



مُنْظَرَةُ التَّعَاوُنِ الْإِسْلَامِيِّ

Organisation of Islamic Cooperation  
Organisation de la Coopération Islamique

## ACADEMY NEWS 58



مَجْلِسُ الْفِقْهِ الْإِسْلَامِيِّ الدَّوْلِيِّ

International Islamic Fiqh Academy  
Académie Internationale du Fiqh Islamique

A MONTHLY NEWSLETTER BY THE INTERNATIONAL ISLAMIC FIQH ACADEMY | PUBLISHED IN ARABIC, ENGLISH AND FRENCH | Dhu al-Hijjah 1446 – June 2025

### Crown Prince of Kuwait Receives Secretary General of the Academy at his Office in Kuwait City



On the sidelines of the International Conference on “Genetic Fingerprinting and Gene Editing in the Age of AI,” organized by the Islamic Organization for Medical Sciences in Kuwait, H.E. Sheikh Sabah Khaled Al-Hamad Al-Sabah received H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, on Wednesday morning, 16 Dhul Quida 1446, corresponding to 14 May 2025, at the Diwan of His Highness in the capital city of Kuwait.

During the meeting, the Secretary General expressed his deep gratitude and appreciation to the State of Kuwait, its Emir, government, and people for their commendable and distinguished efforts in supporting institutions of joint Islamic action. His Excellency praised the generous care that the Academy has received from the State of Kuwait, its leadership, and its people since its establishment, which has strengthened the Academy’s mission and enabled it to fulfill its intellectual, scientific, and legal duties towards

the Ummah. His Excellency stated: «On behalf of the Academy’s established scholars, prominent thinkers, members, experts, and staff of the Academy, we extend our sincere thanks and deep gratitude to the State of Kuwait, its Emir, government, and people for their continued support of the Academy. We also thank them for their unfailing loyalty and commitment to regularly paying their financial contributions, which reflects their keenness to support institutions of joint Islamic work. This commitment enhances the Academy’s ability to fulfill its mission and achieve its goals in serving the current and future needs of the Ummah. May Allah preserve security, safety, stability, and prosperity for the State of Kuwait.

The Secretary General also praised the Islamic Organization for Medical Sciences’ pioneering scientific role in addressing contemporary medical issues from legal and ethical perspectives. He affirmed that the organization serves as the scientific reference point relied

upon by the Academy when formulating resolutions and recommendations on medical issues and developments, due to its recognized expertise, credibility, and constant pace with developments in medical science.

His Highness the Crown Prince of Kuwait greeted the Secretary-General and all conference participants, praising the Academy’s scientific and legal efforts in addressing contemporary issues and contributing to the service of the Ummah while keeping pace with the times. His Highness reaffirmed the State of Kuwait’s commitment to supporting initiatives that promote cooperation, coordination, and communication between scientific institutions and organizations in the Muslim world and beyond.

Dr. Mohammed Al-Jarallah, President of the Islamic Organization for Medical Sciences, along with several dignitaries and conference participants, including academics and experts, also attended the meeting.

## S.G. Stresses Institutional Collective Ijtihad For Regulating DNA, Gene Editing and AI at Kuwait Medical Conference

H.E. Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy delivered a speech at the closing session of the international conference entitled, “DNA and Gene Editing in the Age of AI”, organized by the Islamic Organization for Medical Sciences (IOMS) in Kuwait, on Thursday, 17 Dhul Quida 1446, corresponding to 15 May 2025.

At the beginning of his speech, His Excellency conveyed the greetings of the members and experts of the Academy, expressing great thanks, appreciation, and gratitude to His Highness Sheikh Mishaal Al-Ahmad Al-Jaber Al-Sabah, Emir of the State of Kuwait, may Allah protect him, and his government for the generous hospitality and warm reception, praising the proactive vision of the Islamic Organization for Medical Sciences, a realistic outlook, and keeping up with the developments of medical science and technology for decades, pointing out that, “It is one of the most noble scientific institutions in the Muslim world, because it is renowned for its scientific precedence, Sharia authenticity, and high research professionalism, which embodies the spirit of integration between both medical experts and Sharia experts”.

