

Secretary-General Presents Certificates to IIUM Graduates in Kuala Lumpur



His Excellency Professor Emeritus Dato Dr. Koutoub Moustapha Sano, Secretary-General of the International Islamic Fiqh Academy and member of the IIUM Board of Governors, presided over the university's 40th graduation ceremony on Monday, 16 Jumada Al-Ula 1446, corresponding to 18 November 2024. The event, held at IIUM's campus in Kuala Lumpur, Malaysia, was marked by remarks and inspiring speeches. The ceremony began with a warm welcome from IIUM Rector, Honorable Professor Emeritus Dato Dr. Osman Bakr, who expressed profound gratitude to the parents and families of the graduates for their unwavering support. Addressing the graduates, he encouraged them to become exemplary ambassadors of the university's values and prayed for Allah's guidance as they embark on their future journeys. Then, Professor Emeritus Dr. Sano delivered an inspirational speech, thanking Allah for this momentous occasion. Reflecting on the significance of the number 40 in Islam, he explained, "It symbolizes maturity, wisdom, and reflection, as Prophet Muhammad was entrusted with his mission at the age of 40." He congratulated IIUM on reaching this historic milestone, describing the graduates as "pillars of hope, inspiration, and a promising future." He emphasized the university's mission to integrate Islamic principles with modern innovation, creating a harmonious balance between spiritual and worldly knowledge. Urging the graduates to embrace lifelong learning and adapt to technological advancements, Prof. Sano called on them to address contemporary challenges with

perseverance and resilience. Quoting Imam Al-Ghazali, he reminded them, "To achieve what you love, you must first endure what you dislike." He expressed deep appreciation to the parents, educators, and founders of IIUM for their sacrifices and dedication in shaping generations of leaders. Additionally, he extended heartfelt gratitude to the Malaysian government, especially Honorable Prime Minister Dato Seri Anwar Ibrahim, for his commitment to justice and support for oppressed communities, particularly the Palestinian people. Prof. Sano concluded by



charging the graduates with the responsibility of contributing to their communities, promoting justice, and upholding Islamic values in their endeavors. "You are the future of our Ummah," he remarked, calling on them to work toward unity, compassion, and the advancement of humanity. In his address to the graduates, Prof. Sano shared: "It is with great pride that I stand before you today, celebrating the achievements of our distinguished graduates bright, determined individuals who embody perseverance, inspiration, and faith in a promising future. Your hard-earned success reflects your unwavering commitment and the invaluable

guidance of your families and professors. Your presence here enriches this university and reflects the cultural diversity and intellectual enlightenment that Islam cherishes. At this critical time, our Ummah faces urgent challenges. The suffering of innocent people in occupied Palestine, Sudan, and Lebanon, the destruction of schools, hospitals, and places of worship, and the denial of basic rights remind us of our shared responsibility. We must strive for unity, compassion, and understanding. This university stands as a beacon of modern higher education, harmonizing timeless Islamic teachings with contemporary innovation. It is a place of material progress and spiritual growth, founded upon values of stewardship, integrity, and mercy. As graduates, you are equipped with the tools to rebuild the Ummah, fight against injustice and corruption, and bring hope to the marginalized. Show the world that Islam is the cornerstone of humanity's happiness and stability. Honor your parents, value your teachers, and remember the sacrifices of those who paved the way for your success. Let us express our gratitude to the pioneers of IIUM, including Professor Abdul Raouf, Professor Abdul Hamid Abu Suleiman, and Professor Muhammad Kamal Hassan. We also thank the Malaysian government for its hospitality to Muslim students worldwide. As you step out of this institution, you carry the responsibility to uphold its noble legacy and serve humanity with purpose and integrity. May Allah guide you in your journey and bless all Muslim nations and communities." Concluding his speech, Prof. Sano officially opened the fourth session of the 40th graduation ceremony, granting degrees to the graduates listed in the convocation book. He offered prayers for their success, urging them to uphold justice, compassion, and the values of Islam as they forge their paths forward.



Tunisia's Minister of Foreign Affairs Visits the Academy



H.E. Mr. Mohamed Ali Nafti, Tunisia's Minister of Foreign Affairs, Immigration, and Tunisians Abroad, paid an official visit to the International Islamic Fiqh Academy in Jeddah, Saudi Arabia, on Tuesday, 10 Jumada Al-Ula 1446 (12 November 2024). He was accompanied by a delegation and was warmly received by H.E. Prof. Koutoub Moustapha Sano, Secretary-General of the Academy, who expressed gratitude



for the visit, particularly following their representation of the Tunisian President at the recent Arab-Islamic Summit in Riyadh. Prof. Sano commenced the meeting with a comprehensive overview of the Academy's history, mission, and achievements. He highlighted its role as a platform for distinguished scholars, jurists, and experts to conduct authentic and practical ijtiḥād addressing contemporary issues and challenges. He noted that the idea of establishing a Fiqh Academy (Majma) was first proposed by the eminent Tunisian scholar Shaykh Muhammad al-Tahir Ibn Ashur in his seminal work Maqasid

al-Shari'ah al-Islamiya (Objectives of Islamic Law). This vision was later advanced by Shaykh Dr. Mohamed Habib Belkhoja, whose efforts were embraced by the Kingdom of Saudi Arabia under the leadership of the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al Saud, and Crown Prince Mohammed bin Salman



Al Saud, may Allah protect them. The Secretary-General praised the support provided by Tunisia's government and scholars to the Academy, especially the contributions of Shaykh Dr. Mohamed Habib Belkhoja and other prominent Tunisian academics. He emphasized the Academy's commitment to addressing modern challenges by providing Sharia-based solutions that benefit

both OIC Member States and Muslim communities worldwide. In response, H.E. Mr. Mohamed Ali Nafti expressed his appreciation for the warm reception and acknowledged the Academy's pivotal role as the leading religious authority for OIC Member States and Muslim communities globally. He remarked: "I am honored to visit H.E. Prof. Koutoub Sano, Secretary-General of this esteemed Islamic institution, which Tunisia played a role in establishing through the efforts of Shaykh Dr. Mohamed Habib Belkhoja. The Academy's activities, rooted in the true values of Islam, promote moderation, peace, and coexistence between Islamic communities and the world. I am pleased to see the strong ties between the Academy and Tunisia and look forward to further strengthening this relationship." The meeting was attended by several dignitaries, including H.E. Mr. Hicham Fourati, Ambassador of Tunisia to Saudi Arabia; H.E. Mr. Habib Ayyad, Tunisian Consul General in Jeddah; and Ms. Fatima Ben Othman, Deputy Delegate of Tunisia to the OIC. Other attendees included Mr. Moez Al-Riyahi, Director of Finance, Investment, and Projects at the Academy; Mr. Mohamed Walid Al-Idrissi, Director of Media and Public Relations; Ms. Sarah bint Amjad Hussein Bedewi, Director of Family Affairs, Women, Childhood, and Elderly; Mr. Nofal Al-Shtewi, Internal Auditor; and Mr. Amjad Ibrahim Mansi, Head of Protocols.



S.G. highlights the significance of “Public Interests” at the International Sharia Forum in Jakarta



At the invitation of the Ministry of Religious Affairs of the Republic of Indonesia, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, participated in the International Sharia Forum held in Jakarta on November 20-21, 2024. In his keynote address on public interests in Islamic law, His Excellency began by congratulating H.E. Prof. Nasruddin Umar on his appointment as Indonesia's Minister of Religious Affairs, commending his distinguished academic and intellectual contributions, particularly as the former Grand Imam of the Istiqlal Mosque in Jakarta. He also extended the gratitude of the Academy's President, H.E. Sheikh Dr. Saleh bin Abdullah bin Humaid, along with its members and experts, to the Indonesian government and people for their continued support of the Academy. His Excellency praised the forum's theme, emphasizing the importance of *masalih* (public interests) as a vital legislative principle for addressing contemporary challenges.

