

## THE IMPACT OF TEBAS ON THE ECONOMY OF NGAWI FARMERS REVIEWED FROM THE ETHICS OF SHARIA BUSINESS



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### Abstract

The total area of Ngawi Regency is 1,298.58 km<sup>2</sup>, of which 506.6 km<sup>2</sup>, or about 40% is made up of rice fields. According to the data, farmers employ the bulk of Ngawi's people. Mango fruit is the second most abundant good after rice, as most Ngawi people grow mango trees in front or behind their homes. When harvest season rolls around, farmers have trouble finding buyers who will purchase their crops in an honest and profitable manner. This is because buyers, also known as penebas, use the Tebas system to complete the purchase process for these two commodities, which means that the system cannot fulfill the wishes of both parties involved in the transaction if It also goes by the name "profit" in economics. According to the Tijarah principle, the goal of a trading contract is to find and make money when all requirements have been met. Ijarah, Salam, Murabahah, Istishna', Musyarakah, Muzara'ah, and Mukharabah, musaqah are among the contracts that fall under this category. Or, according to a different editorial, any kind of arrangement involving for-profit transactions is referred to as a tijarah contract (compensational contract). The goal of this research is to stop Maysir and Gharar practices in the trade of rice and mango commodities in the Ngawi district and to make rice trading activities ethical and advantageous for all stakeholder's issue. The present study employed the Inductive analysis method in a Normative approach to examine the data. This entails evaluating the research.

**Keywords:** Tebas, Economy, Ngawi Farmers, Sharia Business Ethics

## INTRODUCTION

As a Muslim, all of his daily activities, especially the Ghairu Mahdoh worship in this case related to Muamalat, namely in terms of buying and selling, cannot be separated from Islamic law. The sources of Islamic law are the Qur'an and the Hadith. Both sources are used as the main basis in regulating the methods of buying and selling transactions. Current facts show the phenomenon of mutual consent of both parties used as a reference or guideline in transactions that have shifted their position to become trade law in local wisdom without considering Islamic religious norms, besides not being following the Shari'a, these business activities also do not fulfill the elements of the economic goal of seeking profit (Karim, 2002). Important teachings of Islam, found in the Qur'an and the hadith of the Prophet, underline that Allah has endowed humans with many capacities, including mental, emotional, physical, and spiritual. This distinction is necessary so that society is able to support (ta'awun), depend (interdependence), and depend on each other in its socio-economic life. In the same way, they manage natural resources to meet their needs and continue to live as a manifestation of Allah on earth (Muhammad, 2007).

Islamic law is viewed by the Muslim community as a legal system that can uphold a sense of justice. However, the way the community views Islamic law varies greatly. Some of them (Muslims) believe that the Qur'an and the Prophet's Hadith are Islamic law. There are also those who argue that the opinions expressed by scholars (al-mujtahidun) about the contents of the Qur'an and the Prophet's Hadith produce Islamic law. According to this interpretation, the Qur'an and Hadith are a collection of legal arguments, not a law book (Anwar, 2007). Changes in the approach of the Islamic community in implementing Islamic law, changes in Islamic law due to changes in Islamic society, and changes in Islamic society resulting from the implementation of new provisions of Islamic law are examples of the reciprocal relationship between Islamic law and Islamic society. Currently, muamalat dominates the discussion of Islamic law issues more than other interaction activities.

The Qur'an, which offers provisions on muamalat law in the form of broad guidelines, is intended to present choices for the growth of society's social life in the future. Many statements included in the Prophet's Sunnah still apply as broad guidelines. For example, buying or selling something that contains elements of ambiguity or uncertainty, such as goods whose quality is unclear, such as fruit that is bought before it is ready to be picked and left on the tree for a while, is illegal. chosen just like that. Trade, buying and selling, all contain complexities and traps that if not handled properly by law and customs, will destroy civilization. Human lust drives him to gain as much wealth as possible by any means, including manipulating the quality of goods and cheating in measurements. If this is allowed, it will certainly harm the economic institutions of society (Ya'qub, 1984). Islam prohibits its followers from committing acts that are contrary to its teachings, such as usury, fraud, and so on. On the contrary, Islam commands us to look for halal food, as stated by Allah as follows:

Meaning: "O you who believe, do not consume usury in abundance and fear Allah so that you will get good luck. Protect yourselves from the fire of hell, which is prepared for those who disbelieve." (Qs. Ali Imron [3]: 130).

