

Analyzing the Nature of Lottery in Iranian Jurisprudence and Law

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Abstract

Despite the consensus on the prohibition of gambling and the application of its concept or ruling to most cases of lottery according to Iranian jurisprudence and laws, sometimes the involvement of elements, such as the intention of donation and other Shariah purposes, as well as the variety of current contracts in it, such as sale, peace, loan, etc. along with a justified and decisive element, such as a lottery to determine the final winner may manifest the lottery completely legitimate, or at least create doubts in some instances of the lottery. This research has analyzed and examined the statements of legal experts with a descriptive-analytical method, first, by considering the possibilities in the compensation, such as whether the payment is for a ticket, or the right to participate in a lottery, or the possibility of making a profit as a sale; secondly, considering the nature of the types of contracts in the trading of tickets; and it is believed that the correctness of lottery is subject to the fulfillment of conditions but common lotteries generally lack them. Finally, relying on numerous evidences, it removes possible doubts that may affect the sanctity of lottery in some cases.

Keywords: Gambling, Lottery, Raffle, Lottery.

I. INTRODUCTION

Lottery with the Arabic equivalent of "Yansib" and the English equivalent of "Lottery" is testing luck based on chance, by participating in a raffle to obtain a possible profit or the final prize. However, most of the participants, in their longing for a huge profit, also lose the money paid for entering the lottery process. Enticing people to participate in the lottery encourages the person to consider the possibility of winning a large sum of money in exchange for losing a small amount of money and applying to participate in the lottery. With the difference that in the past, they used printed tickets with serial numbers but in the current era, in line with the advancements in communication and technology, this is done with a mobile phone number (which is unique like a serial number) or by registering on the

relevant website and takes place in the virtual world. As they used to buy paper tickets in the old days, today money is deducted from people's accounts by sending SMS or using similar methods.

Scholars of jurisprudence sometimes in their books of jurisprudence, on the occasion of discussion, have sporadically and very briefly discussed topics, such as "forbidden businesses" in such a way that they often mention the definition and statement of the general rule of lottery, without disambiguating its angles. In Iran's legal system, the rulings and laws of lottery have not been stated independently, and jurists have pointed simply because of the similarities between lottery and gambling, in addition to the topic of gambling. To clarify the dimensions of the discussion regarding the mandatory and conditional

rulings of "property transfer" in the lottery, it is necessary to explain and analyze the nature of this phenomenon in a favorable way. In this direction and at the beginning of the discussions, the meaning and concept of lottery is examined:

2. The concept of lottery

2-1 The literal concept of lottery

The Persian dictionaries generally consider "lottery" to mean testing luck, test, testing someone's luck, ticket, firm, and means of "lottery" and its specific and idiomatic meaning is equivalent to *Latar* (Dehkhoda, 1993: 3808; Moein 1983; *Amid Dictionary* 2010: 257). Since all the mentioned sources equate *lotto*, *lotar* or *lottari* with lottery, it would be useful to mention its meaning as well. Lottery is a way to raise funds for the government or charitable institutions, etc., through the sale of tickets, which ultimately give the buyers prizes by lottery. Among the inherent elements of lottery, we can mention prepayment or collateral, prize, chance, and means and methods (such as lottery) to determine the winner (Nazari Uloom, 2017: 149).

2-2 Terminological concept of lottery

Lottery is a contract, as a result of which a number of people pay a certain amount of money with the possibility of getting a certain amount of money by chance (Emami 1996: 2, 211). A lottery contract is a contract that is offered to the public with the content that: among the ticket buyers or payers, a certain amount of money or other property will be given to the people who win based on the lottery or other special system. Buying a ticket or paying money on behalf of anyone is a declaration of acceptance of the offer and participation in the lottery (Tahiri, 1418:4, 389). According to all definitions, in the lottery, a natural or legal person undertakes to pay a specific amount to the winner after receiving money from others.