He highlighted the doctrine's flexibility and its ability to demonstrate Islam's adaptability across all times and places. Stressing the need to prioritize people's interests, he explained that Islamic law is rooted in ensuring benefit and preventing harm, as articulated by Imam Ibn Qayyim al-Jawziyyah: "Sharia is built on wisdom and securing people's interests in both this world and the afterlife. It is all justice, mercy, and wisdom. Any matter departing from justice to injustice, mercy to cruelty, benefit to harm, or wisdom to folly does not belong to Sharia." Citing historical precedents, His Excellency noted that the Companions, especially the Rashidun Caliphs, frequently relied on public interests to guide decisions, such as compiling the Qur'an, collecting Hadith, and introducing a second adhan for Friday prayers. He further elaborated on the classification of public interests into three categories:

1. Considerable Interests – Benefits explicitly supported by Quranic and Prophetic texts as obligatory.
2. Canceled Interests – Prohibited matters negated by Quranic and Prophetic texts.
3. Correspondent Interests – Benefits or harms not specified in Islamic texts, subject to continuous *ijtihad* (juristic reasoning) and *tajdid* (renewal). His Excellency emphasized the importance

of collective *ijtihad* over individual efforts, as it draws on diverse expertise and ensures comprehensive deliberation on new issues. He also praised Indonesia's Ministry of Religious Affairs for its dedication to addressing contemporary issues, guiding people's religious understanding, and promoting moderation and tolerance. Concluding his speech, His Excellency highlighted the Academy's ongoing efforts to study contemporary issues through its conferences and seminars. He expressed appreciation for Qatar's decision to host the Academy's 26th session in Doha in May 2025, which will focus on various new matters, including worship, family issues, and financial transactions. The forum concluded with the Indonesian Minister presenting a commemorative shield to the Secretary General, who reciprocated with the Resolutions and Recommendations book of the Academy. Representatives from Saudi Arabia, Qatar, UAE, Morocco, Tunisia, Palestine, Malaysia, and Brunei were among the attendees.



Secretary General meets Governor of Saudi General Authority for Awqaf in Riyadh

H.E. Mr. Imad bin Saleh Al-Kharashi, Governor of the Saudi General Authority for Awqaf, received H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, and his accompanying delegation on Wednesday, 4 Jumada Al-Ula 1446 (November 7, 2024), at the Authority's headquarters in Riyadh. The Governor welcomed the Secretary General and his delegation, expressing gratitude for the visit and commending the Academy's vital role as an international scientific and religious reference. He acknowledged its contributions to issuing Sharia rulings on matters of concern to Muslims worldwide and expressed interest in strengthening ties between the two institutions. Discussions



centered on exploring areas of collaboration, particularly in developing and managing Awqaf (endowments), sharing expertise, and addressing topics of mutual interest. In response, the Secretary General conveyed his heartfelt thanks for the warm reception and provided an overview of the Academy's foundation, vision, mission, objectives, and membership. He highlighted the Academy's status as a premier authority for OIC member states in clarifying Sharia rulings on contemporary issues. Additionally, he praised the unwavering support the Academy continues to receive from Saudi Arabia's leadership and people. The Secretary General expressed his hopes for a formal cooperation

agreement between the Academy and the Awqaf Authority, which would enable both institutions to capitalize on their shared resources and expertise in the field of endowments. He concluded by inviting the Governor to visit the Academy's Secretariat General in Jeddah to further discuss and solidify areas of collaboration. The meeting was attended by key officials, including Mr. Moez Al-Riyahi, Director of Finance, Investment, and Projects; Mr. Mohammed Al-Idrissi, Director of Public Relations and Information Technology; Ms. Sarah bint Amjad Hussein Bedewi, Director of Family, Women, Childhood, and Elderly Affairs; and Mr. Amjad Al-Mansi, Head of Protocols.



French Consul General Visits the Academy

H.E. Mr. Mohammed Nahad, Consul General and Special Envoy of France to the OIC, visited the International Islamic Fiqh Academy's headquarters on Thursday, 05 Jumada Al-Ula 1446 (November 7, 2024). He was warmly received by H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, who expressed his gratitude and appreciation for the visit. Prof. Sano welcomed the Consul General, emphasizing the importance of the visit as a meaningful step toward strengthening communication and fostering collaboration. He provided a brief overview of the Academy's activities and programs, highlighting its esteemed position and the widespread respect for its resolutions within the Muslim world and beyond. Prof. Sano reiterated the Academy's commitment to raising awareness among Muslim communities



about the importance of respecting the principles of citizenship, adhering to national laws and regulations, and preserving their religious identity. He affirmed that there is no inherent conflict between religious affiliation and loyalty to one's homeland. Additionally, he expressed the Academy's readiness to organize intellectual and scientific events in France in cooperation with religious institutions that share mutual goals. H.E. Mr. Mohammed Nahad expressed his sincere gratitude to the Secretary General for the warm reception. He underscored his commitment to strengthening cooperation, partnership, and coordination with the Academy. He commended the Academy's pioneering role, balanced approach, and significant efforts in promoting tolerance and coexistence among religions. The Consul General also voiced his aspiration to enhance collaboration between the Academy and prominent religious institutions

in France, such as the Association Islam France, to advance shared humanitarian objectives of fostering understanding and unity among peoples. Before concluding his visit, the Consul General left a heartfelt message in the Academy's golden book: "We thank the Secretary General for the warm reception and appreciate the Academy's efforts in spreading important messages of peace, tolerance, and moderation in today's world. I sincerely hope for more cooperation in the coming years." The meeting was attended by Ms. Elisabeth Chawki, Cultural Attaché at the French Consulate in Jeddah; Mr. Mohammed Chouk, Director of Cabinet and Protocols; Ms. Sarah Bedewi, Director of Family, Women, Childhood, and the Elderly; Dr. Alhagi Manta Drammeh, Head of International Cooperation and Foreign Relations; and Mr. Amjad Ibrahim Mustafa Al-Mansi, Head of Protocols.



University of Birmingham Delegation Visits the Academy

In pursuit of its commitment to fostering collaboration with academic institutions and research centers, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, welcomed a delegation from the University of Birmingham, United Kingdom, on Thursday, 05 Jumada Al-Akhira 1446 (November 8, 2024), at the Academy's headquarters in Jeddah. The delegation was led by H.E. Prof. Robin Mason, Pro-Vice Chancellor of the University, and accompanied by H.E. Ms. Cecile Al-Balidi, UK Consul General in Jeddah. Prof. Robin Mason began the meeting by expressing gratitude for the warm reception. He highlighted his enthusiasm for this significant visit, emphasizing the importance of discussing shared areas of interest between the University and the Academy. He commended the Academy



for its efforts to promote moderation, tolerance, and peaceful coexistence among religions, cultures, and societies both within and outside the Organization of Islamic Cooperation (OIC) framework. He also remarked on the UK's successful multicultural model, noting its potential to inspire other nations, and added, "We are proud of the agreement between the Academy and the University of Birmingham and look forward to deeper cooperation and understanding." H.E. Ms. Cecile Al-Balidi praised the Academy's proactive role in addressing emerging global challenges and promoting cultural engagement. She stated, "It is an honor to meet with Your Excellency and explore avenues for collaboration between the Academy and educational institutions in the United Kingdom to advance interfaith

dialogue and peaceful coexistence." Prof. Sano warmly welcomed the delegation and expressed his appreciation for their visit. He emphasized the Academy's alignment with shared goals, such as rejecting intolerance, combating hate speech and extremism, and promoting values of moderation, coexistence, and constructive interfaith dialogue to maintain global peace and justice. He reiterated the Academy's role as the premier jurisprudential authority for the Ummah and the intellectual arm of the OIC, especially in the field of interfaith dialogue. The meeting was attended by Mr. Mohamed Mondher Chouk, Director of Cabinet and Protocol; Ms. Sara bint Amjad Hussein Bedewi, Director of Family, Women, Children, and Elderly Affairs; and Dr. Haj Mantah Drameh, Head of International Cooperation and External Relations.



