

Resolutions and Recommendations of the 25h Session of the Council of the Academy



In this issue...

For two and a half years, the Academy News has been committed to bringing you a detailed monthly report on the most important activities and programs organized by the Secretariat General of the Academy in an active effort to strengthen cooperation and communication with you, and with the firm desire to enable the members and experts of the Academy to familiarise themselves with the projects and initiatives implemented by the Secretariat General in order to achieve greater integration and coordination between the Academy and other pioneering scientific, intellectual and religious institutions and centres around the world. Dear reader, From 29 Rajab to 3 Shaaban 1444, corresponding to 20-23 February 2023, the Secretariat General of the Academy had the good fortune to hold the twenty-fifth Session of its Council in Jeddah, Kingdom of Saudi Arabia, after a hiatus of almost four years, under the generous patronage of His Royal Highness Prince Khaled bin Faisal Bin Abdulaziz Al Saud, Advisor to the Custodian of the Two Holy Mosques, Governor of the Makkah Region. Thanks be to Allah, it was a successful and distinguished Session, considered the largest Session in the history of the Academy since its establishment four decades ago, in terms of the number of its subjects, which amounted to seventeen (17) subjects, and in terms of the number of researches that were submitted to it, which amounted to one hundred and sixty-five (165) research papers, and in terms of the number of participants, both male and female, among researchers and thinkers, estimated to be around three hundred (300) researchers from over sixty-five (65) countries. What made this Session of the Academy more

distinguished, radiant, and splendid was the immortal and historic royal honour, namely the approval by the wise rulers of the Two Holy Mosques to allow all the participants of the Session to enter the Ka'bah and pray there, which proves the reverence of the Saudi rulers for knowledge and the honour they pay to scholars, the honour paid to scholars, the unity of the voice of Muslims, the closing of ranks and the affirmation of the great importance enjoyed by the people of knowledge and the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al Saud, and his trustworthy crown Prince, His Royal Highness Prince Muhammad bin Salman bin Abdulaziz Al Saud, may Allah protect them. And eager to shed a brighter light on the resolutions concluded by the Ummah's eminent scholars in the 25th Session, which include satisfactory answers to the questions and demands that the world has been waiting for, as well as recommendations to enlighten the path of the walkers, and show guidance to those who aspire to lead a life with the wise teachings of the Shariah. The 29th issue of the Academy News will exclusively include the resolutions and recommendations issued by the 25th Session of the Academy, in the hope that readers will find it an adequate statement and a solid basis for Shariah rulings on many modern issues and current developments, including rulings on religious and secular education for both genders, on prayer behind the telephone, radio and television, on prayer in a language other than Arabic, on the pandemic of Covid-19, on modern social media and the rules for their use, on the phenomenon of children of unknown parentage, the phenomenon of street children, beggars and children working in hard labor, the impact of modern mental

illnesses on legal fitness, rulings on abortion in case of rape, on sex change, clarification of the controls on the use of legal objectives to guide contemporary financial transactions, clarification of the role of wills as an effective tool to fight poverty in societies, rulings on guarantee and documentary credit fees, etc. . The success of this Session would not have been possible without the grace and help of Allah, and the excellent support provided by the host country, the Kingdom of Saudi Arabia, through its Ministry of Foreign Affairs, the Kingdom's Permanent Delegation to the Organization of Islamic Cooperation, and the branch of the Ministry of Foreign Affairs in the Makkah Al-Mukarramah region, the generous support provided by the Chairman of the Al-Baraka Forum for Islamic Economy, His Excellency Mr. Abdullah Kamel. May Allah reward the Custodian of the Two Holy Mosques, his trustworthy Crown Prince, and the honorable Saudi people for the continued support of the Academy, and may the Kingdom and all Muslim countries perpetually enjoy the blessing of security, safety, stability, and growth. In conclusion, we pray Allah the Almighty, may He be glorified, to reward the Academy, as members and experts, the Chairman of the Academy, H.E. Sheikh Dr. Saleh Al-Humaid, for his wise moderation of the discussions and debates of the 25th Session, and we pray to the Almighty that these resolutions and recommendations bring good to humanity and the earth. We wish nothing but reform, for Allah is our only support and success; we trust and return to Him.

Prof. Koutoub Moustapha Sano
 Secretary General of the Academy

In the name of Allah,
The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family, and all his companions.

