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FINANCIAL CRIMES IN MAGHREBSTARTING FROM THE MIDDLE OF THE 2nd CENTURY AH UNTIL THE END OF THE 3rd CENTURY AH

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ABSTRACT

The research scope of this study is narrowed to focus on the topic of Financial Crimes in the Maghreb countries in Sijilmassa, Idrisid Dynasty, Rustamid Dynasty, and Aghlabids. It first began by explaining the meaning of Financial Crimes, then the study turned to the economic situation in the Maghreb, considering its deterioration by planting and developing Financial Crimes assets. It was exposed to the deterioration of the political situation on the one hand, as well as catastrophes and natural disasters on the other hand, which directly contributed to the deterioration of the economic situation. Then, the study proceeded to explain the types of Financial Crimes that surfaced within these four states, and talked about the crimes of raising price rates, cheating in weights, and food fraud, as well as fraudulent goods. Then, the research discussed the issue of credit and the consequent crime of usury. The study also talked about the role of the dhimmis in the crimes of prohibited goods, such as alcohol and usury crimes resulting from late payment of credit and others reasons.

In addition to all of the above, the study focused on what affected the life of the public, and the role of governments and clerics who represent the lawful side of this subject, and the study reached a number of conclusions that I had outlined at the end of the research.

First: Financial Crimes:

Islam has drawn for humanity a clear path in the need to work hard to preserve the principles of Islam, so that humanity may live according to a righteous divine approach. Among these constants, the necessity of preserving the five necessities have emerged, which are: (religion, soul, reason, honor, and money). This is in order to achieve the purposes of Sharia, so, whoever transgresses one of these necessities is considered to have committed a crime, for which he deserves punishment, because he has violated the path of truth.

Perhaps, these necessities that are related to the economic aspect are money whose effects clearly fall on the rest of the four aforementioned necessities, that is because it is the backbone of life, and that is due to the human love for money. Islam has dealt with this aspect meticulously, and has given it great attention, as money, and the economic aspect involved in it, are among the topics that the Shari'a has been most interested in detailing in the Holy Qur'an. This is represented in part by the verses of inheritance, which is one of the pioneering systems in distributing wealth in a detail that the inheritors cannot dispute. Islam has worked to prevent Financial Crimes by calling for the prevention of monopoly and fraud, as well as encouraging Muslims to pay zakat, making it one of the five pillars of religion, prohibiting hoarding and usury, reducing weight and preserving money, and preventing abuse of it with extravagance, waste, and preserving it...etc.. Even the jurists were not able to put a specific definition of economic crime and that reaching an accurate concept of economic crime is a challenge, some of them defined it: as everything that affects the economy in general. Although, this definition is considered broad.

Some of them limit the concept of Financial Crimes to the rules that govern prices, and this is a narrow concept, as the Financial Crimes field is limited to very limited areas. Because it links the penal economic law with the law related to competition and prices, and the pioneer of this view was the French jurist "Jean PRADILLE".

Based on the foregoing, Financial Crimes can also be defined as every act or disobedience to God's command or prohibition in His possession, whether by investing money and unjustly exploiting economic resources, and other things that violate the Sharia in illegal gain and exploitation.

It becomes clear to us through these different definitions that the definition of Financial Crimes comes from different legal, economic and social points of view. We may come to the conclusion that the term Financial Crimes refers to every act committed by an individual or a group of individuals or entities, which is an accusation for its departure from the scope of legal controls and valid general social standards, which everyone accepts and abide by, as a violation of these controls results in damage to the economic situation of the country.

We conclude that the economic behavior of the offense is determined within the nature of the general societal context prevailing in each era of history. Where bribery as a criminal behavior from a legal and social perspective can fall under different names, such as a reward, commission or gift, and become legitimate from a social perspective.

Second: The general economic situation in Morocco:

The countries of the Maghreb lived for a long period of time, as described by Ibn Abd al-Basit: **“It went through sermons, wars, seditions, horrors, great corruption, the ruin of countries and the destruction of people”**.