IIFA and University of Birmingham Sign Memorandum of Cooperation

The International Islamic Fiqh Academy (IIFA) and the University of Birmingham, United Kingdom, have formalized a strategic partnership aimed at promoting moderation, tolerance, coexistence, and harmony among followers of different religions. The signing ceremony for the Memorandum of Cooperation (MoC) took place on Thursday, 05 Jumada Al-Ula 1446 (November 8, 2024), at the Academy's headquarters in Jeddah. H.E. Prof. Koutoub Moustapha Sano, Secretary General of IIFA, and H.E. Prof. Robin Mason, Pro-Vice Chancellor of the University of Birmingham, officiated the signing. This agreement establishes a framework for collaboration in areas of mutual interest, such as interfaith dialogue, the study of contemporary issues in Islamic jurisprudence, and fostering relations between religious communities. The MoC also focuses on promoting an Islamic discourse rooted in moderation and tolerance through joint scientific activities, including conferences, seminars, and sessions. Additionally,



it seeks to leverage academic and scholarly efforts to address misconceptions about Islam and provide effective solutions to contemporary challenges. During the ceremony, Prof. Sano expressed his satisfaction with the MoC, emphasizing its significance in advancing efforts to combat hate speech, extremism, and intolerance while promoting peace and respect for religions. He highlighted IIFA's commitment to dispelling stereotypes about Islam and addressing practices and beliefs that conflict with its principles. Prof. Robin Mason conveyed his gratitude for the warm welcome and highlighted the University of Birmingham's pride in collaborating with

IIFA, the most prominent Islamic jurisprudential authority globally. He commended IIFA's pivotal role in fostering moderation, coexistence, and tolerance within and beyond the Muslim world. Prof. Mason expressed optimism about the partnership's potential to address shared concerns and advance mutual goals through coordinated efforts. The MoC includes provisions for forming a specialized committee to identify and implement areas of collaboration and oversee the agreement's execution. The signing ceremony was attended by H.E. Cecille Al-Belaidi, Consul General of the United Kingdom in Jeddah; Mr. Mohammed Monder Chouk, Director of Cabinet and Protocols; Mrs. Sarah bint Amjad Hussein Bedewi, Director of Family, Women, Childhood, and Elderly Affairs; Dr. Alhagi Manta Drammeh, Head of International Cooperation and Foreign Relations; Mr. Amjad Ibrahim Al-Mansi, Head of Protocols; and Mr. Saad Al-Samar, Head of IT and Media.

UK Special Envoy for Afghanistan Visits the Academy

The Acting Secretary General of the International Islamic Fiqh Academy, Mr. Moez Abdul Razzaq Al-Riyahi, received H.E. Mr. Andrew McCorby, the United Kingdom's Special Envoy for Afghanistan, and H.E. Mrs. Cecille Al-Beleidi, UK Consul General in Jeddah, on Monday, 23 Jumada Al-Ula 1446 (November 25, 2024), at the Academy's headquarters. Mr. Moez warmly welcomed the envoy and his delegation, offering an overview of the Academy's vision, mission, and objectives. He highlighted the visits made by H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, to Afghanistan on behalf of the Academy's member states. H.E. Mr. Andrew McCorby expressed his delight in visiting the Academy and commended the Secretary General, the



Academy, and the Organization of Islamic Cooperation (OIC) for their vital role in working with Afghan authorities to develop practical solutions, particularly concerning women's issues in Afghanistan. He also praised the cooperation memorandum between the Academy and the University of Birmingham. The envoy encouraged the Secretary General to continue leveraging

his expertise and reputation among member states to engage with Afghan authorities on critical issues, including girls' education and women's employment, in collaboration with the OIC. At the conclusion of the visit, H.E. Mr. McCorby expressed his appreciation for the Academy's efforts, leaving positive remarks in the guest book. The meeting was also attended by Mr. Monder Chouk, Director of Cabinet, Protocols, and Legal Affairs.



IIFA Hosts Roundtable Discussion with University of Birmingham Delegation



During the visit of the University of Birmingham delegation to the International Islamic Fiqh Academy (IIFA) in Jeddah on Thursday, 05 Jumada Al-Akhira 1446 (November 8, 2024), a Memorandum of Understanding (MoU) was signed between the two institutions following a roundtable discussion on the agreement's terms and execution. The session began with a documentary showcasing the history and objectives of the Academy, followed by a roundtable moderated by Dr. Alhaji Manta Drami, Head of International Cooperation and External Relations. Key participants offered their perspectives on the MoU, emphasizing its significance and outlining

how it would be implemented. The Secretary General of the Academy expressed his enthusiasm for the partnership, stating, "I am very pleased to sign this MoU with this esteemed British university. There are many areas outlined in the MoU where we can collaborate effectively." He also tasked Dr. Drami with creating a work program in cooperation with the University to bring the MoU's provisions to fruition. Prof. Robin Mason, Pro-Vice Chancellor of the University of Birmingham, shared his excitement about the collaboration: "I am thrilled about this cooperation between our university and the Academy, and I am confident that we can maintain this positive and optimistic approach

moving forward." Prof. Andrews Davies, Director of the Edward Cadbury Center, emphasized the broad scope of cooperation, including interfaith dialogue, staff exchanges, and the development of courses that will benefit both institutions. He stated, "We believe the thoughtful presentation of religion can foster peace and social cohesion." The British Consul General to Jeddah, Ms. Cecile Belaidi, also expressed her satisfaction with the MoU, noting, "I am delighted by the agreement between the University and IIFA. I am particularly pleased that it underscores the important role of women in development." The meeting was attended by Mr. Mohammed Mondher Chouk, Director of Cabinet and Protocols; Mrs. Sara Amjad Hussein Bedewi, Director of Family, Women, Childhood and Elderly Affairs; Dr. Alhaji Manta Drammeh, Head of International Cooperation and External Relations; Mr. Amjad Ibrahim Al-Mansi, Head of Protocols; and Mr. Saad Al-Samar, Head of IT and Media.

Dr. Abnaouf: Health is fundamental to humanity, and the Right to Health Involves Safeguarding Societies and Nations



At the invitation of the OIC's Independent Permanent Human Rights Commission, Dr. Abdulfatah Mahmoud Abnaouf, Director of the Planning and International Cooperation Department, represented the Secretary General of the Academy in presenting a paper titled "International, Normative, and Islamic Legal Perspective on the Right to Health" during the 24th Ordinary Session of the Commission on Sunday, 22 Jumada Al-Ula 1446, corresponding to 24 November 2024, in Jeddah. Dr. Abnaouf began by thanking the Commission for organizing this important session on the right to health, a fundamental topic in human rights from the Islamic perspective. He emphasized that

the right to health signifies the protection of human beings, societies, and nations. He explained that health lies at the core of human well-being, which is why international charters, conventions, and regulations are dedicated to ensuring its protection, given its fundamental connection to human life and survival. Dr. Abnaouf outlined the right to health as embedded in various international frameworks, including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Rights of the Child (1989), the African Charter on Human and Peoples' Rights (1979), among other agreements. Shifting focus to the Islamic perspective, Dr. Abnaouf highlighted Islam's commitment to safeguarding and preserving the human soul, underscoring the religion's profound emphasis on humanitarian values aimed at alleviating hardships and promoting well-being. He

stressed that Islamic jurisprudence is well-aligned with all aspects of life and pointed to Qur'anic verses and Hadiths that emphasize the right to health. He also referenced the comprehensive document issued at the twenty-third session of the Academy's Council Conference in Medina, which called for the protection and preservation of health as a fundamental right, with Sharia urging the prevention of diseases and illnesses to save lives. In conclusion, Dr. Abnaouf reviewed the Academy's contributions in this domain, highlighting strategic partnerships with several health-focused institutions. These collaborations aim to bridge the gap between jurists and health experts in order to provide clear Sharia rulings on contemporary issues affecting public health. Key partnerships include the Islamic Organization for Medical Sciences in Kuwait, the Standards and Metrology Institute for Islamic Countries (SMIIC), the Islamic Polio Advisory Group in collaboration with the World Health Organization, Al-Azhar University, the Organization of Islamic Cooperation, and the Saudi Food and Drug Authority.

