



The second question of Fatwa No. (17393)

Q: It is a widespread practice in some villages in Egypt to mortgage agricultural land, i.e. a temporary, conditional contract of the land is made by an insolvent person to a creditor as security for performance of repayment of a debt. The creditor possesses the land owned by the debtor making use of its crops and revenues while the original owner

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receives nothing. The agricultural land remains in the possession of the creditor till the debtor repays the debt. What is the ruling on mortgaging agricultural land? Is it permissible for the mortgagee to make use of the land's revenue?

A: A creditor may not stipulate interest in return for the loan he gives. In this regard, the Prophet (peace be upon him) stated: [\(Every loan followed by a profit is deemed Riba \(usury\). \)](#) The above-mentioned rule is an issue of scholars' unanimous agreement. Included under this rule is the case mentioned in the question, i.e. the mortgagee possessing and making use of the land till the debt is paid off by the owner. Likewise, a creditor may not take the revenue of the land in return for delaying the date of maturity. Moreover, mortgage is no more than a security for the repayment of the debt. Thus, mortgages may not be exploited in return for a loan or for default on payment of the debt. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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