It seems that political catastrophes have a role in the occurrence of economic crises due to the deteriorating conditions and the lack of security. In those years in which strife abounded, roads and paths became unsafe, as thieves and bandits multiplied, and as Ibn al-Saghir tells us, in his saying: **“The paths were cut off and the hands of people were deprived of plow and offspring”**.

These factors would negatively affect the activity of trade, as we note in the state of Sijilmassa and Idrisid Dynasty, and especially the era of the state Rustamid Dynasty, that their impact on foreign trade was great, and in addition to the damage they inflicted on pedestrians, they were a factor of panic and fear for people which prevented them from moving in or out. In the era of the Aghlabids, we notice the spread of high prices, fraud, monopoly and others.

A class of the wealthy also emerged, who took advantage of their influence in commercial matters to monopolize and monopolize markets, such as: Ibn Warda Market, named after one of the merchants' names, where they were the representatives of economic and political pressure force. It is not surprising if we realize the tolerance of the Rustamids towards their sectarian and political enemies and their welcoming of strangers in their countries, and there is no evidence for this in the presence of the Jewish sects in Tiaret and their dominance over many commercial activities. Ibn al-Saghir stated: "The capital of the state was filled with merchants from all over the Islamic world, regardless of their sects and races".

We can conclude from Ibn al-Saghir's text that Maghreb, in the era of Rustamid Dynasty, especially regarding the economic aspect, was reeling under the weight of the unrestrained policy of merchants in their capital, Tiaret, and that they took advantage of this important commercial center that merchants flock to from all parts, for their benefit. Therefore, commercial progress was fluctuating in its levels.

The reason for this was that the rulers in this period did not participate in that trade as they had previously been in the era of the two imams Abd al-Wahhab

and Aflah, and it is not excluded that it was the temptation that distracted the imams from commercial activity.

As the relationship between the merchants and the authority has become one tainted by caution, the authority sees them as a threat to it because of their prestige and money, and sees them as competitors, and perhaps this phenomenon is behind the killing of Muhammad bin Arafah at the hands of Imam Abu Bakr, Rustamid Caliph.

This is what Ibn al-Saghir said referring to his people and power, and said: "Rustamid Dynasty shined with it and disappeared with it, and with that, he who circumambulated Abu Bakr rose to the east".

Perhaps, this political turmoil that continued in Maghreb until the late days of Rustamid rule. This disrupted the flow of gold to the capital, Tiaret, and consequently diminished the benefits that the state reaped in that trade. The state was not able to face the temptations due to lack of money, and this same result led to a decrease in bringing the goods it needs, and thus weakening the entity and the rebels persisting in disobedience.

Thus, the factors that paved the way for the fall of the mini-states that ruled in Maghreb, represented in the state of Sijilmasa, Idrisid Dynasty, Rustamids and Aghlabids at the hands of the Fatimids, combined, and the conditions worsened with the policy of economic arbitrariness followed by the Fatimids. We can say that the large number of strife, the weakness of the imams at that period in Maghreb, especially the Rustamid Dynasty, the absence of firm authority, and the cases of declaring disobedience and rebellion, are all factors that negatively affected the political stability of the state in those areas, and harmed the economic prosperity that the country witnessed in its early times, and led to the emergence of Crimes of economic corruption and manipulation of goods:

Crimes of Raising Prices:

The issue of prices is one of the fundamental issues that is indispensable, to know the different types of commodities and their prices from time to time, and the importance of knowing the prices of commodities is related, in fact, to knowing the individual's income at its various levels, so that we can learn about the standard of living reached by the different social groups in Maghreb, especially in Kairouan as an important commercial center.

It is very difficult to find accurate data on the price situation and its development on the subject of prices. Due to the scarcity of information contained in the sources, the crimes of high prices are among the most important crimes that societies suffer from because they are related to the lives of the population. It became clear to us that the prices of goods in the country of Maghreb, especially in Kairouan, are affected by two important factors:

Political Disorders:

Undoubtedly, the political disorder negatively affected the Maghreb markets, especially Kairouan. The roots of this disorder and its economic repercussions go back to the time of the Arab conquest of Morocco, when fierce wars broke out between the Arabs and the indigenous people of the country, the most dangerous of all was "Al-Kahina Revolution", which harmed the economic activity of Maghreb as a whole, and completely destroyed the country's agricultural wealth, and burned the area of dense trees, which extend from Tripoli in the east to Tangiers in the west.