His Excellency addressed the conference theme, noting that the title constitutes an “interdimensional knowledge triangle,” explaining that “DNA represents an individual’s genetic identity, that gene editing enables the genetic code to be modified with extreme precision using technologies such as CRISPR-Cas9, and that artificial intelligence has transcended its analytical role to a true partnership in issuing medical and genetic rulings and resolutions.” This makes the need to maximize the opportunities offered by these technologies to treat intractable genetic diseases while emphasizing the importance of paying attention to the legal and ethical challenges raised by these rapid transformations in the world of genetic engineering; he said: “It goes without saying that these enormous transformations, although they seem promising, raise delicate issues related to genetic privacy, data confidentiality, and the possibility of genetic discrimination, not to mention the accompanying legal and ethical challenges.” He then pointed out



that the importance of this conference “stems not only from its topic but also from the fact that it is an inclusive space that paves the way for the formulation of a common humanitarian and ethical vision that will guide the formulation of a shared legal and ethical vision. His Excellency stressed, “We need to rebuild the relationship between scientific progress and the values system, between innovation and responsibility, between ambition and conscience, considering that this is the only way to ensure a secure and sustainable future for humanity.”

His Excellency stressed the importance of refraining and keeping away from individual ijtihad in issuing jurisprudential rulings on these critical issues and developments, saying: “The responsible handling and desired interaction with them should be based on an institutionalized collective ijtihad that brings together jurists, doctors, geneticists, legal experts, and specialists in artificial intelligence technologies.” He added that only this collective process is capable of providing solid and balanced answers that respect Sharia objectives and the requirements of the modern age.

In this context, His Excellency called for adherence to the collective resolutions issued by the Academy, which were based on accurate scientific descriptions from the Islamic Organization of Medical Sciences and reliable research centers: “We emphasize the importance of the commitment of fatwa, and health institutions in Member States and Muslim communities to the Academy Council’s resolutions on artificial intelligence, genetic fingerprinting, the human genome, and genetic engineering, in order to preserve the unity of the intellectual and legal reference of the Ummah.” His Excellency also

emphasized the Academy openness to review its resolutions when data changes or facts are revised, based on a fundamental rule that states: “There is no objection in the alteration of fatwa with the change of times, places, circumstances, and customs.”

His Excellency then extended his thanks and appreciation to H.E. Sheikh Sabah Khalid Al-Hamad Al-Mubarak Al-Sabah, Crown Prince of Kuwait, for his generous patronage of the conference, to H.E. Dr. Ahmad Abdulwahab Al-Awadi, Minister of Health, for his support and follow-up to the conference, and H.E. Dr. Mohammad Ahmad Al-Jarallah, President of the Islamic Medical Sciences Organization, for organizing this milestone conference. On this occasion, His Excellency called for “submitting the recommendations of the conference to the International Islamic Fiqh Academy as a scientific basis for robust collective resolutions after they are revised, refined, and perfected.”

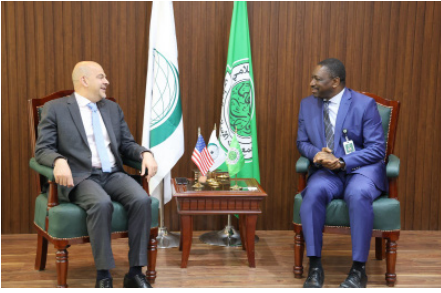
His Excellency did not fail to express his deep gratitude to the “invisible soldiers” at IOMS, saying: “Abundant thanks and appreciation to the loyal invisible soldiers at the IOMS, especially H.E. Dr. Abdul Latif Al Murr, Assistant Secretary General of IOMS, for the excellent follow-up and coordination.”

In a symbolic gesture, His Excellency presented two copies of the fifth edition of the Academy’s Resolutions to the Minister of Health and the President of the Islamic Medical Organization, in appreciation of the fruitful cooperation between the two institutions.