3. The difference between lottery and gambling

Some jurists have distinguished between gambling and lottery in three ways:

A: In the lottery, nothing else has an effect except the accident and the event that takes place as a result of the lottery; unlike gambling, in which the gambler's plan and skill play a crucial role.

B: Lottery cannot be realized between two people but many people must participate in it, unlike gambling, which can happen between two or more people.

C: Lottery is "possible" to be done as a transaction (for example, someone, instead of selling his house, puts it in a lottery and publishes tickets, and after the tickets are sold, he raffles among the buyers, and whoever wins the house, it belongs to him (Emami 1996: 2, 211). Unlike gambling; because one of the inseparable and permanent elements of gambling is winning and losing, and based on this element, which requires the exchange of money, gambling is definitely a type of exchange contract.

But some other jurists consider lottery as an example of gambling, whether it is done as a game or as a result of financial sales. Therefore, to prove its invalidity, there was no need to prove that it was fraudulent, and the evidence of invalidity of gambling was considered sufficient to invalidate a lottery (Katouzian 1997: 2, 280). And on the contrary, some of them consider lottery tickets to be outside of gambling in terms of the subject and similar to it in terms of the ruling. Leaving lottery tickets from the subject of gambling is due to the fact that the common understanding of the word gambling, in its meaning, is playing with "win and lose tools" along with betting, which has been proven in the discussion of gambling. And entering into the rule of gambling is because buying and selling it is one of the examples of valuing wealth against falsehood, which is avoided in the Holy Quran (Mohammadi Gilani, 1995: 270).

4. Types of lottery

Lottery is possible in the following ways:

- A group of people pay a specific amount for a ticket (lottery ticket) offered by a company or an institution, with the motivation of obtaining a certain amount of money. If the lottery wins his name, the determined amount will be paid to him as a prize. The common meaning of lottery trading is this type.
- Giving money to win the lottery without buying and selling tickets. The paper is given to a person only as a document and guarantee to prove participation.
- Offering the papers as a way to collect donations and help for charity such as building a hospital and giving prizes to the recipients of the papers for free to encourage people's participation.
- Giving money as a loan; this means that the person lends the amount paid for the bonds to the company, and the company undertakes, in addition to repaying the received amount, to pay him an amount as a prize by conducting a raffle in case the lottery is won in his name.
- The money paid by the participants has the title of mortgage and pledge among them, with the motive that the winner of the lottery becomes the owner of the money. In this assumption, before the lottery, no one is the owner of all or some of the pledged property - except for his own property, which he pledged - and the papers are the only guarantee and document to prove participation in the contest (Collection of researchers, 1426: 2, 69).

Therefore, if it comes from the definition and types of lottery, lottery can be divided into two general types:

A- Non-consideration lottery:

This type of lottery is actually a type of acquisition of property through donation that the person or persons performing (real or legal) pay to the person who wins the lottery; however, for a person or persons, it is considered to be the acquisition of property.

This method has been common among people in various occasions and celebrations since the past. In such a way that small sheets, all of which have the name of the award with different variety and value, or some of them have the name of the award and others are white among the people present at the celebrations on various occasions such as weddings or birthdays, etc. so that all or some of them could accidentally benefit from the prize (see: Hali, 1374: 18).

B- Consideration lottery:

There are two types of consideration contract: real and possible contract; A real contract is a contract in which the exchange is real and known, and the parties are fully aware of the limits of their obligations and interests during the conclusion of the contract, such as a sale, but in a contingent contract or fortune, the profit and loss resulting from the contract depends on a possible and accidental issue and cannot be assessed during the marriage. In principle, there is no way for option of lesion (Bayat, 2018: 115). Lottery operations are often consideration rather than free, so that the applicant is required to pay money before entering in exchange for possible possession, which is very weak and based on luck and raffle.

The topic of this research, which deals with determining the legal status of transfer funds in the lottery process, is specific to the consideration lottery and has no place in the non-consideration lottery.