Dr. Mohamed Mostafa Shoab Participates in CIBAFI's 2nd Strategic Meeting on Islamic Economics

Dr. Mohamed Mostafa Shoab, Director of the Research and Studies Department, represented the Academy at the 2nd Strategic Meeting on Islamic Economics, organized by the General Council of Islamic Banks and Financial Institutions (CIBAFI) in Jeddah. The event, titled "Sustainable Innovation in Islamic Finance: Achieving the Purposes of Sharia in Product Development," took place on Wednesday, 25 Jumada Al-Ula 1447, corresponding to 27 November 2024. In his speech, Dr. Shoab highlighted the importance of Maqasid al-Sharia (Objectives of Islamic Law), emphasizing their far-reaching benefits for humanity in both this life and the hereafter. He explained that Maqasid are central to Islamic law, representing its core principles, goals, and spirit, which ensure its ongoing relevance and wisdom, adapting to changing human circumstances while



aiming to benefit people and protect them from harm. Dr. Shoab also discussed the role of Maqasid al-Sharia in Islamic finance, focusing on how these objectives influence innovation and sustainability in financial products. He identified the key objectives of Islamic finance as Sharia-compliant goals embedded in financial transactions, including the preservation of wealth, equitable

distribution, transparency, and justice. These broad objectives encompass more specific goals such as promoting employment, ensuring lawful income, securing societal sufficiency, encouraging excellence in work, fostering honesty and integrity, and guaranteeing that earnings meet the obligation of fulfilling rightful duties. He concluded by emphasizing that sustainability in Islamic finance requires balancing financial goals with ethical principles in accordance with Sharia. Achieving this balance must address economic, social, and environmental dimensions. Dr. Shoab stressed that aligning with both the general and specific purposes of Sharia, especially in financial products, is essential for achieving sustainability, social justice, environmental protection, and economic prosperity in Islamic finance.

IIFA Hosts Participants of the Global Islamic Finance and Investment Development Program



On Monday, 02 Jumada Al-Ula 1446, corresponding to 04 November 2024, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, welcomed the participants of the Islamic Finance, Ethics, Entrepreneurship, and Investment for Global Development Program. The program was organized by the Executive Board of Islamic Finance under the coordination of Dr. Jose Maria Recio, Director of the Saudi-Spanish Center for Islamic Economics and Finance. At the start of the meeting, the Secretary General thanked the organizers from King Abdulaziz University, the Saudi Economic Forum for Scientific Innovation, and the Saudi-Spanish

Center for Islamic Economics and Finance for hosting the program. He wished them success and emphasized the Academy's readiness to support such academic and intellectual initiatives. He then outlined the five core objectives of finance in Islam, which serve as key instruments for the advancement of Islamic finance and poverty alleviation: Zakat, Waqf, and Bequests. He noted that the development of these tools would help sustain wealth growth, ensure equitable distribution, promote overall welfare, and improve transparency in transactions. His Excellency suggested that viewing wealth through the lens of Sharia transforms it into

a tool for construction and reconstruction, rather than one of destruction and harm. He concluded by underscoring that the purpose of zakat is not only to combat poverty and support the needy, but also to increase and grow wealth, eliminate monopolies, and encourage productive investments. He also highlighted the importance of Awqaf in addressing unemployment and supporting public services in areas such as education, healthcare, and defense by funding skill-building initiatives. Additionally, he spoke about bequests as a means to distribute wealth among family members, support social programs, and foster institutional self-sufficiency. At the end of the meeting, His Excellency opened the floor for participants to ask questions related to Islamic finance and economics. The meeting was attended by Mr. Mohammed Mondher Chouk, Director of Cabinet, Protocols, and Legal Affairs; Mrs. Sarah Amjad Bedewi, Director of Family, Women, Children, and the Elderly; and Dr. Haj Manta Drameh, Head of International Cooperation and External Relations.

46th Staff Meeting of the Academy

On Sunday, 10 Rabiul Al-Akhir 1446, corresponding to 13 October 2024, H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the 46th staff meeting. His Excellency began by welcoming everyone and sharing details of his recent visit to the Kingdom of Morocco, where he participated in the international conference "Faith in a Changing World," organized by the Muhammadiyah League of Scholars in collaboration with the Muslim World League. Additionally, he mentioned that he would be

meeting with Qatar's Ministry of Awqaf to reschedule the 26th session of the Academy. Following this, His Excellency opened the floor for staff to provide feedback and suggestions on the Academy's progress. The meeting resulted in several key decisions:

1. All employees were informed of the regulations regarding permission hours, which are to be limited to no more than seven (7) hours per month; any excess will result in salary deductions.
2. Direct department directors were

assigned the responsibility to approve employee permission requests, replacing the staff division in this task.

3. Employees traveling on official missions were encouraged to use taxis for transportation to and from the airport.



133rd Weekly Meeting of Departments

H.E. Prof. Koutoub Moustapha Sano, Secretary General of the Academy, chaired the 133rd weekly meeting of departments on Sunday, 08 Jumada Al-Ula 1446, corresponding to 10 November 2024, at the Academy's headquarters in Jeddah. After greeting the participants, His Excellency shared details of his recent visit to the Saudi General Authority for Awqaf in Riyadh, where discussions focused on strengthening bilateral relations in areas that align with the institution's goals, particularly regarding

issues and developments related to Awqaf both inside and outside the Muslim world. He also announced Qatar's approval of a new date for the 26th session of the Academy. The meeting reviewed previous decisions and issued several new ones, including:

1. Sending the book "Scholars of the Academy" to the printer after incorporating new additions, particularly the updated list of founding members and experts in the first issue of the Academy's journal.
2. Reviewing all contracts signed



with translators and preparing a report on their financial transactions.

3. Requesting printing offers from several printers in Pakistan for the production of the Book of Resolutions in Urdu.

63th Meeting of the Academy's Divisions



H.E. Prof. Koutoub Sano, Secretary General of the Academy, chaired the sixty-third

regular meeting of the heads of divisions at the Academy, on Wednesday 27 Rabi Al-Akhir 1446, corresponding to 30 October 2024. His Excellency greeted the heads of divisions and informed them of ICYF's approval to hold a symposium on "Family Foundation: Challenges and Prospects" in cooperation with the Academy in the first quarter of 2025 and called on all departments to cooperate with the Family Department to make this symposium a great success.

The meeting discussed previous decisions and issued new ones, notably:

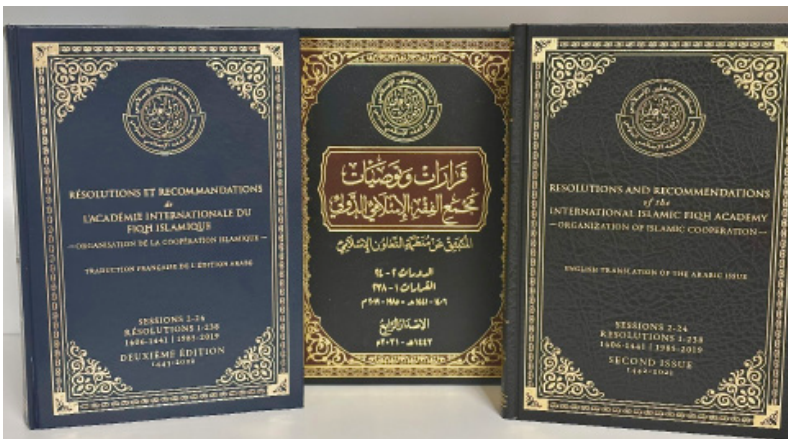
- Handing the soft copies of the Academy's statements to the research department.
- Completing the translation of resolutions into the Hausa language and the typesetting the book of resolutions in French and Spanish.
- Preparing a report on the costs of review and printing the book of resolutions in Swahili.

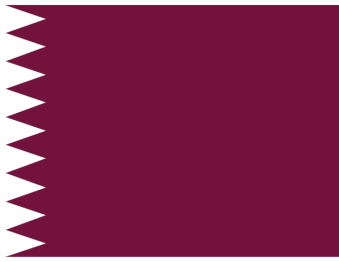
A Brief Introduction to the Resolutions and Recommendations of the Academy

For four decades, the Council of the International Islamic Fiqh Academy has from time to time issued clear, effective, and compelling Sharia-based resolutions in response to the issues and developments that continue to affect contemporary life and preoccupy Muslims in the East and the

West. The number of resolutions issued by the Council of the Academy has reached two hundred and fifty-five (255) resolutions on intellectual, educational, social, economic, and halal issues. Thanks to Allah, these resolutions have become the scientific reference to which many countries turn,

societies take refuge, and many peoples prefer to follow. They have also evolved into fatwas that serve as the foundation for current Islamic financial applications and industries. Many Sharia courts, health organizations, and scientific educational institutions around the world adhere to them, and they have become solid scientific foundations and Sharia standards approved and recognized by the scholars, experts, and intellectuals of the Ummah. The Secretariat General of the Academy has chosen to devote the last few pages of its monthly bulletin to publishing them consecutively in order to present their sober contents and to remind of their utmost importance, while praying to Almighty Allah to reward the honorable scholars and experts who participated in their formulation and publication in a manner beneficial to humanity that will remain forever on earth.