Resolution No. 239 (1/25) Islamic Ruling on Religious and Non- Religious Education for Males and Females

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having considered the Academy's resolution no. 38 (13/4) on Combatting Moral Evils, Areas of Islamic Unity, Methods of Benefiting from them, and the Islamization of Education in the Muslim World Today, issued at the 4th session in Jeddah, on 18-23 Jumada Al-Akhira 1408H (6-11 February 1988), Having considered the Academy's resolutions no. 164 (2/18) on Human Resources Development in the Muslim World, and no. 169 (18/7) on the Rights and Obligations of Muslim Women, issued at its 18th session in Putrajaya, Malaysia, on 24-29 Jumada Al-Akhira 1428H (9-14 July 2007), Having considered the Academy's resolution no. 236 (24/7) on the Role of Religious Education in Promoting Peace, issued at its 24th session in Dubai, on 7-9 Rabi' al-Awal 1441H (4-6 November 2019), Having considered the Secretariat General of the Academy's statement on the suspension of education for girls and women in Afghanistan's schools and universities, issued on 28 Jumada Al-Ula 1444H (22 December 2022), Having examined the research papers

submitted to the Academy on the Islamic Ruling on Religious and Non-Religious Education for Males and Females, Having listened to the discussions of the Academy's members and experts,

Resolves

First: Education in Islam is the process of acquiring the values, principles, knowledge, and skills that enable humans to worship and serve Allah, prosper in the universe, and achieve happiness and success in this world and the hereafter. Second: Teaching males and females beneficial sciences is a right upon the family, the society, and the state, and it is the right of both sexes to obtain all types of education at all its levels. The scholars have been unanimous about this right since the time of the Companions (RA) to this day, in accordance with the Almighty's words: {Read in the name of your Lord who created - created man from a clot * Recite, and your Lord is the most Generous - who taught by the pen - taught man what he knew not} Al-Alaq: 1-5 {So high [above all] is Allah, the Sovereign, the Truth. And [O Muhammad], do not hasten with [recitation of] the Qur'an before its revelation is completed to you, and say, "My Lord, increase me in knowledge."} Taha: 114 { And among people and moving creatures and grazing livestock are various colors similarly. Only those fear Allah, from among His slaves, who have knowledge. Indeed, Allah is Exalted in Might and Forgiving.} Fatir: 28 In addition to many verses of the Quran, Prophet Muhammad (PBUH) said, according to a hadith reported by Ibn Majah from Anas bin Malik (RA): (Seeking knowledge is an obligation upon every Muslim). Third: Education prescribed in Islam includes any education that helps to achieve the five Masalih daruriya (necessary interests), namely the preservation of self, religion, family, mind,

and wealth, and also any education that helps to achieve the needed (Hājjiyah) and complementary (Taḥsinīyah) Masalih. This also includes religious education that enables humans to know what Allah has commanded, encouraged and prohibited of sayings and actions, which includes the sciences of aqeeda (creed), fiqh (jurisprudence) and usul fiqh (sources of fiqh), as well as the sciences of Sunnah (Prophet's traditions), and tafsir (exegesis). Similarly, it also includes worldly education that helps us understand the universe, life, and reality as well as enables the efficient use of what Allah has bestowed upon us. Examples include as medicine, engineering, economics, sociology, humanities, and natural sciences. Fourth: Spending on religious and non-religious education is one of the duties of the family, society, and the state, according to Sharia, because it is the bedrock for success in religious and worldly affairs, as well as for the goodness of mankind in this life and the hereafter. Fifth: It is not permissible in Sharia to deprive a male or a female of any beneficial education, whether it be religious or worldly, as this is a clear violation of Sharia texts that ordered their education, as well as a violation of the consensus of the Ummah throughout the ages, that both genders should be educated, not to mention the many harmful consequences of the lack of education, such as the spread of ignorance, impoverishment, and diseases, among others.

Recommendations

- 1- Addressing unusual fatwas that violate the teachings of the Quran and Sunnah, and prohibit women from learning and teaching.
- 2- Refuting views that deprive women of religious and worldly education with fallacious arguments and responding to them in ways that expose their falsehood.
- 3- Calling on governments to give more attention and care to enabling men and women to receive religious and worldly education at all levels, es-

pecially girls' education, which is of paramount importance in ensuring a good education for future generations.

4- Calling on states and communities to address the issues and barriers that prevent or limit many girls' participation in lifelong learning in both religious and non-religious education.

5- Scientific centers in universities, Fiqh academies, research centers, scientific journals, scholars, intellectuals, imams, and preachers should carry out greater efforts in guiding people and raising their awareness of the importance of education for men and women because education is the pillar of strength for nations in all fields, including defense, economy, politics, society, and health. It is also one of the reasons for nurturing moderation and the paving way for the rejection of extremism and fanaticism.

6- Calling on educational institutions, centers, and universities to improve their curricula and programs to prepare generations capable of transforming the challenges of the modern age into opportunities for prosperity, progress, and development, while strengthening the Islamic approach to education as it is the most effective approach to providing practical solutions to problems of modern life by meeting these challenges and seizing these opportunities.

7- Encouraging scientific research, developing creative and critical thinking, supporting innovation and invention, and strengthening scientific integration between religious and non-religious education, in order to prepare a full-fledged generation that is balanced both spiritually and physically, and in matters of religious and worldly life. The Council of the Academy applauds the efforts of numerous OIC Member States that have made the education of both males and females a pillar of their renaissance and progress.

