

**Fourth paper (4)**

**Sham Contracts and Their Contemporary Forms**

**A comparative jurisprudential study**

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**Abstract:**

Islamic law has paid great attention to contracts and their provisions, and has made consent between its parties the basis for concluding them and arranging their effects, as it is a means of ownership and preserving rights, and it has forbidden the unlawful consumption of people's money. However, in our present era we find the spread of the phenomenon of fictitious contracts in people's transactions and actions, where some deliberately - For some motives - to conclude two contracts: one of them is apparent (formal) and does not mean its reality or the order of its effects, and the other: hidden (real), which is what is intended, and it is called - legally - the contralateral paper, and this is what prompted me to research this issue, and it came under the title: “ “Formal Contracts and their Contemporary Forms: A Comparative Legal Jurisprudential Study,” which dealt with it from two aspects: The first: It explained the concept of formal contracts, their types and rulings, and their implications in Islamic jurisprudence and Egyptian law. Second: I mentioned a number of contemporary images of formal contracts, explaining their ruling in Islamic jurisprudence and Egyptian law. This study reached several results, including: that formal contracts are an agreement between the contracting parties to show the apparent (sham) will, and to hide the real will from the contract for some benefit, without its effects or consequences. Jurists have differed in the effects of formality (recourse) in Islamic jurisprudence, between those who prohibit and support it, or depend on both sides of the formality. As for the legal legislator, he has recognized formal transactions through his reliance on the opposite card (the real hidden contract) in the text of Article (245) civil.

**Keywords: contracts, formal, contemporary, jurisprudential, legal.**