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. 127 (1/14) Contests Cards

The Council of the International Islamic Fiqh
Academy of the Organization of the Islamic
Conference, holding its 14th session in Doha,
State of Qatar, on 7–13 Dhū al-Qi'dah 1423h
(11–16 January 2003),

Having examined the research papers submit-
ted to the Academy concern- ing Contests
Cards,

Having listened to the discussions on the sub-
ject,

Resolves

First: Definition of a Contest

A contest is a transaction based on the com-
petition of two persons or more for realizing
or performing a task against a reward (prize)
or without reward (prize).

Second: Permissibility of Contest

1. A contest without reward (prize) is
permissible in all matters that are not prohib-
ited by Shariah or lead to skipping of a Shari-
ah duty or commit- ting a forbidden act.

2. A contest with reward is permissi-
ble subject to the following criteria:

1. The objectives, means, and areas of
the contest should be

2. The reward (prize) should not be
resourced from all

3. The ultimate end of the contest
should be acceptable in

4. It should not lead to skipping a
Shariah duty or committing a prohibited

Third: Contest cards (coupons) in which part
or all of the proceeds are used for the prize are
not permissible according to Shariah because

Resolutions and Recommendations of the 14th Session of the Council of the International Islamic Fiqh Academy Doha - State of Qatar 7–13 Dh al-Qi'dah 1423 / 11–16 January 2003

they are a kind of gambling.

Fourth: Betting between two parties or more
on the result of a material or
immaterial act by any others is prohibited on
the basis of the texts of the Quran and the
Sunnah, which prohibit gambling.

Fifth: payment for telephone calls for partici-
pation in contests is prohibited if the amount
paid or part of it is used in the prizes; this is
in the forbiddance of unlawful acquisition of
people's properties.

Sixth: It is permissible for prizes offerers to
gain the benefit from their com- modities pro-
moted through permissible contests without
getting any financial gain (from the contests)
provided that no part of prizes' funds comes
from the contestants and that the promotion
does not involve cheating, deluding, or de-
ceiving consumers.

Seventh: Increasing and decreasing the
amount of the prize by successive gains and
losses is not permitted in Shariah.

Eighth: Cards of hotels, airline companies
and other institutions, which entitle their
holders to points leading to Shariah-accept-
able benefits, are per- missible when given
free of charge. If, however, such cards are giv-
en against fees, they become not permissible
for involving gharar (uncertainty).

Recommendations

The Academy advises all Muslims to seek
what is ḥalāl (permissible) in all their trans-
actions and intellectual and promotional ac-
tivities and keep away from extravagance and
squandering.

Indeed, Allāh is All-Knowing.

Resolution No. 128 (2/14) Humans Rights and International Violence

The Council of the International Islamic Fiqh
Academy of the Organization of the Islamic

Conference, holding its 14th session in Doha,
State of Qatar, on 7–13 Dhū al-Qi'dah 1423h
(11–16 January 2003),

Having examined the research papers submit-
ted to the Academy concerning
Human Rights and International Violence,
Having listened to the discussions on the sub-
ject,

Resolves

1. Islam confers honor upon a human
as a human being and takes care of confirm-
ing and protecting his rights and The Islamic
Fiqh is the first jurisprudence in the world
to present a complete set of local and inter-
national legislations on human relations in
times of peace and war.

2. Terrorism refers to aggression, scar-
ing, or physical/psychological threaten-
ing, unlawfully inflicted by an individual, a group
of people or a state on a person in his/her life,
faith, dignity, mind or property in any form
and with no right; it is a form of corruption
or misdeed on the

3. The Academy affirms that jihād and
martyrdom for the sake of furthering and de-
fending the Islamic faith and protecting one's
homeland is not terrorism but an act of de-
fending fundamental Therefore it is the right
of the helpless nations subject to occupation
to seek every possible means for regaining
their freedom.

4. It should be noted that concepts
like jihad, terrorism, and violence, which are
now widely used in the media, are specific
terms; none of them should be used out of its
appropriate context.

5. As regards Shariah ruling on the act
of plunging oneself into the enemy – mar-
tyrdom operations – the Council resolved to
postpone the subject to a forthcoming session
to be separately researched.

Recommendations

1. Preparing an Islamic written code
on International Human Law, similar to the
familiar legal codes, and translated into ma-

for languages. This Islamic Code should be made available in university libraries and in the libraries of the institutions of the United Nations. This is far better than repeating that Islam has nothing to do with terrorism and is more suitable for portraying the clear standpoint of Islam to non-Muslims.

2. Establishing a committee of knowledgeable persons to prepare an Islamic Charter that clearly articulates the Islamic viewpoint on the relationships with non-Muslims. This charter should also be translated into major languages and published through different media. This is the way to refute false accusations and show the essence of Islam to non-Muslims.

Indeed, Allāh is All-Knowing.

Resolution No. 129 (3/14) Manufacturing and Construction Contracts: Essence, Characterization, and Forms

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423h (11–16 January 2003),

Having examined the research papers submitted to the Academy concerning Manufacturing and Construction Contracts: Essence, Characterization and Forms, Having listened to the discussions on the subject, Having considered the legal proofs, principles, and ultimate objectives of Shariah and the need to preserve public interests in contracts and transactions, Having recognized the importance of manufacturing contracts and their important role in boosting industry and opening up broad opportunities for Islamic financing, and promoting Islamic economies,

Resolves

1. A manufacturing contract is a contract according to which one party undertakes to manufacture something or perform a task against a specific amount that the other party undertakes to pay. It is a permissible contract whether the manufacturer is to provide both the work and the raw material – and in

this case, the contract is called by Fuqahā, an Istiṣnā contract – or the manufacturer is to provide the work only, which is the case of Ijāra contract according to Fuqahā.

2. When the manufacturer provides raw material and work, the contract becomes subject to the Academy resolution 65 (3/7) on Istiṣnā.

3. When the manufacturer provides work only, the reward should be pre-determined.

4. Agreement on the determination of the price is permissible to be in any of the following ways:

1. Agreement to a total price based on the tender documents, designs and specifications that have been precisely

1. Agreement on the price per a specific standard unit with agreed-upon drawings and designs to be applied the quantity.

2. Agreement to determine the price based on the actual cost plus a definite percentage as profit. In this case, the manufacturer/contractor should present detailed accounts and lists that clearly tabulate his actual cost according to specifications so that these can be used for calculating the contract's value of cost-plus.

5. A manufacturing contract may include a penalty clause to enforce fulfillment of what has been agreed upon, except in case of force majeure. In this connection, Academy resolution 109 (3/12) on Penalty Clause should be applied.

6. It is permissible in manufacturing contracts to postpone payment of the contract price or make it payable in installments at pre-determined maturities or in accordance with dates' performance phases.

7. It is permissible to agree on amendments and additions to the

8. If the manufacturer made amendments or additions with the owner's permission, but without mutual agreement on additional payment, the manufacturer is entitled to compensation based on similar

9. If the manufacturer made amendments or additions without the owner's permission, the former is entitled to no additional payment or compensation for such amendments or additions.

10. The manufacturer should be liable for indemnity in cases of infringement,

negligence, or breach of contract on his part and for defects and mistakes he. However, the manufacturer should not be held liable for what the owner has caused or what has come as a consequence result of force majeure.

11. If the owner made a condition that the manufacturer should do the work personally, the latter should not assign the work to a sub-contractor.

12. If the owner did not make a condition that the work should be done by the manufacturer personally, the latter may assign the work to a sub-contractor unless the work itself is meant to be done by the manufacturer, due to particular merits that normally differ from one craftsman to

13. The manufacturer is accountable for the work of his sub-contractors, and his responsibility towards the owner remains valid as per the contract's

14. It is not acceptable to stipulate in manufacturing contracts a condition that relieves the manufacturer from

15. It is permissible to stipulate liability for a specific

16. It is not acceptable to stipulate in manufacturing contracts a relief of liability for defects during the guarantee period stated in the contract.

Recommendation

To conduct special studies on some other forms of manufacturing contracts such as BOT contracts (Build, Operate, and Transfer).

Indeed, Allāh is All-Knowing.

