar* in Classical Islamic Jurisprudence (El-Gamal 2001)

Based on study conducted by El-Gamal (2001), the study is more focus about the prohibition *gharar* especially in economic. The study shown that the *bay al-gharar* can be best translate as a risky transaction. Next, the prohibition of risky transaction should be applicable if some of contract can increase economy competence through some form of risk transfer. This study is using the quantitative method. As the result, this study has shown that risky transaction can be best translate as a *bay al-gharar*.

The study that conducted by El-Gamal (2001), has a little bit difference with this study because the objective of this study in to know the understanding level of *gharar* concept among respondent who was a student of ACIS in UiTM Puncak Alam. This study is using the quantitative research using a survey through the questionnaire. As the result, this study had known the understanding level of *gharar* concept among respondent that are understanding level about *gharar yasir* and *gharar fahish*.

4.7.2 The Permissible *Gharar* (Risk) In Classical Islamic Jurisprudence (Al-Saati 2003)

Based on the study conducted by Al-Saati (2003), the researcher is more focus about the reason *gharar* is permissible in transaction. He also stated the definition of the risk and uncertainty and compare with the definition of *gharar* that stated by the Shariah. Furthermore, various type of the risk and uncertainty was

explained. Other than the permissible of *gharar*, the researcher also explain about the prohibition *gharar* in transaction such as selling the unborn animal without its mother. Apart from that, the prohibited *gharar* is the same with the gamble after the researcher determine the *gharar* and risk, uncertainty almost the same. As the result of the study, the researchers are found that the *gharar* is permissible because the jurist is leave the original hukm of *gharar* which is prohibited and justified by the *maslahah*.

The similarity this study and the study from Al-Saati (2003) is the study about the permissible and prohibited *gharar* are be conducted. This study was prepared the questionnaire that contains the various question about both of the *gharar*. Also the example that carries the same meaning about the prohibited *gharar* are used in the both of the study. However, this study is little bit different with the study by Al-Saati (2003). It is because the objective of this study is to know the understanding level of *gharar* concept among of the respondents while the objective of the study by Al-Saati (2003) is to know the reason *gharar* is permissible in some transaction. As the result also, the researchers are got it the data about the understanding level of *gharar* concept among of the respondent while the study by Al-Saati (2003) are found the changes hukm of *gharar* that are from prohibited to permissible.

4.7.3 Theory of *Gharar* and Its Interpretation of Risk and Uncertainty from the Perspectives of Authentic Hadith and the Holy Quran: Review of Literatures (Waemustafa et al., 2016)

Based on the study conducted by Waemustafa et al., (2016), the researchers are more focus about the definition of *gharar* and the interpretation of risk and uncertainty. It is because the term of *gharar* are differences due to various views that have been given. The researchers are using the content analysis in other to know the term of *gharar* that is from al-Quran, Hadith and various literatures. Apart from that, fives concept that are related with the Islamic perspectives has be found which is mukhatarah, *gharar*, *maysir*, al *ghunm bil ghurm* and al *kharaj bil daman*. For the example, risk was defined as a Mukhatarah in Arabic language that means danger while the other studies generally define the risk as uncertainty related with the Islamic

finance. Next, the study found that the risk in Islamic perspectives are involving the five concept and not just involves the uncertainty only.

There is a little difference between this studied with the study conducted by Waemustafa et al., (2016). It is because this study is more focus about the understanding level of *gharar* concept which *gharar yasir*, *gharar fahish* and their correlation. This study was conducted at UiTM Puncak Alam that involved among of the ACIS Student. It also using the quantitative research which survey to collect the data. For the result of the study, the researchers are found and know the understanding level among the respondents as stated at the section of the result.

4.8 CHAPTER'S SUMMARY

In this chapter, the data that have been collected was been processed by Statistical Product and Service Solution (IBM SPSS Statistics). From that the data was been present in form of table and pie chart about the frequency and the percentage.