5. Possibilities of "consideration" in the lottery

There are three aspects for the amount paid by the applicant to participate in the lottery process:

A. The first aspect: the consideration should be ticket. It means paying money for the ticket itself, on the condition that the buyer participates in the raffle and pays the prize in case of winning.

B. The second aspect: This is that the work itself is exchanged, not the ticket that the work results from, so the buyer pays the money for the right to participate in the lottery, and the ticket for the person who wins the lottery is a sensory sign for the said right (Hali, 1995: 20).

The difference between the two mentioned aspects is that in the first one, the ticket is an object of sale, which is traded according to the sequential effect. In fact, the rational benefit of participating in the lottery adds real value to the paper and the ticket but the spirit of the ticket has an effect. However, in the second case, the said effect is traded independently, and in case of loss of the ticket in the second case, as soon as its verification of belonging to the person who owns the prize will be the owner of the prize, unlike the first case, where the existence of the ticket is necessary due to object of sale.

C. The third aspect: object of sale is property that is likely to come out in the lottery (Arafi, 2018: 474). In the third aspect, the object of sale is neither the ticket itself nor just the right to participate in the lottery, but another possibility is raised, and the consideration is actually the property that has been placed in the lottery as a prize, and the person has made such a transaction only in the hope of winning the competition. Basically, this possibility has given validity and value to this ticket.

6. The nature of the lottery contract

Payment by the participant in exchange for the right to participate in the lottery may have different rulings according to the format and form that a person uses for payment. Since the payer can make the payment through various contracts, such as sale, gift, peace, trust, charity, etc., we will examine each of them:

6-1 Sale contract

Scientists have expressed different opinions about buying and selling lottery tickets, some of them consider it correct and some consider conditions to correct the sale, and some consider buying and selling absolutely

prohibited and haram, each of which will be examined below.

6-1-1 The first point of view: the authenticity of buying and selling tickets

According to the first and second possibility, each of the two parties has received something for what they paid. Although the ticket itself has no value but it has an effect that is rationally important, and that is the right to interfere and participate in the number of those whose numbers are in the lottery. The sense of belonging of this work on papers and tickets gives the ability to exchange property in the form of peace or sale or other transactions. There are other examples like that, such as business cards and postage stamps, which can be bought and sold depending on the effect on them (Hali, 1995: 19). Also, according to the provisions of Article 215 of the Islamic Republic of Iran, the transaction must include a rational and legitimate benefit. In both of the aforementioned aspects, the conditions of the transaction are clear and the transaction is valid because the tickets have a value and a rational benefit based on the right to participate in the competition. But this truth is possible as far as the intention of the parties is simply to buy tickets or enjoy the right to participate in the lottery, which is definitely not the whole story and reality; rather, the main intention is to achieve the same possibility (winning and receiving a prize), which carries a kind of risk and wins and losses and affects the accuracy of the transaction.

6-1-2 The second point of view: Conditionalizing the authenticity of ticket purchase

The first case: the buyer does not intend to obtain a possible profit and his goal is only to donate to charity or help the poor. If the buyer buys the ticket with the intention of obtaining a possible profit, the transaction is not permissible and is void, and if the buyer buys the ticket without the intention of obtaining a profit and the money paid for the ticket is for charitable donations and not for profit, it is permissible, if the committee only considers the title of the donation for ignorance of believers

but there is no real donation, it is illegal and haram (Khoei, 1410: 2, 11). Hazrat Imam Khomeini says that even if the buyer does not buy and sell tickets with the intention of "possibility of winning" in the lottery and earning "possible profit", it is still haram, even if he has the name and title of donation, because this is also the lottery unless a company or board really sells the tickets to donate to the charity and spends on the same route and a prize is paid from the collected sums with the consent of the participants to encourage the lottery, in this case there is no problem and it is permissible (Khomeini, 1404: 240).