Indeed, Allah is All-Knowing.

In the name of Allah,
The Entirely Merciful, The Especially
Merciful
Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 240 (2/25) Impact of Covid-19 Pandemic on Rulings of Worship, Family, and Crimes

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Impact of the Covid-19 Pandemic on the Rulings of Worship, Family, and Crimes, Having reviewed the recommendations of the Academy's Medical Fiqh Symposium concerning the Novel Coronavirus (Covid-19): Medical Treatments and Sharia Rulings, held via videoconferencing on 23 Shaaban 1441H (16 April 2020) Having reviewed the recommendations of the Academy's Medical Fiqh Symposium, concerning Sharia Rulings on Covid-19 Vaccines, their Purchase, and Financing their Distribution with Zakat Funds, held via videoconferencing on 10 Rajab 1442H (22 February 2021), Having listened to the discussions of the Academy's members and experts,

Resolves

First: A pandemic refers to an epidemic that has spread widely in large areas of neighboring countries, affecting a large number of people, and the novel coronavirus refers to the coronavirus that causes inflammation in the respiratory system, also known as Covid-19.

Second: The novel coronavirus (Covid-19) is a pandemic because it has spread worldwide; therefore, the Sharia rulings concerning pandemics and epidemics in Islamic jurisprudence apply. Third: The Sharia rulings concerning pandemics in general, and the Covid-19 pandemic in particular, include the following:

1- The ruler (government) should take measures to mitigate the spread of the pandemic, including the suspension of the Friday and daily congregational prayers in Mosques, Hajj and Umrah, imposition of curfews, closure of schools, and other measures for the preservation of lives.

2- It is permissible to use Zakat funds to purchase vaccines, medicines, or medical equipment for the poor, the needy, and whose hearts need to be reconciled as these are included in the eight beneficiaries of Zakat. The funding of vaccines, medicines, and treatments can also be financed from other sources, including charities, donations, awqaaf, and other various forms of giving.

3- It is permissible, if necessary, for Muslims to expedite the payment of Zakat and to pay it during the pandemic to the patient who is unable to pay the cost of medical treatment, as well as to workers, civil servants, and others who have lost their jobs due to the pandemic if they do not have enough to live on.

4- A Muslim who has died from coronavirus must be washed, wrapped, given a funeral, prayed over, and buried while taking the precautionary sanitary measures. Should this become unattainable, tayammum (dry ablution) may be performed on the corpse, provided it is feasible.

5- It is not permissible to cremate a corpse that has died from the coronavirus but should be buried while taking precautionary sanitary measures.

6- The funeral and the prayer over the deceased with the coronavirus depend on circumstances in a way that does not affect the healthy.

7- The deliberate spread of the coronavirus to healthy people is a punishable crime commensurate with the severity of the crime committed.

The Council of the Academy commends the fatwas and resolutions issued by the respected Sharia boards and Fiqh councils in a number of OIC Member States, which have contributed to mitigating the pandemic.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 241 (3/25) Impact of Covid-19 Pandemic on Sharia Rulings of Transactions, Contracts, and Financial Obligations

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Impact of the Covid-19 pandemic on Sharia rulings of Transactions, Contracts, and Financial Obligations,

Having considered the Academy's previous resolution no. 240 (2/25) concerning the Impact of the Covid-19 Pandemic on the Rulings of Worship, Family, and Crimes, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

First: The Covid-19 pandemic is considered one of the emergency excuses that allow for contractual obligations to be reviewed, either by postponement, cancellation, termination, or otherwise. According to Islamic jurisprudence, the Sharia rulings on transactions in this context fall under the same section of Sharia rulings relating to pandemics and epidemics. Second: The aggrieved party has the right, in contracts whose conclusion or execution has been disrupted during the pandemic in the presence of an earnest deposit, or a margin of seriousness to terminate the contract and recover the deposit and the margin of seriousness, or to settle for a temporary suspension of the execution of the contract's obligations, or to alleviate the obligation of the aggrieved party in a manner that reconciles the advantages of both parties. Third: The Covid-19 pandemic has no impact on residential rentals after the rented property has been used, and the rental amount remains a debt owed to the tenant if the latter is unable to pay it. Fourth: It is not permissible to enforce the penalty clause if the Covid-19 pandemic has been the cause of the delay in the contract's performance. Fifth: It is permissible under state supervision to redistribute salaries, in a measure compatible with the impact of the pandemic on public life; and in the interests of justice for all parties during the pandemic. It is also permissible to reduce wages following the reduction of working hours in proportion with the decreased output. Sixth: If Islamic cooperative insurance

is not accessible, it is permissible to turn to commercial insurance, to the extent needed, to cope with the consequences of the coronavirus. Seventh: The financial arrears arising from the various financing contracts whose installments have been hampered by the Covid-19 pandemic, should be reconciled with justice. Eighth: If an epidemic or a pandemic has similarities to the Covid-19 pandemic, it shall have the same Sharia rulings.

