

Question 1293) - Is 'Umra * and Ruqba * permissible according to our Three Imams?

A: 'Umra is permissible. It belongs to the recipient and to his heirs after him. According to Imaam Abu Hanifa RAH. and Imaam Muhammed RAH. Ruqba is invalid. According to Imaam Abu Yusuf RAH. it is valid.*

* To give a house to someone for the duration of his life. The ownership is valid and the condition void. We have explained that Fasid conditions do not nullify gifts. [al-Hidayah]

* My house is for you as Ruqba [awaiting death].

* According to him, "For you," established ownership and "as Ruqba" is Fasid as in 'Umra' The proof of the other two is that Rasulullaah SAW. Permitted 'Umra and not Ruqba. They also say the Ruqba means, "If I die before you then the house is yours." These words indicate a condition of ownership based on danger which is void. The only form of validity is according to them is that of 'ariyah [use without ownership].

~ al-Quduri ~