Resolution No. 130 (4/14) Shariah Rulings on Modern Companies: Holding and Other Companies

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423h (11–16 January 2003),

Having examined the research papers submitted to the Academy concerning Shariah Rulings on Modern Companies: Holding and Other Companies, Having lis-

tened to the discussions on the subject,
Resolves

First: Definition of Modern Companies

1. Capital Association Companies

They are companies that depend, in their establishment and formation, on the capital funds of the partners, regardless of the independent personality of each of them. These types of companies, which have tradable shares, include the following:

1. Joint Stock Company: a company with its capital divided into equal tradable shares, and the liability of each of its partners is limited to his share in the capital.

2. Limited Shares Company: a company with its capital in the form of tradable shares, and its partners of two types: (1) Joint partners who have full liability towards the debts of the company, and (2) Limited (silent) partners whose liability is limited to their respective shares in

3. Limited Liability Company: a company with its capital owned by a limited number of partners (number varies under different laws), each has a liability commensurate with his shares in the capital. The shares of this type of company are not tradable.

2. Personal Association Companies

They are companies that are established on the basis of the persons who form them. That is to say, consideration here goes to the persons who all know each other and have confidence in each other.

This type of company includes the following:

1. Joint Liability Company: a company established between two persons or more for business purposes. The partners share capital contribution and assume, personally, joint liability towards the company's debtors even in their personal properties. This type of company is based on personal acquaintance among partners.

2. Limited Partnership Company: a company formed between one joint partner or more and one dormant partner or more. The joint partners assume liability towards the company's debtors, and the dormant partners, known as limited partners, are kept away from management; the latter's liability is limited to their respective shares in the capital.

3. Particular Partnership Company: is a hiding company with no legal personality

and is formed between two persons or more; each has a well-defined share in the capital. The partners agree to share the profits and losses resulting from the business transactions they perform jointly or in the name of only one of them. When one partner performs a business on behalf of the others, his liability towards debtors remains limited to his person (and other partners remain non-liable toward debtors).

3. Holding Company

A company that owns stocks or shares in other independent companies' capital at a ratio that enables it to dominate its management and control its business plans.

4. Multinational Company

A company that comprises a group of subsidiary companies and has a principal center located in one country, while its subsidiaries are located in different countries, usually carrying their respective nationalities. The principal center of the multinational company and its subsidiaries are linked together through a comprehensive business strategy that aims at achieving specific investment objectives.

Second: In principle, companies are permissible as long as they do not perform Shariah-banned activities. However, if the main line of business is prohibited, such as usury-based banks or companies that entirely or partially deal in

prohibited things such as narcotics, pornography, or pigs, these are prohibited companies, and it is prohibited to own or trade their shares. Furthermore, the activities of companies should also be free from gharar (uncertainty), un-know-ability that could lead to dispute, and any other reasons that cause the company' establishing agreement to be considered null and void from the Shariah perspective.

Third: It is prohibited for the company to issue jouissance shares, preference shares, or bonds.

Fourth: In case of capital loss, each partner should bear in proportion to his capital share.

Fifth: The shareholder in the company owns a common share in its assets in proportion to his capital share and remains as the owner of that share until ownership title is shifted to someone else through an exit or any other form of ownership transfer.

Sixth: As regards the collection of Zakāh on

company shares, in cases of holding and multinational companies, refer to resolution no. 28 (3/4) of the 4th Session, and resolution no. 121 (3/13) of the 13th Session of the Academy.

Indeed, Allāh is All-Knowing.

Resolution No. 131 (5/14) Liability of Public Transport Drivers in Case of Accidental Homicide and Multiplicity of Kaffārah (Expiation)

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423h (11–16 January 2003),

Having examined the research papers submitted to the Academy concerning the Liability of Public Transport Drivers in Case of Accidental Homicide and Multiplicity of Kaffārah (Expiation),

Having listened to the discussions on the subject,

Resolves

Postponement of the subject for conducting separate research studies on the following Shariah issues:

1. Multiple kaffārah claims on the multiplicity of accidental

2. Alternative arrangements in the absence of Aqilah (collective blood-money liability) or inability to bear the diyah (blood-money compensation).

3. Depriving a perpetrator of accidental homicide from

Indeed, Allāh is All-Knowing.

Resolution No. 132 (6/14) Adhesion Contracts

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423h (11–16 January 2003),

Having examined the research papers submitted to the Academy concerning Adhesion Contracts,

Having listened to the discussions on the subject,

Resolves

1. Adhesion Contract is a western recent legal term given to agreements characterized by the following terms and conditions:

1. The contract relates to goods or services that all people need and cannot do without, such as water, electricity, gas, telephone, mail services, public transport, etc.

2. The supplier of such goods or services has an actual or legal monopoly status in their provision or at least controls their provision to the extent that makes competition very restricted.

3. The supplier alone has exclusive control over the detailed terms and conditions of the contract, leaving no room for the other party to negotiate, drop, or amend any of them.

4. The offer (supply) is made unified and continuously open to the whole public with the same terms and conditions.

2. The Adhesion Contract is concluded by the meeting of the offer and acceptance, which are presumed in any means that indicates the mutual consent of its two parties and the conformity between their two wills to conclude it, according to the terms and conditions presented by the supplier, and without making it conditional to a certain form of wording or a specific written format.

3. In view of the fact that the dominating party may misuse his control over the price and other terms of the contract, and hence fix them at a level that harms the public, it is mandatory in Shariah that adhesion contracts must be subject to state revision before implementation so that the state can endorse those which prove to be fair, and amend or cancel those which could lead to oppression of the complying party; this is in application to the Shariah vital principle of justice.

4. From the standpoint of Fiqh, actually concluded adhesion contracts could be divided into two categories:

First category: adhesion contracts that have a fair price, and do not contain any oppressive conditions regarding the complying party. A contract of this kind is valid in Shariah and binding to its two parties. Neither the state nor the judiciary has the right to interfere for

cancel-lation or amendment of such contract, as there will remain no Shariah justification for doing so. That is because the party who controls the good or the service has willingly offered it at the Shariah-acceptable price, which is the normal price for similar goods or services (trivial inequity in price is condoned by Shariah and usual and customary tradition, for being inevitable in financial exchange transactions) and also because selling a commodity to somebody, who is compelled to buy it, at a fair price is unanimously accepted by Shariah scholars.

Second category: is adhesion contracts, which are oppressive to the complying party because of their unjust price (comprising extreme inequity) or its arbitrary and harmful conditions. In this case, the state should interfere to enforce a fair price and safeguard those who need to buy the good or the service in question. That is to say, the state may reduce the price to be commensurate with the price generally charged for similar goods or services, or it may cancel or amend the unfair conditions to achieve justice between the two parties to the contract. Interference of the state in this manner is based on the following justifications:

1. It is the state's duty (wali al-Amr) in Shariah to ward off the harm encountered by the public when an individual or a company monopolizes a particular good or service and refrains from selling it to them at a fair price. Interference of the state to enforce the fair price, in this case, will ensure observation of two rights: the right of the public to be relieved from the harm resulting from a mis-cast of the monopolist with regard to price or conditions, and the right of the monopolist to get fair compensation.

1. Such pricing implies that more priority is given to the common interest of those who are in need to buy the goods or services for a fair price, over the private interest of the oppressive monopolist who refrains from selling the good or service to them except for an exorbitant price or unfair conditions. This priority order is well affirmed and established in the Fiqh Maxims that "Public interest supersedes private interest" and that "Private harm should be endured for warding off public harm."

5. In the exclusive agency of imports,

three cases should be distinguished:

First Case: when there is no indispensable need for the good or service in question whether for the public at large or of a group of them, such as when the good or service is of entertainment nature that people can do without or when there is a necessity or need that is not specific for this good or service because there exists another substitute available in the market at a fair price. In this case, the agents who has the exclusive right of imported good or service is entitled to sell it at the price he agrees upon with the buyer. Neither the state nor the judiciary has any right to interfere in fixing the price, as – in principle – contract validity is based on mutual consent of the two parties and the contract's outcome is what they willingly commit themselves to. Moreover, because the agent's exclusiveness of the product and its monopolization (if the word monopoly is taken in its strict linguistic sense) are permissible in Shariah, providing that the deal does not involve any harm or oppression to the public; a matter which makes pricing not permissible.