Recommendations

1- Calling on governments to implement well-organized and sustainable humanitarian initiatives at the local and global level to mitigate the ravaging material effects resulting from the bankruptcy of numerous corporations and institutions by providing support to the least developed countries and to the aggrieved local sectors, as well as delivering effective and necessary aid to displaced people, refugees, the homeless, people in distress, and victims of conflicts, natural disasters, and epidemics, whenever possible.

2- Calling on commercial enterprises, financial institutions, and philanthropists to extend their donations, grants, and charities for people materially affected by the Covid-19 pandemic. This can be achieved through the establishment of volunteer programs and projects with the goal of alleviating the pandemic's effects on them.

The Council of the Academy commends the principles and resolutions issued by the judicial authorities in a number of OIC Member States that have addressed the impact of the pandemic on the rulings of contracts, transactions, and financial obligations; and urges researchers to take notes of them in their studies.

Indeed, Allah is All-Knowing

In the name of Allah

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 242 (4/25) Phenomenon of Non- Arabic Recitation in Salat

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Phenomenon of Non-Arabic Recitation in Salat, In light of the presentations of the Academy's members on this new phenomenon calling for salat in non-Arabic by reciting the translations of the meanings of the Noble Quran and adhkaar (prescribed invocations) as an alternative to the Arabic language, in which the Noble Quran was revealed, Having realized that this phenomenon is unrelated to the well-known juristic debate on the recitation of salat in languages other than Arabic, Having listened to the discussions and deliberations of the Academy's members and experts, and in order to curb the evils of this dangerous phenomenon,

Resolves

First: Salat or the regular compulsory prayer in Arabic is one of unanimously agreed-upon matters in both words and meaning (i.e., explicitly and implicitly); and one of the rites of Islam that the Ummah has practiced unanimously since the time of the Prophet's Companions (RA) to this day. Therefore, it is not permissible to

disagree with this well-established doctrine. Second: Salat in a language other than Arabic is null and void. There is no excuse for a person not to learn in Arabic whatever is necessary from the Noble Quran and the prescribed invocations such as takbeer, tasbeeh, tasmee', tahmeed, tashahud, and so on. The only exceptions are a very new revert to Islam or someone completely incapable of learning the Arabic language. Third: The translation of the meanings of the Noble Quran is not considered Quran in itself by the consensus of all Muslims because the word Quran is a name that describes both the meanings and the structure as a whole. It is the inimitable and sequential word of Allah, which has a miraculous nature, that was revealed to Prophet Muhammad (PBUH) in a clear Arabic tongue. It is well-structured and fully contained between the two covers of the Mushaf, and its recitation has been legislated by Allah as an act of worship. However, translations of the meanings of the Quran are not Allah's words. Rather, they are the words of humans, devoid of miraculous characteristics and not free from error and misguidance, and hence their recitation cannot be regarded as an act of worship. Fourth: The performance of Salat with the translations of the meanings of the Noble Quran and adhkaar is null and void. It must be repeated appropriately because of dismissing one of the fundamental pillars of salat, thus the abandonment of the Arabic recitation of the Noble Quran as revealed to the Messenger of Allah (PBUH). Fifth: The official authorities are entitled to enact taazir (discretionary penalization) on anyone who performs or advocates salat in a language other than Arabic due to the vices associated with such actions. These vices are used as pretexts to divert people from the Noble Quran, replacing it with translations of its meanings, and promoting division within the Ummah by propagating linguistic and ethnic prejudices.

Recommendations

- 1- Urging governments of OIC Member States and institutions concerned with Muslim communities to take measures against those who advocate salat with the translations of the Noble Quran and adhkaar, which have begun to spread in some OIC Member States and among Muslim communities abroad, instigated by suspicious and anti-Islamic entities aiming to sow discord among Muslims.
- 2- Calling on Ifta authorities, Sharia boards, Fiqh councils, and academies, as well as imams and preachers, to emphasize the dangers of this phenomenon and its harmful effects on the Ummah's unity.
- 3- Calling on various institutions, including universities, schools, and scientific centers to facilitate the learning of Arabic so that every Muslim will be able to read the Noble Quran in Arabic, the language chosen by Allah the Almighty for His Glorious Word which is miraculous and magnificent in both its meanings and structure.

Indeed, Allah is All-Knowing.