Muslims are required to use and practice explicit Islamic regulations surrounding buying and selling to ensure that their economic activities are in line with Islamic teachings. Buying and selling by slash is a new trend in buying and selling. Purchasing crops before

they are harvested is called slashing. Farmers usually use intermediaries to carry out the logging process, purchase plantation or agricultural products before the harvest period. The practice of the Tebas system practiced by business actors in Ngawi is suspected of containing elements of Gambling and Gharar. This is known by researchers because researchers have a rice trading business and have mango trees so they understand their business behavior very well. The first element that is suspected of containing Gambling is because the penebas practice gambling by estimating the harvest with the hope that the weight or quantity is more than the amount of money spent. The second element of Gharar is due to the element of loss caused by the Tebas transaction, according to the results of observations that the study conducted through pre-research by going directly to the field, there was a discussion from farmers saying that if the penebas felt that his harvest was not enough in weight, he asked for more money that had been given to the farmers or reduced the agreed price.

While the loss that farmers feel with the Tebas system is that the harvest if sold by the kilo system the results are more (Jakfar, 2012). The imbalance and fairness of the trading practices carried out by the traders is selling their merchandise by the kilo system, hoping for certainty in terms of the number of goods sold and hoping for a lot of profit, this is in contrast to the way they buy their merchandise by the guesswork or gambling system. Because of the problems above, the author, who is a Muslim, wants to carry out amar ma'ruf nahi munkar through this research so that a mutually agreeable sale and purchase is created between the two parties and of course in accordance with the vision and mission of Islamic trade, namely buying and selling without feeling disadvantaged for the perpetrators (Taymiya, 1982).

## **REVIEW OF LITERATURE**

### **The Concept of Tebas in the Context of Agriculture**

Tebas is a practice of buying and selling agricultural products that is carried out before the harvest period. In this system, buyers (usually middlemen or traders) buy the entire harvest from farmers' fields at a previously agreed price. According to Suryana (2017)], the tebas system is often chosen by farmers because it provides certainty of income earlier, even though the selling value is lower than the market price at harvest time. However, this can also create dependence on buyers and cause farmers to have low bargaining power.

### **Economic Impact of Tebas on Farmers**

Research by [Wahyudi (2019)] shows that the practice of tebas contributes to short-term economic turnover for farmers, but also risks reducing welfare in the long term. Farmers lose the opportunity to get the highest price because they sell their crops before knowing the actual market value. In the context of farmers in Ngawi, East Java, this system is a pragmatic choice amidst limited access to capital and markets.

### **Business Ethics in Islam (Sharia Ethics)**

Sharia business ethics are moral principles derived from the Qur'an and Sunnah, where every economic transaction must be based on honesty (*sidq*), justice (*'adl*), not harming (*gharar*), and mutual consent. According to Antonio (2001)], business in Islam does not only pursue material profit, but also emphasizes social and spiritual responsibility. Transactions such as tebas need to be reviewed from the aspect of the contract, clarity of the object of sale and purchase, and the balance of benefits between the seller and the buyer.

### **Tebas in the Perspective of Sharia Business Ethics**

Several studies see: (Azhar, 2020); (Rahmawati, 2021]) state that the practice of tebas can violate sharia principles if there is an unclear quantity of the harvest (gharar), unfair pricing, or pressure on farmers. However, if the transaction is carried out with transparency, clarity of object, and does not harm either party, then it can be considered valid according to Islamic transaction ethics.

### **RESEARCH METHOD**

This type of research is field research. The author examines how the practice of slashing trade in Ngawi Regency is related to rice and mango commodities (Sofian, 2008). This research is Descriptive Analytical, which describes in detail how the practice of trading with the slashing system is on agricultural commodities and Mangoes, then the results of the interview are analyzed using the Tijarah theory (Muhammad, 2008). To obtain a substantive and comprehensive understanding of the problems studied, this study applies a qualitative approach as the main approach (Sofian, 2008). However, quantitative data will be used as long as necessary. Qualitative data is obtained through in-depth interviews with Tebas system business actors. The assumption underlying the selection of this approach is that qualitative research has the ability to reveal implicit or hidden data by understanding the problem according to the frame of reference of the perpetrator of the act itself. The strength of the behavior of the act is shown through his insights, feelings, and motives that are internal. Through a qualitative approach, we can see in depth based on an emic perspective about the phenomenon of the existence of a socio-economic institution of rice and mango trading practices commonly called Tebasan.