## U.S. Consul General and Special Envoy Visits the Academy



His Excellency Mr. Rafiq Mansour, Consul General of the United States of America and Special Envoy to the Organization of Islamic Cooperation (OIC), paid an official visit to the headquarters of the International Islamic Fiqh Academy on Wednesday, 24 Dhul Qi'dah 1446 AH, corresponding to 21 May 2025. He was accompanied by a delegation and was warmly received by His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy.

During the meeting, H.E. Mr. Mansour conveyed his sincere thanks and appreciation for the gracious welcome, expressing his strong interest in engaging with the Secretary General and learning more about the Academy's mission and activities. He emphasized the United States' continued

commitment to enhancing cooperation and coordination with the Organization of Islamic Cooperation and its affiliated institutions, especially the International Islamic Fiqh Academy. He stated: "We are truly grateful for this opportunity to meet with Your Excellency. I must also share that my colleagues at the Consulate General have spoken highly of the Academy and the significant developments that have taken place since you assumed your role as Secretary General."

In response, the Secretary General welcomed the Consul General and his delegation, expressing his appreciation for the visit and congratulating Mr. Mansour on his new appointment. He wished him success in his diplomatic mission and noted that the visit reflects the Consul General's genuine interest in strengthening ties with the Academy. His Excellency highlighted the Academy's objectives, programs, and initiatives, particularly its efforts in promoting the values of moderation, peaceful coexistence, and interfaith dialogue. He also underscored the Academy's role in raising awareness of the status and rights of women, especially in the areas of education, participation in

societal development, and the advancement of member states and Muslim communities. At the conclusion of the visit, the Consul General signed the Academy's Golden Guest Book, writing:

"I am honored to visit the Academy and learn about the important work you do. Thank you for your crucial mission that has a global impact."

The meeting was attended by several senior officials of the Academy, including Mr. Mohammed Chouk, Director of the Cabinet; Mr. Mohammed Walid Al-Idrissi, Director of Information and Public Relations; Mrs. Sarah Amjad Bedewi, Director of Family and Women Affairs; Mr. Saad Salahuddin Al-Samar, Head of the Media Division; and Dr. Hajj Manta Drameh, Head of the International Cooperation Division.



## Serbian Ambassador to Saudi Arabia Visits the Academy

His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), received His Excellency Mr. Dragan Bisenik, Ambassador of the Republic of Serbia to the Kingdom of Saudi Arabia, at the Academy's headquarters in Jeddah on Wednesday, 24 Dhul Qi'dah 1446 AH, corresponding to 21 May 2025.

The Secretary General warmly welcomed the Ambassador and expressed his sincere appreciation for the visit, noting that it marked the first-ever visit by an official from the Republic of Serbia to the Academy. He remarked, "I believe this visit will open a new chapter in communication with the Serbian authorities. We hope that Serbia will leverage its position to promote peace, dialogue, and mutual understanding with the Islamic world through the Organization of Islamic Cooperation and its affiliated institutions."

His Excellency provided an overview of the Academy's vision, mission, objectives, and key initiatives, highlighting its commitment to promoting the values of moderation,



tolerance, peaceful coexistence, and interreligious harmony, while firmly rejecting all forms of extremism and intolerance. He also expressed his hope to develop stronger ties of cooperation, partnership, and coordination between the Academy and academic, intellectual, and religious institutions in the Republic of Serbia.

For his part, Ambassador Bisenik conveyed his deep gratitude to the Secretary General for the warm reception and reaffirmed his strong interest in building relations with the Academy. He emphasized his country's ongoing efforts to enhance cooperation with the Organization of Islamic Cooperation and its various institutions, particularly

the International Islamic Fiqh Academy. "I was truly impressed by His Excellency's outstanding academic background," he said. "After reading his biography, I realized he is one of the most respected and accomplished Muslim scholars globally. It was a great pleasure to meet him and to establish a connection that could help strengthen relations between Serbia and the Islamic Ummah."