In the name of Allah
The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 243 (5/25) Sharia Ruling on Salat behind Telephone, Radio, and Television

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Sharia Ruling on Salat behind Telephone, Radio, and Television, Having noticed the numerous developments in videoconferencing and meeting technologies, and social media, Having considered the special rulings brought by the Covid-19 pandemic in terms of the suspension of salat in Mosques, the physical distancing that rendered spaces in Mosques insufficient for worshippers, and sometimes even preventing people from leaving their homes, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

First: From the conditions for the validity of salat with an imam is the union of space and time between the imam and the congregation either physically or in judgment, as well as the ability of the congregation to either see the imam or someone who can see the imam, and to hear takbeer proclaimed by the imam directly, even if only in some parts of salat. Second: It is not permissible to perform salat following the voice or an image of an imam on the telephone, radio, or television, regardless of whether the

worshiper led in prayer is near or far, due to the absence of physical connection between the imam and the followers, the lack of the aforementioned conditions for congregational salat; and also due to the numerous negative consequences this entails, such as neglecting to attend collective prayers in Mosques, weakening the community spirit and fraternal nature of salat, as well as neglecting Mosque presence, maintenance and construction, and thus weakening faith.

Indeed, Allah is All-Knowing

In the name of Allah
The Entirely Merciful, The Especially
Merciful
Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 244 (6/25) Sharia Rulings and Standards on Social Media and Dissemination of Information and News for Denunciation, Spreading Rumors, or Abuse

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having considered the Academy's Resolution no. 52 (3/6) on the Conclusion of Contracts by Modern Means of Communication, Having examined the research papers submitted to the Academy concerning Sharia Rulings and Standards on Social Media and Dissemination of Information and News for Denunciation, Spreading Rumors, or Abuse, Having listened to the discussions

and deliberations of the Academy's members and experts,

Resolves

First: Social media networks refer to a digital network system that allows subscribers to create their own web pages and connect with other subscribers via an electronic social system. Social media, on the other hand, refers to the media content of a personal type that is transferred between multiple parties via a social network, with the freedom to send and reply. These include, but are not limited to, Twitter, WhatsApp, Facebook, Snapchat, and any others that exist presently or may emerge in the future. Second: It is prohibited to transfer, disseminate, publish, record, and store any kind of Sharia-illicit materials or corrupt content using these or other means. It is also prohibited to spread fake news, rumors, and anything else that harms the society's security, stability, and purity of their religion, creed, and morals. Third: The denunciation of evils via social media networks should adhere to the conditions established by Islamic scholars for the denunciation of vice, such as ensuring that public good is clearly achieved by denouncing it, the denunciation of an evil should not lead to a greater evil, and it should not encroach the ruler's (government's) authority on such matters.

Recommendations

1- Including in schools' curricula the Sharia standards to observe when using different types of social media networks so that young generations can distinguish between right and wrong.
2- Refraining from using these means when driving vehicles and performing certain acts of worship such as tawaf, due to the distraction involved, as well as being a cause leading to contempt, arrogance, and hypocrisy, which affect the perfection of worship.

Indeed, Allah is All-Knowing

In the name of Allah

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 245 (7/25) Issue of Foundlings and Births of Unknown Parentage from a Sharia Perspective

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Issue of Foundlings and Births of Unknown Parentage from a Sharia Perspective, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

First: A foundling refers to a child whose parents are unknown, and who has been rejected or lost. A child of unknown parentage refers to a child whose parents could not be identified due to war, natural disasters, or other causes; it also includes a child whose mother is known and whose father is unknown, as well as a child whose father is illegitimate. Second: The care of foundlings and children of unknown parentage is *fard kifāyah* or a duty of sufficiency (i.e. if a sufficient number of the community fulfills this duty, others are not required to do it) and it is one of the state's responsibilities to care for them when there is no sponsor available. This care includes the right to custody, expenses, education, healthcare, protection from anything that threatens their life and safety, and the provision of all the elements necessary for a decent life. Third: A child of unknown parentage

should be affiliated to the person who claims him or her, as long as there is no rational or material evidence against it, or to the person whose biological paternity has been proven by a Sharia-approved method. The father whose paternity has been proven is to be obligated to provide and care for the child.

Fourth: The foundlings and children of unknown parentage must be given a respectable name and surname, as well as the nationality of the country where they were found. Fifth: All the same inalienable civil and religious rights as everyone else are well-established to the foundling and the child of unknown parentage. It is forbidden to slander or disrespect them. Anyone who may do so should be subject to *taazir* (discretionary punishments) to deter others from doing the same. Sixth: It is not permissible to hand over a foundling and a child of unknown parentage to non-Islamic authorities and organizations, or to untrustworthy individuals.