We conclude from this that the economic adversities that followed in the Maghreb countries in the era of the rulers, in the light of which the country became a theater of chaos and turmoil, had a severe impact on the Kairouan region, which affected the food commodities that were brought to its markets.

In addition to the impact of the political turmoil, which was clearly evident after the revolutionaries at that time imposed the siege on Kairouan, as did Abu Hatim, one of the revolutionaries, who besieged Kairouan in the Wilayat of Amr ibn Hafs (101-154 AH / 768-770-71 AD) until the country's treasury was depleted, inmates, and wheat, and the soldiers did not find their sufficient need for food, so they resorted to eating the meat of animals and dogs, according to Ibrahim ibn ar-Raqiq.

One of the repercussions of this blockade was a noticeable increase in prices, as the price of an ounce of salt reached one dirham. We will suffice to mention two important revolutions that had a serious impact on economic activity in Maghreb:

The First Revolution: The Revolution of Imran bin Mujaled in (192 AH/ 810 AD):

Which cost the Aghlabids a lot of money in order to suppress it, to the extent that Ibn al-Atheer acknowledges the danger of that revolution by saying: "When Imran was defeated, evil settled in Africa and the people were safe", which indicates its impact and harm.

The Second revolution: The revolution of Mansour al-Tabanzi:

He is one of the Arab revolutionaries against the government of the Aghlabids, and its impact is clearly evident on the commercial activity in Kairouan. He struck a new currency similar to the currency of the Aghlabids. Of course, this matter inflicted severe damage on the majority economy, so the Aghlabids sought by all possible means to quell this revolution, after a bloody fight. forty days.

Natural Disasters:

In addition to the political problems that Maghreb witnessed, his conditions stumbled. The succession of disasters and epidemics several times also contributed to increasing this deterioration, which made Al-Hasan Al-Wazzan, describing the epidemic in Maghreb by saying: “The epidemic appears at the end of every ten, fifteen or twenty-five. It is natural that this effectively contributes to the deterioration of economic conditions.

Where the natural disasters that swept Africa led to severe prices and the loss of many lives, as happened in the year (260 AH / 873 AD). Only six years had passed since this high cost until the country suffered in the year (266 AH / 878 AD), from another drought and high prices that left the worst effects on economic life, and another high cost occurred in the year (268 AH / 881 AD), which resulted in Raising the price of wheat to eight dinars, due to drought and epidemic.

It seems, beyond any doubt, that the prices of various commodities in times of economic crises and famines rise, and have an impact on all segments of society, and are low in peacetime, when stability prevails and prosperity prevails, so prices fall. In both cases, the high cost or the cheapness does not express a true and sound expression of the economic situation, because this fluctuation has a negative impact on the state of the country due to the high and low monetary value, forcing some traders to manipulate prices and weights, and from this principle, traders were forced to mention the type of measure or Weight in the buying and selling documents.

Crimes of Manipulating Weights and Scales:

Scales and weights are considered one of the most important tools of the main economic life, as the authorities did not neglect them at the time, and were following up the defect or fraud, which leads as a result to an economic crime, and its committers must be punished. The Muhtasib ordered the owners of the scales that the sides of the scales of food must be high so that it exceeds the share, because with a short side of the scale, the merchant could easily manipulate and cheat on the customer with the scale. As for fruits, they must be presented and raised-high, or it must be a half-sphere like the scales of the perfumers.

In case any of the merchants has cheated in weights or scale, their punishment is kicking them out of the market, and this punishment, with its economic and moral effects, does more damage to them than beating. The Muhtasib also asks the owners of the scales to wipe them and clean them of grease and dirt every hour, so that drops of fat do not freeze, and, as a result, the seller calculates its weight on the scale. Also, if the seller starts to weigh some goods on the scale, he must fix the scale firmly and place the goods gently, and not take his hand away from the goods ever-so-quickly.