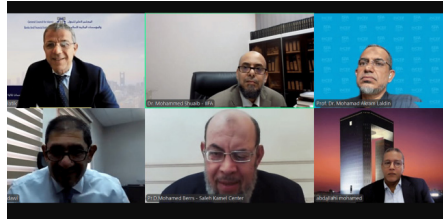
The meeting was attended by Mr. Mohammed Chouk, Director of Cabinet; Mrs. Sarah Amjad Bedewi, Director of Family and Women Affairs; Mr. Saad Salah Al-Din Al-Samar, Head of the Media Division; and Dr. Hajj Manta Drameh, Head of the International Cooperation Division.



## Director of Research Chairs 23rd Meeting of CIBAFI Accreditation Board

Dr. Mohamed Mostafa Ahmed Shoaib, Director of the Department of Research, Studies, Encyclopedias, Dictionaries, and Translation at the International Islamic Fiqh Academy, chaired the 23rd meeting of the Scientific and Accreditation Council of the General Council for Islamic Banks and Financial Institutions (CIBAFI), held virtually on Tuesday, 17 Shawwal 1446 AH, corresponding to 15 April 2025.

The meeting commenced with the approval of the agenda and the minutes of the previous (22nd) meeting. Dr. Abdelilah Belatik,



Secretary General of CIBAFI, presented a comprehensive report on the Council's recent activities. He highlighted developments related to the online training platform, progress on the translation of training materials, the approval of an updated list of

certified trainers, and several other important matters.

Participants in the meeting included Dr. Abdelilah Belatik, Secretary General of CIBAFI; Dr. Abdullah Mohammed from the Islamic Development Bank (IsDB); Akram Lalludin, CEO of the International Shariah Research Academy (ISRA) in Malaysia; Dr. Mohammed Barsis from the Saleh Kamel Center at Al-Azhar University; and Dr. Riad Al-Hindawi from the Institute of Banking Studies in Jordan.

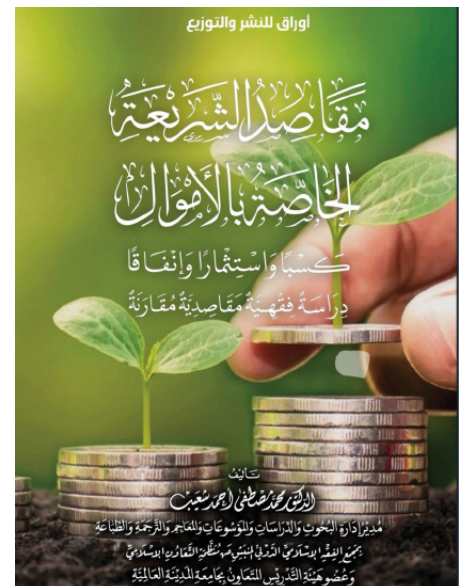
## New Book Released by Academy's Director of Research and Studies

The General Secretariat of the International Islamic Fiqh Academy extends its heartfelt congratulations to Dr. Mohamed Mostafa Ahmed Shoaib, Director of the Department of Research, Studies, Encyclopedias, Translation, and Printing at the Academy, on the release of his latest publication entitled "Maqasid al-Shariah in Finance: A Comparative Jurisprudential Study", published by Dar Awraq Publishing House in Egypt.

This scholarly work explores the concept of Maqasid al-Shariah (the higher objectives of Islamic law), detailing its definition, classifications, and significance. It traces the historical development of Maqasid through its foundational, documentation, and expansion phases. The book presents key Sharia-

based principles for financial governance, elucidates the foundations of lawful income and the proper Islamic perspective on wealth, and discusses both the general and specific objectives of Sharia in relation to financial matters—particularly earning, investing, and spending wealth. The author also offers insightful benefits, implications, and recommendations derived from these objectives.

The General Secretariat once again congratulates Dr. Shoaib on this valuable academic contribution and prays for his continued success, asking Allah Almighty to make his knowledge a source of benefit for Islam and the Muslim Ummah.