The second case: If the tickets are arranged to help the poor and needy or for other Shariah purposes, and the ticket itself has a valid value and the prize is considered as an independent gift, buying and selling is allowed and possession of the prize is also correct, and if Shariah purposes such as donations, etc. does not exist, If the ticket itself has a valid property according to jurists like other goods that are traded, and on the other hand, the prize has an independent title, then the transaction and receiving the prize is correct. In other ways, buying and selling lottery tickets are not permissible and it is gambling, and the property taken must be returned to its owner and possession is not allowed (Sabzevari, no date: 637).

The difference between the above two cases is that in the first point of view, the presence of Shariah purposes without the ticket property is not enough for the validity of the transaction, but according to the second case, if there is no Shariah purpose, the ticket property is sufficient, provided that the prize has an independent title, such as a gift.

6-1-3 The third point of view: Inaccuracy of buying and selling ticket

Some do not consider buying and selling absolutely permissible (Sabzwari, no date: 267; Hakim, 1410: 2, 17). Hazrat Imam Khomeini says that even if the buyer does not buy and sell tickets with the intention of "possible winning" in the lottery and earning "possible profit", it is

still haram, even if it has the name and title of donation. He considered taking money for a ticket as haram and as a guarantee. (Khomeini, 1404, 240) The fact that this type of buying and selling is not allowed is an absolute sign that it is haram, like gambling. In the Holy Qur'an, God has placed the two sides of trade in front of unlawful ownership which has considered the first as halal and the second as haram, every person who is fair and aware of the truth of the lottery ticket when he considers it and examines it in the secret and enthusiasm of the people, and on the other hand, a little accuracy in the meaning of trade will know that buying and selling lottery tickets is not one of the types of trade, based on the 100% confrontation between trade and falsehood, when an act is not of the nature of business, it will be of the nature of falsehood (same p. 271).

6-2 Loan contract

The payment of money in exchange for tickets as a loan to the company or the committee, so that the property for the payer remains with the company and he can refer to his property whenever he wants after the lottery operation, if the said loan is conditional on getting the tickets of lottery to participate in a lottery so that after winning, the company pays the prize to the payer, which is a forbidden transaction and a type of usurious loan (Khoei, 1410: 1, 433).

6-3 Peace agreement

Some have said that the possession of tickets is not permissible in any way, even peace (Khu'i Maniyah al-Masal, p. 138) and some consider peace to be correct in such a way that property pays in exchange for the possession of tickets and by taking the tickets, he is among the people who raffle is done between them; For example, when ten people gather and each of the ten people gives ten dinars to a person, on the condition that that person collects the lottery in one hundred dinars and distributes it among the ten people and gives the winner of the lottery one hundred dinars, it is correct, but if he gives ten dinars to exchange for a possible hundred dinars, the transaction is invalid (Hakim, 1410: 2, 17). Therefore, peace

between people is correct if it is not for the purpose of obtaining a possible profit (Sabzwari, no date: 267 and 637).

6-4 Trust – Endowment

The payer gives the property to the board as a trust, along with the remaining property in his property, to be used for the benefit of the announced project until depreciation becomes a part of it, and this is if the intention of the payer of the property is nothing but to help the board without the intention of winning a prize, even if his number is entered in the lottery, he will not refuse to take it. It is the same if the payer pays charity to benefit from it for a charitable project (Hali, 1995: 20).

6-5 Donation

Lottery tickets can be purchased through donation, which have three types: conditional donation, donation with consideration, and donation without consideration. "Conditional donation" is in the form that the buyer pays the money in exchange for the ticket on the condition that he participates in the raffle. "Donation with consideration" means donation for entering a lottery operation in which there is a possibility of winning a prize. Entering the lottery process with the aforementioned possibility is a kind of value and credit and can be considered as a substitute for the purchase price of the ticket. "Donation without consideration" means that the person pays the property without any conditions, and his participation in the lottery is neither a condition nor a consideration, and only if the custodian company wishes, he participates in the lottery (Arafi, 2018: 469).