The qualitative approach is directed at seeing and understanding each individual along with the settings that surround them holistically. In this case, the researcher observed the transaction process between the penes and farmers and the accompanying conditions. This study also reveals how the attitudes and motives of business actors utilize the Tebas system in their trading practices. The benefits of both parties, or other aspects that appear substantively related to the existence of the Tebasan trading system. With this approach, the researcher tries to understand the tendency of farmers or owners of rice and mango commodities to use the Tebas system in selling their crops. The qualitative approach that the author uses uses a socio-religious paradigm. This means that the empirical dimension of the social behavior of the research subjects, the researcher understands as a social phenomenon that can be highlighted through a religious paradigm. This means that the behavioral awareness of the research subjects of the parties who practice the Tebas system cannot be separated from the rules and laws of religion that they understand.

The population in this study consists of 3 groups, namely Rice cutters 10 people, Mango cutters 10 people, Rice farmers 100 people, Mango sellers 100 people and Sample. After the population is determined, the next step is to take samples from each population. In this sampling, the author uses the theory of simple random sampling with a lottery method. This sampling amounted to 30% of each population, this is considered sufficient to find out the desired answer. The data collection process for this study was carried out using in-depth interview techniques and observations. The data collected from this interview technique includes interviews with cutters and interviews with farmers. The substance of the interview with the cutters includes several aspects, namely why they buy agricultural products using

the Tebas system, is it more profitable. While the aspects of the questions to the farmers are what are the reasons for farmers to practice the Tebas system, is there no other way than trading with the Tebas system.

The interview technique used by the researcher also revealed more deeply about their information, attitudes, behavior and interactions. Furthermore, interviews were also used to explore the motives behind the transactions in trade with the Tebas system. Thus, in short, the data collection technique that the author used to understand the interaction of trade with the Tebas system between the penebas and the farmers used in-depth interviews.

## **RESULTS AND DISCUSSION**

### **Tebasan Trading Practices on Ngawi Commodities**

According to Mr. Moch. Ali, 56 years old, is a rice seller. His last education was high school, his job is as a farmer and also a beef cattle breeder. According to him, it is common for rice to sell when it is still in the fields. The reason is that farmers sell rice that has not been harvested because it is difficult to find farm laborers and it is more effective and efficient in terms of energy and time. If farmers harvest their own peanuts, farmers will spend a lot of time and energy, both during harvest and after harvest, namely when drying peanuts. This tebasan trading has been known to the people of Ngawi District for a long time, according to Mr. Ali, this tebasan trading system has been used since before he was born, estimated to be more than 56 years. The people of Ngawi Regency usually apply tebasan trading to rice and corn. Here, Mr. Ali explains that the sale and purchase of this tebasan system is like a wholesale sale, Mr. Ali considers selling one plot of rice at a certain price, and the person who cuts it is usually very expert and uses an interpretation that is always right and knows how much rice will be obtained. Mr. Ali in buying and selling using this tebasan method usually does so when the rice is 75-90 days old, and Mr. Ali never dares to sell rice when the peanuts are not yet full. In the buying and selling process, buyers or peanut wholesalers take samples of peanuts that are old or peanuts that already have contents, there are five trees taken at random. From there, it can be interpreted how much it weighs and how much the income is. If in the sale and purchase it turns out that the interpretation is different from that produced or the purchase price by the second party has dropped even more, then the wholesalers usually ask the seller or farmer for a balenan. And indeed, farmers generally understand this. Mr. Ali usually prefers if the rice is harvested first before receiving the money from the sale. According to Mr. Ali, this rice cutting transaction is legitimate, because the process is far from fraud. According to Mr. Ali, the point of the rice cutting transaction agreement is marked by mutual consent.