CHAPTER FIVE

CONCLUSION

5.1 RESEARCH CONCLUSION

In conclusion, this study had reached the three established objectives. It can be seen on the result of the questionnaire are very satisfying. The majority of respondents understand and able to answer the questions about the *gharar* concepts through the set of questionnaire. Furthermore, using the quantitative research which is survey very suitable in this research in other to collect the data. The data that had been collected was successfully be processed using the Statistical Product and Service Solution (IBM SPSS Statistics) and that data was been presenting in form table and pie chart in other to give understanding about the result of the research that has been conducted among ACIS students in UiTM Puncak Alam. Thus, hoping that this research can give benefits to the ACIS students as the respondents about the concept of *gharar*. It is because the *gharar* concept is one of the topic in their learning syllabus also can give a new knowledge to the society about the concept of *gharar*.

5.2 RECOMMENDATION FOR FUTURE RESEARCH

The research about the *gharar* concept must be increased from time to time. It is because *gharar* is one of the prohibited element in Islam that are not paid attention by society nowadays. We can see among of the society are doesn't know about the *gharar*. Apart from that, the research about *gharar* is important in other to give exposure about this element to the society especially Muslim. The research must be expanded and suitable with the current situation. Many method of research that can be use such as library research, survey and other else. The future research can increase the population if they are using the survey method. The research also can be expanded in the matter that are related with the contemporary issue about the *gharar* such as in the transactions nowadays. It is because this element is very related with the transactions. In addition, transactions are very important for the society in their daily life. Next, the research about the *gharar* concept also can be studied in detail. The

researcher should explain this element in detail likes category of *gharar* which is concept of *gharar yasir*, *gharar mutawasit* and *gharar fahish* in other to give an understanding to the society. It is because not all of the *gharar* are prohibited. We can see that *gharar yasir* is the permissible *gharar* because this element is not given an effect to the contract. The majority of scholar also are agreed that *gharar yasir* had been given loosening and forgiveness because this element cannot or difficult to avoid. With the lot of the explanation in detail about the *gharar* concept can make the society take the precautions in other to make sure their activities are not involved with the *gharar* elements especially prohibited *gharar* that is *gharar fahish*.

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APPENDIX

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QUESTIONAIRES

TINJAUAN TAHAP KEFAHAMAN KONSEP GHARAR DALAM KALANGAN PELAJAR ACIS di UiTM PUNCAK ALAM.

Set soal selidik ini bertujuan untuk menilai tahap kefahaman konsep gharar yasir, konsep gharar fahish dan hubungkait antara tahap kefahaman konsep gharar yasir dan konsep gharar fahish dalam kalangan pelajar ACIS di UiTM Puncak Alam.

BAHAGIAN A: Demografi

1. Program

Diploma Muamalat Diploma Pengurusan Halal

2. Jantina

Lelaki Perempuan

3. Semester Pengajian

Semester 3 Semester 4 Semester 5

BAHAGIAN B: Tahap Kefahaman Tentang Konsep Gharar Yasir

Arahan: Sila lengkapkan pilihan jawapan berikut berdasarkan skala Likert yang diberi.

Skala Likert	1	2	3	4	5
Jawapan	Sangat tidak setuju	Tidak setuju	Tidak pasti	Setuju	Sangat setuju

Soalan	1	2	3	4	5
Gharar Yasir merupakan kategori Gharar yang paling Asas.					
Jual beli yang melibatkan Gharar Yasir adalah dibenarkan.					
Gharar Yasir adalah kategori Gharar yang paling lazim berlaku.					
Gharar Yasir melibatkan risiko yang paling rendah.					
Pembelian rumah tanpa mengetahui keadaan rumah tersebut adalah contoh Gharar Yasir.					

BAHAGIAN C: Tahap Kefahaman Tentang Konsep Gharar Fahish

Arahan: Sila lengkapkan pilihan jawapan berikut berdasarkan skala Likert yang diberi.

Soalan	1	2	3	4	5
Gharar Fahish melibatkan risiko penipuan yang paling serius.					
Jual beli yang melibatkan Gharar Fahish adalah haram.					
Gharar Fahish mempunyai unsur penindasan.					
Menjual barang yang bukan hak milik adalah Gharar Fahish.					
Menjual barang yang belum wujud adalah Gharar Fahish.					