Second Case: when there is an indispensable public or group need for the good or service in question and the agent is willing to offer it at a fair price, i.e. a price that does not involve any excessive inequity or oppressive control. In this case, also the state (or the judiciary) has no right to interfere in fixing the price because the act of the agent of exclusively owning the good or service in question and monopolizing it is a lawful act of disposing of own property, without causing harm to others. Then there should be no interference with him on this.

Third Case: when there is an indispensable public or group need for the good or service in question, and the agent is unwilling to offer it except for an excessively high price or subject to oppressive conditions; in such a case, the state must interfere with warding oppression off those who need it by way of enforced pricing on the agent.

Indeed, Allāh is All-Knowing.

RESOLUTION NO. 133
(7/14) Problem of Arrears in
Islamic Financial Institutions
The Council of the International Islamic Fiqh

Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423H (11–16 January 2003),

HAVING EXAMINED the research papers submitted to the Academy concerning the Problem of Arrears in Islamic Financial Institutions,

HAVING LISTENED to the discussions on the subject, RESOLVES

FIRST: The method of dealing with delinquencies in Islamic financial institutions differs from the method used by conventional banks because conventional banks deal with prohibited interest. Hence, it would be suitable to start with emphasizing the prohibition of banking interest on the following grounds:

a. **Functions of Conventional Banks**
By virtue of the rules that regulate their work, conventional banks are not allowed to pursue investments that involve profit and loss. Banks receive deposits from the public as loans and limit their functions – as lawyers and economists say – to interest-based borrowing and lending, and credit creation through interest-based lending of deposited funds.

b. **Relationship between Conventional Banks and Depositors**
From the Shariah and the legal viewpoints, the relationship between depositors and banks is lending rather than an agency relationship. This fact is also well-established by the rules and regulations governing banks. This is so because an investment agency is a contract according to which one party delegates the other to invest an amount of money that the principal still owns against a specific lump sum or a given percentage of the return on investment. In such arrangement, Fiqh scholars are, unanimously, of the view that the principal continues being the owner of the invested capital, and therefore he is entitled to its return (Ghunm) and should bear its loss (Ghurm), and the agent is entitled to the wage stipulated in

the agency contract if the deal is a wage-based agency.

Accordingly, conventional banks are not an agent of the depositors in investing their funds because such funds are given to the conventional bank as loans guaranteed by the

bank, and therefore the bank owns the right to dispose of them the way it likes committed to their repayment. In Shariah, a loan has to be repaid in the same amount, without any stipulated increment.

c. **Conventional Banks' Interests being a Shariah-Prohibited Usury**

Interest on bank deposits is a Shariah prohibited Riba, as per the texts of the Quran and the Sunnah. Several resolutions have well affirmed this fact and Fatāwā (Shariah opinions) since the second Islamic Conference of the Islamic Research Academy, held in Cairo in Muḥarram 1385H (May 1965) and attended by eighty-five most renowned Fiqh scholars and representatives of thirty-five Muslim countries. That conference mentioned in the first item of its resolutions that: Interest on all types of loans is a prohibited Riba. Several other resolutions and recommendations of numerable conferences followed, including:

- The First International Conference on Islamic Economics, held in Makkah al-Mukarramah in 1396H (1976) which was attended by more than three hundred Fiqh scholars and economic and banking experts and which emphasized the prohibition of bank interest.

- The Second Conference of Islamic Banks held in Kuwait in 1403H (1983), which also confirmed the same.

- The International Islamic Fiqh Academy of the Organization of the Islamic Conference, in its Second Session held in Rabī' al-Awwal 1406H (December 1985), stated in its resolution no. 10 (2/10) that “any increase or interest charged on a debt that fell due and the debtor failed to repay it against its rescheduling, and any increment or interest on a loan stipulated at the time of initiating the contract are Shariah-prohibited Riba.”

- The Islamic Fiqh Council of the Muslim World League of Makkah al-Mukarramah in its 9th Session held in the year 1406H (1986) affirmed that any money procured as interest is a prohibited Riba according to Shariah.

- The Ifta Committee of Al-Azhar University, emphasized the prohibition of returns on investment certificates of type (A) and (B).

- The fatwā (Shariah opinion) of the

former Mufti of the Al-Azhar,

Sheikh Mohammad Sayed Tantawi in Rajab 1409H (1989) which stated that “depositing funds with banks as well as lending them or borrowing from them in any form, against predetermined interest is prohibited.”

Added to all that are the fatwas of several Fiqh fora such as Fiqh Councils of Muslim countries, fatwa committees, seminars and conferences, and fatwas of individual Fiqh scholars and experts in the fields of economic and banking activities throughout the Muslim world. These Shariah opinions constitute a clear consensus of contemporary Muslim scholars that banking interest is prohibited; this should not be violated or overlooked.

d. **Pre-Specification of the Investment Return as a Lump sum or a Capital Percentage**

It is a well-admitted fact that the interest-based loan contract differs from the Shariah-based Muḍārabah contract because, in the former, the borrower is entitled to the full return and has to bear the loss. In contrast, in the Muḍārabah, the two parties share return and the fund-owner bears loss when it happens in the application of the Prophet's saying, *لص هلالا هيلع ملسو* saying, “entitlement to return is related to risk-bearing,” (an authentic ḥadīth reported by Imam Ahmad and in the four books of Sunnan) which means that the party who bears the risk of damage, total destruction, or defects deserves the returns, increments and appreciations. From this ḥadīth, Fiqh scholars derived the famous Fiqh Maxim that “Gain is related to risk-bearing.” It is also reported that the Prophet *لص هلالا هيلع ملسو* “forbade a return of [a thing] whose risk is not assumed.” (Four Books of Sunnan) For centuries, there has been unanimity among scholars from all Fiqh schools that return on investment in Muḍārabah or any other form of partnership should not be pre-determined as a lump sum or a percentage of the invested funds (the capital), because such an act involves guaranteeing the principal, contrary to the explicit directives of the Shariah. It also leads to interrupting the principle of profit and loss sharing, which is necessary for partnership and Muḍārabah. This unanimous position is well established and affirmed as there exist no reports that dispute it. In this regard, Ibn Qudamah, in his book *al-Mughni* (34/3), says:

All knowledgeable Fiqh scholars whose viewpoints have been reported, unanimously annul Qirad (Muḍārabah) if it contains a condition granting either or both parties a pre-determined amount of money as return.

Unanimity of opinion (Ijmāʿ) is a stand-alone evidence as established in Shariah. Therefore, the Academy, while deciding this in unanimity, advises Muslims to continuously seek for permissible (ḥalāl) income and avoid prohibited (ḥarām) returns, in obedience to Allāh *لص هلاا* and His Prophet *هناحبس لااعنو* *هبلع ملسو*.

SECOND: OUTSTANDING DEBTS

a. Regarding penalty clauses in contracts: the Council re-emphasizes its previous resolutions on the subject as stated in its resolution no. 85 (2/9) on al-Salam, which reads, "Penalty clause for delinquency in delivery of the salam commodity is not permissible because it is an (in-kind) debt, as imposing any increment for delayed debts payment is prohibited," and its resolution no. 109 (4/12) on Penalty Clause which states:

...default penalty can be imposed in all financial contracts except those in which the basic commitment is a debt. Increment as a delinquency penalty in debt is a pure ribā. Accordingly, it is prohibited, for instance, to impose a delinquency penalty in the installment sale contract for delay of payment by the debtor of any remaining installments, whether for insolvency or evasion or in an Istiṣnāʿ contract for a manufacturer who delays complete delivery of his obligation.

b. The Academy reconfirms its previous resolution no. 51 (2/6) on Installment Sale, which comprises the following points:

THIRD: if the indebted buyer delays payment of due installments, he should not be obligated – with or without a pre-condition – to pay any increment, because that is prohibited Ribā. FOURTH: While it is prohibited for a solvent debtor to delay payment of due installments, it is still not permissible in Shariah to claim compensation for his delinquency.

FIFTH: It is Shariah-permissible for the seller in Installment Sale contracts to include a condition that the buyer should prematurely pay all the remaining installments in case of default in some of them, and the buyer, in

this case, is bound by this condition as he had accepted it at the time of contracting.