He inquired about a merchant who sprinkled asphalt in his measure so its weight is increased, so he issued an order that the merchant shall be punished and expelled from the market. It is clear to us that there are a variety of punishments carried out by the accountant to punish the violators, according to the crime of each of them. Either the punishment is through beating or expulsion from the market and other various penalties.

Food Fraud:

Among the cases of fraud witnessed by the Maghreb society is food fraud. It was mentioned that some sellers and merchants resorted to fraud and deception, which exposes them to a punishment imposed by the accountant or the market owner. Examples in mentioning some of the fraudulent foods are mixing good honey with bad one, old oil with new oil, and mixing water with milk.

Al-Aqbani, provided a presentation of the behavior of the butchers, by saying: "It was also decided in our country, Tlemcen, that what the butcher sells of meat includes in its weight a bit of rumen and grunts, according to the severity of the price and its low". Also, there are some merchants who mix good wheat with the bad one.

The accountant would order the weighing of the pulpit, and if he did not find the required weight in it, he would legalize it in small pieces and order the issuance of an immediate deterrent punishment, with a punch for the violence of the sellers, leaving him swollen and sore, and if he repeated this command, he would flog him in front of all people.

Merchandise Fraud:

Maghreb markets were not free from cases of fraud that were carried out by merchants trying to defeat the men of the desert and the farmers with tricks. It was mentioned that some of the dishonest merchants stick some of the clothes offered for sale in bags containing pieces of silver and pretend not to pay attention to it, this matter tempts the buyer. The Bedouin thinks in this case that he has deceived the merchant and buys the goods at an exorbitant price.

Exploitation through Credit (Lending):

The advance was one of the types of sales used in the Maghreb markets, especially with regard to buying and selling operations, and its types are either cash for cash or cash for merchandise, or it may be the sale that is not permissible by number or comparison, but rather by weight. And that this type of sale enabled the market people to exploit the farmers and to monopolize the food. When the merchants were lending the farmers to benefit from the price difference at the beginning and the end of the season, they would store it at the time of licenses and sell it when the price had risen.

The people who suffer most harm from credit are the people of the desert and rural villages, because of their need for the goods of the city's markets, such as food and clothes, believing in credit and the return of money at the time of harvest, but some of them are unable to pay in cash and are forced to pay in kind.

The Jews took advantage of this type of sales so that they could take usury in that, because they relied on credit based on mortgage, the delay of which entails a financial benefit. The people of Kairouan knew the system of (credit) in their commercial dealings, where they used to buy their needs from sellers for a time, and this can be inferred from what Al-Maliki mentioned, quoting from one of the scholars of Kairouan: "I walked with Abu Al-Walid Al-Mahri until we passed by the butchers, and a man stood up He said, "O Abu Al-Waleed, you have harmed me, because all of my goods are with you, and money must be seized before you." So, he apologized to him, and asked him to be patient with him, but a man passed us and said to the butcher: How much do you have for the sheikh? He said: Ten dinars, over time, until I pay it to you.

Al-Maliki also mentioned that there were twenty dinars for a group of slavers at Bahloul bin Rashid, and one of the documents indicates that one of the Kairouan merchants borrowed three hundred dinars from a Persian merchant on the way, and he would pay it back upon their arrival in Kairouan. Ishaq bin Abraham also borrowed a sum of Money from one of the merchants, and pledged to pay him in Kairouan.

Monopoly:

It is not permissible to monopolize food from other means, by buying it when it is cheap and selling it when it is high. It seems that some merchants in Kairouan resorted to monopolizing some commodities. There is evidence for that what was reported by al-Dabbagh, on the authority of Abu Bakr al-Labbad, who said: "I found men in Kairouan who were poor, who did not enter into trials, and no sultan fined them except that they sailed on wheat in the days of adversity, wanting that they bought food in prosperity, to sell it in the days of adversity".

In order to reduce the price of food, especially during times of adversity and adversity, the jurists issued a fatwa prohibiting the monopoly of commodities by merchants and urging them to take out wheat, barley and other foods saved with them and sell them in the markets for people's need for them at a reasonable price. Where they issued deterrent penalties to anyone who refrains from taking out a reasonable commodity, and they also put penalties on everyone who refrains from taking out a commodity and selling it, and if they do not do so, their merchandise is released and sold by force, and capital and interest is given to them, and the interest is distributed to the weak. This is a discipline for them, and if they refuse to do so, they are subject to beatings and imprisonment.