Recommendations

1. Urging governments to enact laws and regulations, and to take necessary measures to ensure the care for and protection of foundlings and children of unknown parentage.
2. A man who takes in a foundling must arrange for their breastfeeding by his wife or by another woman whose breastfeeding will establish a *mahram* relationship, such as his daughters. This is so that as the child grows up, feels having its own family, to whom he or she belongs, and being part of a family that cares for them and shows love and compassion.
3. Encouraging all Muslims, as individuals and charitable organizations, to care for foundlings and children of unknown parentage, to sponsor them, and establish care centers to support and raise them, especially in countries most affected by disasters, wars, and crises.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 246 (8/25) A Sharia Approach to the Phenomenon of Street Children, Child Beggars, and Children in Hard Labor

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Sharia Approach to the Phenomenon of Street Children, Child Beggars, and Children in Hard Labor, Having considered resolution no. 113 (7/12) on the Rights of Children and Elders, and the necessity to enforce paragraph I in all its clauses (I-X), given its relevance to this subject, Having listened to the discussions of the Academy's members and experts,

Resolves

First: Street children refer to children under the age of puberty who use the streets and other similar locations as a place of residence or a source of income, whether with or without the knowledge of their parents or guardians. Child beggars refer to children under the age of puberty who are forced to beg unfairly in order to obtain money, food, or drinks for themselves or others, whether or not under the order and supervision of their parents or guardians. Children in hard labor refers to children under the age of puberty who are forced to perform arduous work that

jeopardizes their lives, health, and education and puts their future in peril, whether or not under the order and supervision of their parents or guardians. Second: It is not permissible to allow children to take the streets, and similar places, as a permanent or temporary residence or as a source of income, nor to employ them for begging on public streets, in homes, offices, or other places, nor to employ them in heavy work, as in mines, factories, farms, and homes. It is not permissible to use poverty, destitution, or necessity as a pretext for any of the above as this is a violation of Sharia texts that safeguard the rights of children to life, upbringing, education, and health; and also due to the disastrous consequences, which endanger their lives, deprive them of their rights, and make them vulnerable to criminal gangs and drug abuse.

Recommendations

1-Calling on governments to protect children against abuse, injustice, cruelty, and exploitation by enacting and applying laws and regulations that criminalize child labor.

2-Calling on scholars, preachers, and imams, to educate all segments of society about the Sharia prohibition on exploiting children in public spaces, whether for livelihood or begging, or for employing them in hard labor.

1-Calling on countries, that have not yet officially banned child labor, to implement laws and regulations that protect children and prevent inflicting injustice or transgressions against them.

2-Strengthening the role of the family and encouraging parents to care for their children, and to embrace noble values and good morals in their behavior with children.

3-Urging the Muslim world's various types of media to carry out their duty in spreading comprehensive awareness of the dangers of these issues, namely street children, child beggars, and children in hard labor, and to coordinate efforts in mitigating and eradicating their causes.

Indeed, Allah is All-Knowing

In the name of Allah,

The Entirely Merciful, The Especially Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 247 (09/25) Guidelines for the Application of Maqāṣid in Regulating Contemporary Financial Transactions According to Sharia Rulings

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having considered the Academy's resolution no. 167 (18/5) on Maqāṣid and their Role in Deriving Sharia Rulings, Having examined the research papers submitted to the Academy concerning Guidelines for the Application of Maqāṣid in Regulating Contemporary Financial Transactions According to Sharia Rulings, Having listened to the discussions of the Academy's members and experts,

Resolves

First: Emphasizing Academy's resolution no. 167 (5/18) on Maqāṣid and their Role in Deriving Sharia Rulings.

Second: Maqāṣid Al-Sharia (purposes of Sharia) of financial transactions are the values and objectives that Sharia aims to realize through financial transactions, such as the purpose of justice in the transaction, the circulation and promotion of wealth, as well as transparency, protection, and growth.

Third: Sharia boards and councils should consider and respect the implications of Maqāṣid on transactions and their guidelines, as well as their application to realities and actual incidences. The most important of these guidelines include:

1- These guidelines should not contradict stronger Sharia-based evidences.

2- Taking into consideration the categories of Maqāṣid and their stratification in terms of their originality, and subordination, comprehensiveness and partiality, conclusiveness and inconclusiveness, so that the inconclusive does not take precedence over the conclusive, nor does the partial take precedence over the comprehensive, nor the subordinate over the original.

3- Taking into consideration the five universal Maqāṣid when applying Maqāṣid which are specific to certain transactions.

4- Distinguishing rulings on transactions, between what falls under Maqāṣid and what falls only under the means, so that neither the means revoke and invalidate an established maqṣad, nor should the latter be abandoned in order to obstruct one of its means.

5- Maqāṣid of financial transactions can be benefited from in the formulation and interpretation of contemporary financial contracts and transactions and the resolution of disputes caused by pandemics and emergency circumstances, in light of the purpose of justice, and other purposes related to financial transactions, such as promotion, transparency, and stability.

6- Maqāṣid should be used to verify the realism and non-fictitious nature of contemporary transactions.

7- Taking into account ma'alaat (final consequences) of financial transactions in light of Maqāṣid.

Recommendations

1.Urging universities, institutes, and scientific centers to devote more attention to Maqāṣid, in their research and educational subjects, in order to prepare generations that understand both Sharia texts and their purposes, on the one hand, and Sharia texts and on-ground realities, on the other.

2.Drawing the attention of students, researchers, and scholars specializing in Fiqh, Usul, and Maqāṣid, to the importance

of acquiring excellent knowledge in contemporary economics and finance.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family, and all his companions.