Mrs. Animah is 62 years old, her last education is junior high school, and she works as a rice farmer. She chose to sell rice by cutting because this system is very easy and does not require much time to harvest rice, and also reduces her expenses. Mrs. Animah also estimates that it is more profitable if the rice plants are harvested by cutting. Mrs. Animah also said that if the rice is harvested by herself, it will be difficult to find buyers. Because on average, farmers in Palang District prefer to buy and sell by cutting. According to Mrs. Animah, this buying and selling is often hampered by price fluctuations, which are usually caused when the farmers are at the same time during the harvest season. Usually, the loggers estimate the price according to the factory's benchmark when before the abundant harvest season, but when the harvest is abundant, the factory's benchmark price will drop cheaper

and the impact will be felt by the loggers. Mrs. Aminah explained that, the tebasan system that Mrs. Aminah usually does is that the loggers pay in advance and then harvest the rice. And the loggers who have already used the initial factory benchmark price are forced to ask the farmers for change.

According to Mrs. Animah, tebasan trading when viewed from Islamic Economic law is included in the category that is permitted, because in this buying and selling there are several certain factors so that it is still applied by the community until now. Judging from the intent of the tebasan trading system, it can be legal if the level of uncertainty that affects the buying and selling is only small. Like this trading is implemented because of the factor of difficult farm laborers, so that farmers will have difficulty getting laborers to harvest it. While for buyers, this trading system is more profitable if groups of farmers simultaneously sell by tebasan, then the harvest will be easier. Mrs. Romlah is 38 years old, her last education is junior high school, she works as a farmer and housewife. She chose to sell her rice by slashing because according to Mrs. Romlah, the slashing sale is very effective and does not require much expenditure compared to selling peanuts without slashing. According to Mrs. Romlah, this slashing sale is very easy because there is no need to look for laborers anymore, because in Palang District it is very difficult to find farm laborers, and also the wages are expensive so that it is not comparable to the income from selling peanuts. In Mrs. Romlah's calculations, it actually cuts income. Mrs. Romlah has not long sold her agricultural products with the slashing sale system. Apart from rice, Mrs. Romlah also sells mangoes by slashing. In the slashing sale that Mrs. Romlah usually practices, the seller and buyer negotiate with each other in determining the price. If it is in accordance with the price that has been set by the government.

In the tebasan sale and purchase that Mrs. Romlah usually practices, the seller and buyer negotiate with each other in determining the price. If they are satisfied with the price that has been set, the buyer gives a down payment, with the agreement that after all the peanuts have been removed, the remaining money from the sale will be given. According to Mrs. Romlah, the tebasan sale and purchase that is currently being practiced is appropriate if applied to peanuts because many factors influence farmers in Palang District to implement tebasan sales and purchases. Mrs. Romlah knows that in the buying and selling system, it is divided into two, namely there are sales and purchases that are prohibited by Allah and there are sales and purchases that are permitted by Allah. However, Mrs. Romlah is still hesitant in categorizing that this tebasan system sale and purchase is included in sales that are prohibited by Allah or sales that are permitted.

### **The Practice of Buying and Selling Tebasan on Mango Commodities**

According to Mrs. Dinda, during the Mango harvest season, the owners of the Mango trees feel that their harvest is priced very cheaply by the cutters, Mrs. Dinda said that one Mango tree is only priced at 50 thousand rupiah and if the cutters sell it by the kilo system, the results are clearly more. And Mrs. Dinda feels disadvantaged. Well, what else can Mrs. Dinda say, if someone wants to buy using the Tebasan system, they want to use the kilo system so that everyone knows, she said (Abod, 1992). The buying and selling of peanuts by Tebasan in Islamic economic law is categorized as invalid buying and selling or called bay' habl al-hablah (Anwar, 2007). Because the goods being traded are not yet clear. Most people in Tuban Regency, Palang District, do not really understand the types of buying and selling that are permitted and prohibited by Allah. So in the sale and purchase of peanuts, there needs

to be an adjustment in terms of Islamic economic law (Abraham L. UDOVITCH, 2008). Most of the general public interprets that the sale and purchase of peanuts is included in the sale and purchase of *ngijon* and that the sale and purchase in the form of *ngijon* is prohibited or has many disadvantages. There are also people who say that the sale and purchase of peanuts is included in *gharar* and that the sale and purchase containing elements of *gharar* is haram. In fact, if viewed from the perspective of *maqasid sharia*, all of these opinions are not necessarily true. So there needs to be an explanation and in-depth study of the suitability of the sale and purchase of peanuts according to Islamic economic law. So that there is no misunderstanding (Arif, 2015).