7. Proofs of sanctity and invalidity of lottery in Iranian jurisprudence and law

7-1 Quranic verses

A:

حَرَّمَ عَلَيْنَا الْمَيْتَةَ وَالْذَّمَّ وَاللَّحْمَ الْخَنْزِيرِ وَ مَا
أَهْلًا لِغَيْرِ اللَّهِ بِهِ وَ الْمُنْحَنِقَةَ وَ الْمُؤَفُودَةَ وَ
الْمُتَرَدِّيَةَ وَ النَّطِيحَةَ وَ مَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَّيْنُمْ

وَ مَا ذُبِحَ عَلَى النَّصَبِ وَ أَنْ تَسْتَفْسِمُوا بِالْأَزْلَامِ
ذَلِكُمْ فَنسَى (Maedeh/3)

That is: "Carrion meat, pork, and animals that are slaughtered without the name of God, and animals that are strangled and killed by torture, and those that die due to being thrown from a height, and those that are killed by the horn of another animal, and the remains of predatory animal, unless you arrive at the right time and behead that animal, and animals that are sacrificed to idols, are all forbidden to you, and it is also forbidden for you to divide the meat of an animal by means of arrow sticks specially for lottery; because all these actions are debauchery and sin.

B:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ
وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ (Maedeh/90)

O people of faith, wine, gambling, and idolatry all of these are evil and from the work of the devil, stay away from them to be saved.

"During the Jahiliat period, it was customary for ten people to bet with each other and to buy and slaughter an animal, and then to pour ten arrows, seven of which were marked with the title of "winner" and three of them with the title of "loser" in a special bag and they would draw them out one by one out of those ten people, the winner would get a portion of the meat and would not pay anything for it, but the three people who received the loser's arrows should pay a third of the price of that animal without taking a share of the meat" (Tabatabai, 1995: 6). In Islam, eating this meat is prohibited for winners like pork and carrion.

Regarding Azlam, there are two possibilities: 1- Azlam meant tafal (something similar to Istikhara) based on which a person would do something or refrain from doing it. 2- Azlam was a lottery based on that, they divided the animal. According to the evidence in Tafsir al-Mizan and some hadiths, the first possibility is negation and the second possibility is azhar. Although, in the third verse of this surah,

Azmal is strictly forbidden. Due to the doubt that exists here, it seems unlikely the expurgation of the criterion because the discussion in this verse is about forbidden meats and eating them, and it may be said that there is a special care and caution regarding the meat that has been imposed on this meat. And according to the context of this honorable verse, the possibility of generalization of the ruling seems very unlikely, therefore, the reference is to verse 90 of Surah Mubarakah, from which both obligatory and status sanctity are perceived (Arafi, 2018: 478).

Although azlam was a kind of share distribution and special lottery about camel, custom cancels these characteristics because the basis of gambling is in this type of lottery. However, there are differences between gambling and Azlam. First of all, in Azlam, everyone mortgaged their money and everyone benefited from this money, no matter how much or little, unlike gambling, where the loser did not get a share or interest. Second, winning and losing in Azlam was not based on the game, but based on luck. The foundation of Azlam is these two characteristics, and custom does not consider subjectivity for the rest of the characteristic. In short, in verse 90 of Surah Ma'idah, unlike the third verse, there is no context to prevent the abolition of character. Therefore, by relying on the meaning of Qadr Motiqin from Azlam, from its other characteristics, such as marking shares in special ways and taking people's shares in a fractional way, the characteristic is abolished. Based on this, the requirements of Article 90 are state and mandatory sanctions for buying and selling lottery tickets (Arafi, 2018: 479 and 480), and according to Article 654 of the Civil Code, claims regarding it will not be heard.

C:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ
...إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ... Nesa, 29

O people of faith, do not take each other's property unjustly, unless it is a business that you have done by pleasure and desire.