## 51st Monthly Meeting of the Academy's Staff

His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, presided over the Academy's 51st monthly staff meeting, held at the Academy's headquarters in Jeddah on Monday, 10 Ramadan 1446 AH, corresponding to 10 March 2025.

At the outset, His Excellency extended warm congratulations to all staff members on the arrival of the holy month of Ramadan, praying that Allah grant them success in their fasting and prayers. He urged everyone to make the most of this blessed month by strengthening their connection with Allah, engaging in self-reflection, and cleansing their hearts from all forms of wrongdoing.



His Excellency then discussed the Academy's ongoing preparations for the upcoming session scheduled to be held in the State of Qatar, God willing. He highlighted the progress in the printing of research papers and announced approval for organizing a special meeting between Academy scholars and Afghan scholars.

Following his remarks, His Excellency invited staff members to share their views and suggestions regarding the Academy's workflow. Several decisions were adopted during the meeting, including:

- Monitoring the printing process of the session's research papers and accelerating their delivery;
- Preparing the list of participants for the upcoming Afghan Scholars Conference to be held in the Kingdom of Saudi Arabia;
- Finalizing the design of the session's booklet cover to match the design of the research papers.



## 141st Weekly Departmental Meeting



His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, chaired the 141st weekly meeting of department directors

on Monday, 17 Ramadan 1446 AH, corresponding to 17 March 2025, at the Academy's headquarters in Jeddah.

His Excellency opened the meeting by welcoming all attendees and underscored the importance of diligently following up on the implementation of outcomes from previous meetings. He emphasized that all decisions issued during these meetings are binding and must be executed fully, accurately, and within the timelines outlined, in alignment with the Academy's strategic plan.

The meeting reviewed the status of previously adopted decisions and issued new directives, including the following:

- Receiving the finalized printed research papers in the required quantities by the agreed-upon deadline;
- Developing diverse designs for both the Academy's introductory brochure and the Waqf brochure;
- Distributing the session's research papers to all participants.

## 68th Periodic Meeting of Division Heads

His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy, chaired the 68th periodic meeting of the heads of divisions on Thursday, 13 Ramadan 1446 AH, corresponding to 13 March 2025, at the Academy's headquarters in Jeddah.

His Excellency began by welcoming the division heads and expressing his appreciation for their presence. He then reviewed the latest developments in the Academy's preparations for the upcoming session, emphasizing the



critical need for teamwork, close cooperation, and coordination among all departments and divisions to successfully complete the remaining tasks and transition smoothly into the final phase of preparations.

The meeting reviewed the status of previous decisions and introduced new directives, including:

- Updating and redesigning the Academy's introductory brochures and including them in the official gift bag;
- Distributing the Academy's publications to partner institutions and printing all signed agreements;
- Continuing the upload of video content with translated titles.

## 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.





## Resolutions and Recommendations of the 20th Session of the Council of the International Islamic Fiqh Academy

Oran - People's Democratic Republic of Algeria  
26 Shawwāl – 2 Dhū al-Qi'dah 1433 / 13–18 September 2012

### Resolution No. 186 (1/20) Shariah Rulings on Insolvency and Bankruptcy

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning Shariah Rulings on Insolvency and Bankruptcy and the Contemporary Systems,

Having listened to the discussions on the subject,

Resolves

First: Definition of Insolvency and Insolvent Debtor

1. Taking into account clause (seventh) of the Academy resolution no. 64 (2/7) on Criterion of Judgement about State of Insolvency that Necessitates Respite, insolvency is a contingent description denoting the state in which a person becomes unable to do his obligatory spending or repay his due. An insolvent person is a person who is thus described.

2. Bankruptcy as a precise concept refers to the insufficiency of the debtor's funds to repay his mature. A bankrupt is a person who is in such a position.

Second: Key Differences between Scholars on Insolvency and Bankruptcy

1. Insolvency could be preceded by a state of richness or not, contrary to bankruptcy which can never occur except after richness.