The practice of buying and selling at a cut is a common economic strategy used by mango farmers in rural areas such as Ngawi Regency. This system offers guaranteed income at the beginning and protects farmers from the risk of crop failure due to weather, pests, or market price fluctuations. However, from a long-term economic perspective, this system tends to reduce the potential profit of farmers, because the selling price is determined long before the harvest is known for certain. The results of the study showed that the majority of farmers have long-term relationships with certain middlemen. Although this relationship seems practically beneficial (for example in terms of trust and fast payment), in reality this dependence reduces farmers' bargaining power, due to the lack of direct market alternatives or active farmer cooperatives. This system strengthens the position of middlemen as price controllers, while farmers are in a passive position, only accepting the cut price without adequate market evaluation. From the perspective of Islamic business ethics, buying and selling transactions must be based on the principles of Justice (*'adl*). Clarity of the contract (*'bai'* which is free from *gharar* and *jahalah*). Willingness of both parties (*antarāḍin*).

The practice of cutting often does not meet the principles of transparency and clarity, because there is no written contract. It is not known for certain the harvest results when the contract is made. The price assessment is unilateral from the middleman. However, if adjusted to the *salam* contract in *fiqh muamalah*—namely the sale and purchase of harvest results with advance payment and clear conditions (type, quantity, harvest time)—then the *tebasan* practice can be adjusted to comply with *sharia*. There needs to be assistance from *sharia* institutions or farmer cooperatives to accompany the contract and price determination. Market information transparency needs to be opened more widely to farmers, so that they know the estimated price at harvest. The modern *salam* contract model can be applied with official documents and fairer agreements. Although the *tebasan* system is a pragmatic solution, in the long term it needs to be adjusted to the principles of ethical business and *sharia* so that farmers are not disadvantaged, transactions are fair and blessed, and the economic cycle in the agricultural sector remains healthy and sustainable.

The practice of slashing trade is a common economic strategy used by mango farmers in rural areas such as Ngawi Regency. This system offers guaranteed income at the beginning and protects farmers from the risk of crop failure due to weather, pests, or market price fluctuations. However, from a long-term economic perspective, this system tends to reduce farmers' potential profits, because the selling price is determined long before the harvest is known for certain. The results of the study showed that the majority of farmers have long-term relationships with certain middlemen. Although this relationship seems to be beneficial in practice (for example in terms of trust and fast payment), in reality this dependence reduces farmers' bargaining power, because there are no direct market alternatives or active farmer

cooperatives. This system strengthens the position of middlemen as price controllers, while farmers are in a passive position, only accepting the slashing price without adequate market evaluation.

## CONCLUSION

The practice of buying and selling rice by slashing with unilateral price reductions by middlemen or what is called cowokan is often carried out by middlemen/penebas against farmers in Ngawi Regency. Several factors that underlie the ongoing practice of cowokan include educational factors, namely the lack of financial education for the community and community leaders who have not been able to act firmly on irregularities in the sale and purchase of this guyan. Next is the economic factor, namely because middlemen do not want to experience losses and always want to profit. The third is the factor of religious practice, that with the abundance of religious knowledge in reality, it is still lacking in practice in everyday life, especially in transactions. The community prioritizes worship and still ignores Islamic law, especially those related to buying and selling (Antonio, 2007). Viewed from the perspective of Islamic Law, the practice of the guyan rice slashing carried out by the Ngawi Regency community is the result of social construction in society. The practice of slashing male rice is often found in Ngawi Regency. Often there is a rift between sellers and buyers because of this guyan practice. Many ignore the provisions of Islamic law regarding the prohibition or prohibition of carrying out this guyan practice on the pretext of the principle of need and benefit. The practice of buying and selling male rice is included in 'urf fasid because it is not in line with the text of the Qur'an and Sunnah (Ahmad Wardi Muslich, 2013). The slashing system is included in the Gambling category, namely by guessing the harvest results, including the Gharar buying and selling category, namely uncertainty in transactions resulting from the failure to fulfill the provisions of Sharia in the transaction (Karim, 2002). The impact of transactions containing Gharar is the existence of injustice to one of the parties to the transaction so that this is prohibited in Islam. 4. The concept of Tijarah as a solution in various types of trade, because the Tijarah contract protects both parties from various things that can cause losses in business transactions because the Tijarah contract protects both parties to the contract from ambiguity, coercion, time restrictions, fraud or Gharar, harm (Zuhaily, 2012).

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