Resolution No. 248 (10/25) Sharia Rulings on Contemporary Applications of Debt Rescheduling, Composite, and Hybrid Sukuk

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning Sharia Rulings on Contemporary Applications of Debt Reschedule, Composite and Hybrid Sukuk, Having listened to the discussions of the Academy's members and experts,

Resolves

First: Sharia rulings on the applications of debt rescheduling
1-Debt rescheduling is converting an established debt into a larger debt in

exchange for extending the maturity.

It amounts to the cancellation/ replacement of a debt by a new debt.

2-The Academy reiterates its resolution

no. 101 (4/11) on Debt Sale and Loan Debentures, which states the following:

“It is not permissible to sell a deferred debt by the non-debtor for immediate cash, of its kind or any other kind, because this results in ribā (usury).

Likewise, it is not permissible to sell it for a deferred cash, of its type or otherwise, because it is similar to selling

a debt for a debt, which is prohibited in Sharia”. The Academy also reiterates its

resolution no. 158 (7/17) on the Sale of Debts, which states: “Debt-for-Debt

Swap, which Sharia prohibits, includes all and any arrangement involving

or indirectly leading to ‘increasing the amount of debt against extending

the maturity’. One form of such arrangement is a debt swap, in which

the original debt is settled, partially or entirely, through a new transaction

between the two parties that creates a new larger debt regardless of whether

the debtor is solvent or not. For example, the debtor purchases a commodity

from his creditor for a deferred price and sells it for an instant price used to

settle the original debt or part of it.”

3-Any form of debt rescheduling that leads to an increase in the debtor’s debt

in return for an extension of the maturity or which serves as a gateway to this (debt

increase for extension), is considered a cancellation/replacement of a debt by

a debt, which is prohibited in Sharia.

4-According to Sharia, the power of the contracting parties to amend their

contracts is limited to the amendments that do not violate the rulings of Sharia,

such as the prohibition of increasing the amount of a debt established as a liability in return for an extension in

the due date of payment, regardless of whether it arises from Murabaha, Istisna, Salam, or others. Therefore, any amendments should not violate anything forbidden by an Ijma (consensus), such as interest on debts.

Second: Composite and Hybrid Sukuk

After examining the research papers presented on this subject, the Council of the Academy decided to postpone adopting a resolution therein for further research and studies.

Recommendations

First: Emphasizing the Academy’s previous recommendations, which

include several solutions for defaulting debtors, including its resolution no.

218 (2/23) concerning Sharia Rulings on Insolvency and Bankruptcy.

Second: Calling on Islamic financial institutions to help defaulting debtors

through a financing scheme that enables them to raise up their businesses

and, as a result, to repay their debts.

Third: Calling on Sharia boards of Islamic financial institutions to

adhere to the Academy’s resolutions regarding the sale, cancellation,

and rescheduling of debt.

Indeed, Allah is All-Knowing.

In the name of Allah

The Entirely Merciful, The Especially Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 249 (11/25) Effects of Modern Mental Illnesses on Eligibility in Sharia

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Effects of Modern Mental Illnesses on Eligibility in Sharia, Having listened to the discussions of the Academy's members and experts,

Resolves

The Council of the Academy decided to postpone adopting a resolution therein pending additional research and studies, with the recommendation to organize a specialized symposium beforehand.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially Merciful,

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 250 (12/25) Sharia Ruling on Abortion Due to Rape

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Sharia Ruling on Abortion Due to Rape, Having listened to the discussions of the Academy's members and experts,

Resolves

The Council of the Academy decided to postpone adopting a resolution therein pending additional research and studies, with the recommendation to organize a specialized symposium beforehand.

Indeed, Allah is All-Knowing.

In the name of Allah

The Entirely Merciful, The Especially Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No. 251 (13/25) Sharia Ruling on Gender Transformation

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning Sharia Ruling on Gender Transformation, Having listened to the discussions of the Academy's members and experts,

Resolves

First: "Gender transformation" means the transformation of a male into a female or a female into a male.
Second: Gender transformation is prohibited in Sharia because it is an alteration of the divine creation, as confirmed in the Noble Quran: "And I (i.e., satan) will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah." An-Nisa: 119
And in a hadith reported by Al-Bukhari (RA) on the authority of Anas (RA): "The Messenger of Allah (PBUH) cursed effeminate men and women who imitated men, and said: Take them out of your houses"

Third: If a husband transforms himself into a female in apparent features, the wife has the right to annulment of the marriage contract due to a physical defect, and if a wife transforms herself into a male in apparent

features, the husband shall divorce her. Fourth: Sharia rulings on the religious and civil duties and rights of men and women remain the same as before the gender transformation from male to female or vice versa, particularly with regard to Sharia rulings on child custody, family expenditures, and inheritance, because becoming a female or male is not a real change, but rather a change in outward appearance, as doctors have confirmed. Therefore, this gender reassignment does not affect these Sharia rulings in force before gender transformation.