SIXTH: the seller has no right to retain the ownership of the sold asset after concluding the sale transaction, but he has the right to demand mortgaging the asset to him so as to ensure payment of his installments.

c. It is important for Islamic banks to give adequate care to studying the reasons behind the problem of debts' defaulting. They should give attention to Murābahah and deferred-contract transactions, observance of technical means of financing (e.g. feasibility studies), and obtaining sufficient guarantees.

RECOMMENDATIONS

a. Islamic banks should commit themselves to the Islamic economic approach and its parameters in their activities. They should also pursue technical and managerial reforms that would enable them to have more progress through promoting direct investments and partnerships in order to achieve social and economic development that is one of the most important objectives of Islamic banks and financial institutions,

b. Efforts should also be exerted for developing new mechanisms for solving the problem of over-dues in Islamic financial institutions. In this regard, a study on the subject should be presented to a forthcoming session of the Academy for discussion.

Indeed, Allāh is All-Knowing.

Resolution No. 134 (8/14) New Global Order, Globalization, Regional Blocs, and their Impacts

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 14th session in Doha, State of Qatar, on 7–13 Dhū al-Qi'dah 1423h (11–16 January 2003),

Having examined the research papers submitted to the Academy concerning the New Global Order, Globalization, Regional Blocs, and their Impacts,

Having listened to the discussions on the subject, Resolves Definition of Globalization and New Global Order Globalization in its apparent form and manifestations means easy movement of goods and ideas and removal of

barriers between peoples and nations to the extent that it transforms the whole world into a small global village which is a direct consequence of contemporary advancement in technology and the emergence of new forms of global interaction such as Regional Groupings, World Trade Organization, cross-continent Companies, etc. This has been accompanied by deliberate efforts of the super powers to enforce the influence of western culture to serve their interests and impose control and hegemony over several aspects of human life. These super powers have continued to work for directing technological advancement to devise more modes and mechanisms for building their capabilities on the one hand and exercising more control and hegemony over human life on the other hand.

These developments are closely linked to what is called the New International Order, a concept now widely celebrated by international organizations and conferences that tend to deal with educational, economic, social, demographic and environmental issues in a way that serves the interests of the super powers and deepens the materialistic values of contemporary western culture.

Globalization in this form constitutes a flagrant challenge to the Ummah and the divine message that underlies its rightly guided civilization that realizes goodness for the human race in all aspects of life. This imposes a huge responsibility on scholars, politicians, thinkers, and leaders to pursue practical means of bringing about a comprehensive renaissance of the Ummah in the different walks of political, cultural, economic and informational life. These efforts for revival are necessary in the following two areas:

First: consolidating the resilience of the Ummah generations against challenges of contemporary practices of globalization and their accompanying westernization. This requires tremendous efforts to reconstruct the contemporary Islamic personality, which can face such challenges with the utmost consciousness, sagacity and deep, moderate, and well-balanced understanding of Islam. Such understanding integrates knowledge with faith, originality with modernity, and constant ideals with openness to time achievements. All this necessitates giving much care to the systems and curricula of education with

particular emphasis on religious subjects, and resisting any external interference in this respect. Second: Taking the reins of an initiative to deal with the tools and mechanisms of Globalization with comprehensive and rational plans that address contemporary human societies in ways and languages they understand, without extemporization, shallowness, or shortsighted theorizing. Such initiative should cover, among others, areas of intellectual thinking, culture, and information and pursue the objectives of enhancing innovative practices in science and socio-economic development to ensure a decent life for every human being in the global society.

Given these comprehensive plans and that Islam is a universal religion that has come for the good and happiness of all humanity in this life and in the after-life, and given the fact that Islam is the final religion and the only faith that can be accepted by Allāh The Almighty from any individual,

The Academy recommends

1. There should be a scholarly and objective wide-scope spread of information about the universality of Islam and the ideal solutions it offers for human beings' problems in an approach that applies all possible
2. Empowerment of the Organization of the Islamic Conference and its affiliate institutions as well as all other Islamic organizations, and enhancing their roles to deepen the process of Islamic groupings, especially in the field of economy.
3. Hard work has to be done to establish Common Islamic Markets and promote joint ventures and intra-investment in the Arab and Muslim
4. Efforts should be exerted to reshape the relationship between the Muslim world and the New International Order in a way that affirms the independence of the Muslim countries and ensures full respect to their sovereignty and privacy to preserve the Islamic identity of their peoples.
5. Working seriously to upgrade the scientific and technological capabilities of the Muslim countries and domestication of up-to-date
6. Working to strengthen the relationships among the Islamic nations and achieve the Islamic unity in the face of various challenges.
7. Emphasizing the co-existence of originality and modernity as the two fundamental elements of the Islamic Discourse and developing the tools that the Islamic Discourse could use for enlightening the Muslim masses and disseminating the noble progressive message of Islam without exaggeration and extremism on the one hand, or remissness and slackening on the other.

8. Enhancing scholarly diligence in the institutes, colleges and universities of Shariah education, as well as fatwa Councils and Fiqh academies, so that the Ummah can be able to tackle emerging issues and new problems in the light of deep and comprehensive Shariah insight and work out the appropriate

9. Using contemporary means and devices of communication, such as the satellite channels and the Internet, to disseminate prudent Islamic knowledge and portray the shiny picture of this religion.

10. Coordination among governments and voluntary organizations of the Muslim countries in enlightening the international organizations and conferences about the distinct Islamic positions that can safeguard humanity against risks and evils that may

Indeed, Allāh is the Giver of Success.

Statement by IIFA to the Ummah concerning Palestine and Iraq

Praise is due to Allāh, Lord of the worlds, may the blessings and peace be upon our master Muhammad, the last of prophets, on his family, and all his companions,

The Academy has been closely observing the dangerous situations encountered by the Arab and Muslim countries, especially Palestine and Iraq, and the state-run terrorism being exercised by the Zionist authority in the occupied land of Palestine through the killing of innocent armless children, women and elderly and committing indiscriminate raids, arrests and assassinations as well as the destruction of houses over the heads of dwellers, dredging of agricultural lands, and exercising continuous military sieges on the Palestinian towns, villages and refugees camps especially the city of al-Quds, the city of the Heavenly Journey of the Prophet SAW which constitutes an essential part of the Muslim faith and religion, and the deprivation of Palestinian people from their religious right of performing their prayers in the al-Aqsa Mosque.

Despite all this state terrorism, Israel pretends to be pursuing peace and claims that its criminal leader is a man of peace while calling the martyrs who defend their religion, lives, land and dignity, as terrorists.

There is no doubt that such aggression by the Israeli occupying forces is the real terrorism itself and a clear violation of human rights and international conventions. All these practices take place under the eyes and ears of the whole world, including those countries which claim the protection of freedom, democracy, equity and human rights.

The Anglo-American aggression that threatens Iraq today is, actually, targeting the lives of its Muslim people and wealthy land, without listening to the loud calls of Muslims to stop this unconcealed aggression or paying the slightest attention to the resolutions of the official and popular organizations in the Arab and Muslim countries, or showing any care for all the calls that are coming from peace-loving countries and nations. This position of the invading powers is a mere denial of the international values and conventions that ban abusive acts against the sovereignty, lands, and citizens of other countries.

Given all this, the Academy calls upon the governments and people of the Ummah to provide full support, which is an obligation by Allāh, to the Iraqi and Palestinian peoples to preserve lives and blood that Allāh forbids wasting. In this regard, Allāh The Almighty said, «The believers are, but a single brotherhood» (al-Hujurat, 10), and He The Almighty said, «The believers men and women are protectors one of another, they enjoy what is just and forbid what is evil.» (al-Tawbah, 71). The Prophet SAW also said in this regard, "Believers are like the building blocks of a wall, each of them supports the other," (Agreed upon) and he SAW also said, "Each Muslim is the brother of the other Muslim, he never aggrieves him, betrays him, or hand him over to the enemy." (Agreed upon)

In the light of these texts of the Quran and the Sunnah, in addition to what has been said earlier, the Academy confirms the following:

First: It is not permissible, in Shariah, to support aggressors or help them achieve their aggressive objectives through shedding the respected blood of innocent people.

Second: Aggression against any Muslim country amounts to aggression against the whole Islamic Ummah.

Third: According to Shariah, all Muslim governments are called on to bear their responsibility of providing support and discharging their duties towards their religion, Ummah, and countries.

All Praise is due to Allāh, Lord of the Worlds.

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