According to this verse, unlawful ownership is forbidden in any form. In the current discussion, this rule can be cited in two ways: 1- The custom of trading lottery tickets is invalid, so this type of transaction is prohibited as one of the examples of this verse. 2- Since the trade of lottery tickets is a type of transaction without object of sale, it is considered as an example of unlawful ownership. Apparently, there is no evidence to determine one of these two possibilities. In spite of this, the above implication is about the obligation and status of trading lottery tickets (Arafi, 2018: 480).

If there is a problem, there is a doubt that the custom considers such a transaction invalid, regardless of the Shariah environment, so it is not possible to rely on the above statement; In response, it should be said: Although this doubt is justified, despite the evidence of gambling and the evidence of insistence on prohibiting the trading of such tickets, the evidence of this evidence is also complete, but it only indicates a status ruling, and the evidence of this verse is an emphasis on the sanctity of status (Arafi, 2018, 481).

7-2 Uncertainty of the transaction

Some jurists consider that the uncertainty of transaction is unknown seller; When a person buys these tickets, the price (cash) is certain, but the object of sale cannot be the paper on which the lottery number is written, but the real price and seller is the money that he will probably get during the lottery. Even if the amount or type is completely known, since it is not clear whether the property will reach him or not, this unknownness makes the sale uncertain and invalid (Arafi, 2018: 473).

Although in the existing laws, especially the civil law, there is no explicit statement regarding lottery, however, considering the fact that the transaction is not certain, but possible, according to the conditions necessary for the validity of the transactions in Article 190 of the Civil Law, it is uncertain and void because it is necessary for the validity of the transaction. It is for each of the parties to know what they will lose or what they will gain, and this is unknown

in lottery (Taheri, 1418: 4, 73). In other words, it can be said that a lottery is a type of possible or chance consideration contract, which has been invalidated except for the exception mentioned in Article 655 of the Civil Code.

In response, it should be said first: uncertainty has the greatest effect and it is the prohibition and invalidation of this transaction. The statutory ruling entails the guarantee of both sides of the transaction, that is, seizing the money obtained from the sale of lottery tickets, as well as the money or goods that some people win in this way, is haram, but this ruling cannot cause a binding ban on the release of these tickets and its preparation by the people (Arafi 2018: 475). Secondly: The problem of uncertainty is raised where the consideration is the possibility of winning, and if we consider the consideration the right to participate in the lottery process or the ticket itself has a rational value and the prize has an independent title such as a gift, then the transaction is correct and there is no way to be uncertain. Thirdly: Being uncertainty may cause problems in the sale, but there is no such problem in the place where the tickets are traded in a compromise manner.

7-3 Gambling of the transaction

According to the general definition of gambling that "gambling refers to any type of game in which there is winning and losing", it is considered a type of gambling. Some jurists believe that lottery is an example of gambling, whether it is done as a game or a financial sale. For this reason, they consider the evidence of invalidity of gambling to be sufficient to prove the invalidity of lottery and do not consider the need to establish separate evidence (Katouzian, 2017: 2, 280). If it does not have the title of gambling in nature and if we consider the substantive differences between gambling and lottery, as it happened; however, from the legal point of view, it will have the ruling of gambling, because Imam Khomeini (RA) considers lottery tickets to be outside of gambling in terms of the subject and similar to it in terms of the ruling.

Summarizing the evidences: According to the evidences that were stated and examined, the following results are obtained: Verse 90 of Surah Ma'idah, as well as gambling of lottery and the inclusion of the ruling on the sanctity of gambling on it, the said evidences without any dispute implies on the sanctity of the status and duty of lottery and also the above proofs include any type of contract including sale and peace and others, what causes the prohibition is the obligation arising from these contracts, but if the obligation and commitment or a condition is not based on submission of prizes after the lottery, it is out of the circle of sanctity, like a gift that is out of obligation. However, the purpose of our discussion is the place where there is an obligation and a contract, and there is no doubt about the authenticity of the gift outside of the obligation.