2. On issuance of bankruptcy verdict, the bankrupt is legally put under 'Restraining

Order,' whereas the insolvent who proves his insolvency by Shari'ah-satisfactory ways, becomes entitled to respite until time when he is in a position to repay as Allāh the Almighty says, «If the debtor is in a difficulty, grant him time till it is easy for him to repay.» (Al-Baqarah, 280).

3. The insolvent is not sentenced to imprisonment when he proves his insolvency, while the bankrupt can be imprisoned by way of ta'zīr (discretionary punishment), in case of deception, cheating, negligence or default.

4. Insolvency can relate to either a debt or legal right such as sustenance expenses, contrary to bankruptcy, which always relates to

Third: Rulings on Bankruptcy in Islamic Jurisprudence

1. The bankrupt has to be deprived of the right to dispose of his property in any way that could cause harm to his. Imposition and cessation of such prevention should be by virtue of a judicial verdict.

2. It is permissible to prevent a bankrupt from travelling, if his travelling would lead to clear harm to his creditors'

3. On declaration of bankruptcy, dates of maturity of outstanding debts, which the bankrupt owes to other parties, cease to be valid.

4. Judiciary should sell bankrupt's assets in the way it deems most beneficent to the creditors and debtor and divide sale. If it appears that the bankrupt has new assets, creditors have the right to claim repayment of the unsettled portion of their debt out of the funds obtained from the

sale of these new assets.

5. When a creditor finds, after the declaration of bankruptcy, the same asset he lent to the bankrupt among the latter's assets, the creditor has the right to get his asset back provided the asset is still in its original condition and its value has not been repaid to the creditor.

Fourth: Imposition of a Fine on the Procrastinating Solvent Debtor

The Academy reiterates what has been stated in its previous resolution no. 51 (2/6), items (Third & Fourth) on "Installment Sale," regarding the prohibition of imposing a fine or stipulating compensation on procrastinating solvent debtor, while he could be burdened with legal expenses.

Fifth: Other Related Issues

The Academy sees a postponement of the discussion on the following issues regarding "Insolvency and Bankruptcy" to a later session:

1. Fiqh issues relating to the protection of Islamic financial institutions, including "Insurance of Debts" and "Commitment to"

2. Rulings on disposals of the bankrupt and the insolvent during period of

3. Rulings on the bankruptcy of Companies and Financial Institutions in the context of Contemporary Systems.

4. Issues relating to (civil) insolvency, because it is being observed that the term insolvency in man-made laws may sometimes comprise bankruptcy and insolvency in the Islamic Fiqh. Indeed, Allāh is All-Knowing.

## Resolution No. 187 (2/20)

### Cooperative Insurance: Shariah Rulings and Criteria

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy in this and previous sessions concerning Cooperative Insurance: Shariah Rulings and Criteria, Having reviewed the recommendations of the conference on Cooperative Insurance: Dimensions, Prospects and Shariah Status, organized by Academy in Amman, Hashemite Kingdom of Jordan, in collaboration with the University of Jordan, Islamic Educational, Scientific, and Cultural Organization (ISESCO) and Islamic Research and Training Institute of the Islamic Development Bank

Group, on 26–28 Rabī' al-Akhir 1431 (11–13 April 2010), Having listened to the discussions on the subject,

Resolves

First: The Academy emphasizes its resolution no. 9 (9/2) concerning Insurance and Reinsurance, that the fixed-premium commercial insurance contract used by commercial insurance companies is a muawada (compensation) contract which contains a high degree of gharar (uncertainty) to an extent that makes it invalid; it is,

therefore, prohibited according to Shariah. The alternative that conforms to the fundamentals of Islamic transactions is the cooperative insurance contract, which is based on donation and cooperation.