We note that the monopoly system represents a very sensitive turning point in the history of Maghreb markets due to the years of drought that were affecting Africa and the Kairouan region from time to time, and this in turn has a negative impact on the conditions of Maghreb in all its societies. It repeats itself, but the presence of the deterrent force represented in that period in constant deterrence and implementation of penalties, and as we have noticed, it was the return of goods and imprisonment, but we may miss those methods nowadays.

Crime of Selling Prohibited Goods:

Wine was sold in the markets of Kairouan, and it is a prohibited commodity whose sale spread widely among the people, as the princes of Kairouan used to accept it, and then the wine trade was taken over by the dhimmis and they traded in it, and this can be inferred from the complaint of the owner of Kairouan market to Yahya bin Omar, He asks him about the Jew and the Christian who imitate the Muslims. He does not have patches or a girdle, and he carries the wine that he squeezes, and Yahya bin Omar answered that he should be punished with beatings and imprisonment, and that he should be circumambulated in the place of the Jews and Christians to be a deterrent to those who see him.

Wine was widely sold in the era of the Aghlabids, and it was sold in the markets of Kairouan, which aroused the wrath and grumbling of the jurists over this phenomenon, and their demand was for the Aghlabids government to confront it firmly. Where the response of the state was encouraging and supportive of the position of the jurists, Prince Abu Aqal bin Al-Aghlab Ibrahim (223-226 AH 837-840 AD) issued strict orders to chase and punish wine sellers and buyers.

Corruption infiltrated the Rustamid Dynasty because of the wealth, and they used to mix with men and women, and they resented girls and assaulted women. Especially during the era of Imam Hatem bin Yusuf bin Abi Al-Yaqzan, and in his time Al-Shamahi says: "The country has become corrupt and its people have become corrupt, and they have shown the evil, and there is a lot of immorality, sophistication and drinking wine".

Al-Baroni adds saying: "As for Tripoli, the Nafusa Mountains, and what follows, it has not gained any rest since the appointment of this imam, and strife and wars abounded in it". Undoubtedly, the crimes of prohibited goods such as alcohol do not stop at their negative repercussions on its users, but are an evil that harms the Muslim community, which rejects these practices.

CONCLUSION

First: Results

- 1- The definition of Financial Crimes in the Islamic perspective differs - in several parts of it - from other definitions because it is deeply related to the origins of Islamic Sharia and its laws.
- 2- The economic behavior of the offense is determined by the nature of the general societal context prevailing in each era
- 3- Political turmoil and natural disasters represent the two wings of the economic decline witnessed by the Arab Maghreb. The deterioration of the economic prosperity witnessed by the country in its first time, which led to the emergence of crimes of economic corruption.
- 4- The guest of the accountant has limited many frauds in the markets, including cheating by weight, scale and food.
- 5- The most harmful groups of Maghrebi society from the credit process were the people of the desert and rural villages, because some of them were unable to pay due to the consequent usury, which is one of the types of crimes.
- 6- The jurists had an important role in issuing fatwas prohibiting monopoly and deterrent penalties for monopolists, which contributed to alleviating its impact.
- 7- The People of the Book, Jews and Christians, took over the task of buying and selling alcohol and usurious dealings, which made them subject to penalties from time to time.
- 8- The taxes taken from the markets were one of the most important sources of income in the Maghreb states, as they were used to pay salaries and the expenses of the army and the caliphate, which encouraged the rulers to approve them, despite the burden of some of them on the people's shoulders, and the jurists looked at them with dissatisfaction, which led some of them to not allow the salaries of judges from them.
- 9- The jurists of Maghreb permitted the slave trade according to legal regulations that they set to regulate this type of trade.

SECOND: RECOMMENDATIONS

This study recommends enriching the information on Financial Crimes with research that clarifies its nature and provides information about its types and identification of its penalties, because the economic aspect of countries is the title of their advancement and that Financial Crimes contribute effectively to

the low economic level of these countries, which leads to their collapse and downfall.

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