8. Rule to confiscate the property obtained from the lottery

As mentioned in the summarization of the proofs of obligational and situational sanctity, in addition to the prohibition of the lottery contract, the related transaction is void. In other words, participation in the lottery process and implementation of this operation by the executors is prohibited by Sharia and the principle of trading tickets is not allowed; and due to invalidity of the contract, transfer will not be carried out. In other words, the executors do not own the price of the tickets, and the prize winner must also avoid taking possession of it.

If someone participates in the lottery process and commits sacrilege and then receiving the prize or the lottery property, if the owners are known, he must return the properties to them and if they are not known, it is from the property of the unknown owner and he must give charity. (Khomeini, 1370: 2, 619), although it is prudent to ask permission from the ruler of Sharia in giving charity (Khomeini, 1404: 240).

8-1 Taking possession of the lottery property to get one's share

Since the principle of the transaction is haram and void, and it is not permissible for the winner to take possession of the entire property of the lottery. But can the winner take possession of the same amount of money from the lottery that he paid for the ticket in the beginning and is he the owner of it? In response, it should be said that there is definitely a problem with taking possession of an amount more than his own share, but there is probably no problem with taking possession of the amount that he paid in the beginning (Arafi, 2018: 485). Mixing one's property with the property of other participants and sharing it does not mean that it is not permissible to take possession, and it will be permissible to take possession of it according to his share in terms of retaliation. Because he spent the money in a transaction that was invalid and his right is in this collection, and the way to save and fulfill his right is to take his share and return the rest (ibid).

8-2 Possession of lottery property to help charity

If the original owners of the property, i.e. the ticket buyers, are satisfied, two situations are conceivable: if their consent is to allocate part of the amount to charity within the framework of the ticket transaction. In this case, due to the fact that the property has not been transferred, it is wrong to take any possession of it, including helping charity, and if the consent is regardless of the transaction and lottery, then donating it to the needy is no matter (ibid).

9. Conclusion

Lottery, in addition to its similarities with gambling, also has different features: firstly, in gambling, the skill and resourcefulness of the gambler plays a role in how to implement it and win but in lottery, operations are not involved in determining the winner except for the raffle. Secondly: Unlike gambling, which is always consideration and accompanied by wins and losses, it is possible to perform the lottery in

both consideration and non-consideration ways. However, the type of consideration is the place of doubt and debate. Thirdly: Limited people participate in gambling, while the audience of lottery is the general public.

Unlike the exchange, the consideration in the lottery has possibilities: 1- The price is in front of the ticket 2- The price is for the right to participate in the lottery 3- The payment is for the possibility of winning the lottery. Among the mentioned possibilities, if the consideration is from the third possibility type, without doubt and according to the consensus of the experts, lottery is prohibited because according to the general conditions of the validity of the transaction, the fact that the seller and the buyer are unknown is detrimental to the validity of the contracts. However, the first and second possibilities are qualified due to the guarantee of rational benefit, but other conditions must also be established: firstly, the awarding of the prize must be done independently and outside the trading of tickets, for example, with the consent of the participants to encourage the lottery, it is permissible to be paid. Secondly, the transaction must be free of any intention to gain profit, and this requires that either the ticket has value and wealth (for example, due to its special design) or the payment is made solely for a religious purpose, such as a donation to the poor or needy and the prize is independent and outside of the lottery process. Otherwise, any type of transaction and contract in the lottery is prohibited and causes warrants, although this is the case in most cases today.

Among the three proofs: 1- Verse 90 of Surah Mubarakah Ma'idah 2- Uncertainty of the transaction 3- The gambling of the lottery, the implication of the first and third reasons is without ambiguity and without any kind of doubt, and the application of the mentioned reasons includes all types of contracts, therefore, the interpretations and conditions stated in all types of transactions, including sales, loans, and peace, are valid and their correctness is subject to the previous conditions.

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