Recommendations

1-Calling on states and governments to ban sex reassignment surgeries, and to raise awareness of their dangers and detrimental consequences to both those who get them done and the society.
2-Advising people suffering from gender disorders or identity obsessions, whether caused by psychological or other reasons, to seek out appropriate treatments.
3-Raising awareness against the dangers of movements advocating promiscuity, homosexuality, and transsexuality, and which aim to spread immorality and obscenity under the guise of defending individual rights and liberties.
4-Returning to Allah the Almighty, seeking refuge in Him, and adhering to the practices permissible in Sharia, because returning to Him is one of the most effective ways to cure all problems, especially mental disorders, and their likes.

Indeed, Allah is All-Knowing.

In the name of Allah

The Entirely Merciful, The Especially Merciful

Praise is due to Allah, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the seal of Prophets, on his family and all his companions.

Resolution No.252(14/25) Importance of Islamic Social Financing Mechanisms for Humanitarian Action in Conflict and Disaster Areas, and Promoting a Culture of Volunteering to Strengthen Joint Islamic Action

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab – 3 Shaaban 1444H (20-23 February 2023), Having recalled the Academy's resolution no. 165 (3/18) on Fostering the Role of Zakāh for Poverty Alleviation, Having examined the research papers submitted to the Academy concerning the Importance of Islamic Social Financing Mechanisms for Humanitarian Action in Conflict and Disaster Areas, and Promoting a Culture of Volunteering to Strengthen Joint Islamic Action, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

First: Islamic social financing refers to the giving of money for social purposes in accordance with Sharia's rulings and principles, in order to contribute to economic empowerment, community development, and the prosperity of

the universe. Islamic social financing instruments include obligatory instruments such as Zakat, and non-obligatory instruments such as qard, al-ariya contract, voluntary charities, and awqaaf. Second: It is permissible to use Islamic social financing instruments to support humanitarian action and provide relief to people affected by disasters, epidemics, and displacement due to conflicts.

Recommendations

1-Calling to include the culture of volunteering and its importance in the curricula of schools and universities in order to raise awareness and increase volunteerism and the number of volunteers.
2-Calling on scholars, intellectuals, and preachers to encourage the community to carry out organized voluntary activities of all types and methods.
3-Emphasizing the importance of humanitarian social work and fostering voluntarism in various fields in the service of humanity as a whole, especially during crises, disasters, and the rise in the number of refugees and displaced persons, regardless of religion or ethnicity.

Indeed, Allah is All-Knowing.

In the name of Allah

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 253 (15/25)

Role of Wills in Sharia as an Effective Means for Alleviating Poverty and Ensuring the Circulation and Promotion of Wealth

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab – 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Role of Wills in Sharia as an Effective Means for Alleviating Poverty and Ensuring the Circulation and Promotion of Wealth, Having listened to the extensive discussions and opinions of the Academy's members and experts,

Resolves

The Council of the Academy decided to postpone adopting a resolution therein pending additional research and studies, with the recommendation to organize a specialized symposium beforehand.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially
Merciful

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 254 (16/25)

Revisiting New Issues in Contemporary Applications of Ijara Ending with Ownership

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having considered the Academy's resolution no. 44 (6/5) on the Rent-to-own Contracts, Having considered the Academy's resolution no. 110 (4/12) on Renting Ending in Ownership and Leasing Bonds, Having considered the Academy's resolution no. 115 (9/12) on Inflation and the Changing Value of Currency, Having considered the Academy's resolution no. 228 (12/23) on the Suggestions of the Committee established by the Secretariat General of the Academy to research some issues on Sukuk, Having considered the Academy's resolution no. 238 (9/24) on Hedging Transactions in Islamic Financial Institutions, Having examined the research papers submitted to the Academy on Revisiting New Issues in Contemporary Applications of Ijara Ending with Ownership, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

The Council of the Academy decided to postpone adopting a resolution therein pending additional research and studies, with the recommendation to organize a specialized symposium.

Indeed, Allah is All-Knowing.

In the name of Allah,

The Entirely Merciful, The Especially
Merciful,

Praise is due to Allah, Lord of the worlds,
may the blessings and peace be upon our
master Muhammad, the seal of Prophets,
on his family and all his companions.

Resolution No. 255 (17/25)

Letter of Guarantee and Documentary Letter of Credit

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 25th session in Jeddah, Kingdom of Saudi Arabia, on 29 Rajab - 3 Shaaban 1444H (20-23 February 2023), Having examined the research papers submitted to the Academy concerning the Letter of Guarantee and the Documentary Letter of Credit, Having listened to the discussions and deliberations of the Academy's members and experts,

Resolves

The Council of the Academy decided to postpone adopting a resolution therein pending additional research and studies, with the recommendation to organize a specialized symposium beforehand.

Indeed, Allah is All-Knowing.

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