Second: Due to some problems that emerged in the practices of Islamic insurance companies, in addition to the legal, regulatory and supervisory issues these countries seem to be facing, an integrated conception on cooperative insurance need to be developed. Recommendations

First: Assigning to the Secretariat of the Academy, in collaboration with concerned research centers, the task of convening a committee of Fiqh scholars

and experts to formulate an integrated project comprising Shariah rulings and standards that constitute the bases of cooperative insurance, including its Shariah-acceptable forms, in order to facilitate sufficient resilience of application. Among such rulings and standards are the following:

1. Concept and essence of cooperative insurance in Islamic

2. Comparison between cooperative insurance and commercial insurance with regard to:

1. Comparison between Shariah-acceptable cooperative insurance and international principles of cooperation.

2. Comparison between Shariah-acceptable

cooperative insurance and principles of commercial insurance.

3. Identification and description of relationships between the parties of cooperative insurance, with particular emphasis on description of relationships among participants in the insurance fund, and relationship between the insurance base and the party entrusted with management.

4. Shariah rulings and criteria for assessment of remuneration of manager and insurance base.

5. Shariah rulings on insurance surplus and insurance deficit when they

6. Shariah criteria on participation in and withdrawal from the cooperative insurance base.

7. Shariah rulings on liquidation of the cooperative insurance

8. Shariah rulings and criteria on reinsurance.

9. Principle of profit and loss

10. Principle of "Substitution" and what relates to

11. Principle of bearing and issues relating to Second: The draft project which the committee will prepare should be submitted to the forthcoming session of the Academy for drafting a resolution in the light of previous paragraph.

Indeed, Allāh is All-Knowing.

## Resolution No. 188 (3/20)

### Pursuit of Research on Islamic Şukūk

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning the Pursuit of Research on Islamic Şukūk,

Having listened to the discussions on the subject,

Having reviewed the recommendations of the symposium on "Islamic Şukūk: Review and Assessment" organized by Academy in Jeddah, Kingdom of Saudi Arabia, at the premises of the Islamic Economics Research

Institute of King Abdulaziz University, in collaboration with the latter, and with the Islamic Research and Training Institute of the Islamic Development Bank Group, on 10-11 Jumada al-Akhira 1431 (24-25 May 2010),

Having considered the Academy resolution no. 178 (4/19) entitled, Islamic Şukūk (Tawriq): Contemporary Applications and Trading, issued in its 19th session, and other resolutions,

Having also listened to discussions on the subject,

Resolves

First: General Criteria

1. Islamic şukūk must achieve Shariah objectives regarding enhancing development,

supporting actual activities and achieving justice between the two dealing parties.

2. The şukūk contracts must achieve their true implications regarding Shariah and legal establishment of ownership and hence the consequent ability of disposal and bearing of liability. Contracts should also be free from tricks and fictitiousness and should bear assurances of leading to Shariah-acceptable

3. Şukūk documents must contain necessary mechanisms for controlling

their application, ensuring their freeness from tricks and fictitiousness and rectifying any probable defect in them. A periodical review should also be made to ensure the appropriate use of the şukūk proceeds

for their specific purpose and execute all contracts' requirements as desired by Shariah. 4. Islamic *shukūk* should reflect all key differences between them and interest-based securities concerning structuring, design and composition. Such characteristics should also be recognized in designing mechanisms of marketing and pricing of *shukūk*.

Second: Pledges

1. The *muḍārib*, partner or agent should not pledge to do any of the following:

1. Purchase of the *shukūk* or their assets at nominal or any other predetermined value, as such arrangement will lead to the guarantee of the capital or receipt of an amount of cash at present against repayment of a larger amount in the future. Cases of infringement and negligence are to be treated exceptionally because they necessitate a guarantee of *shukūk* holders'

2. Lending *shukūk* holders when actual return from *shukūk* is less than expected since such deal is classifiable either as combining loan and sale in one transaction or dealing in an interest-bearing loan. Nonetheless, it is permissible to allocate a reserve amount out of profits in order to make up for such probable return

2. It is permissible in Shariah to resort to hedging to mitigate capital risks in case of *shukūk* and the like, provided that hedging is arranged through cooperative or *takaful* insurance that complies with the rules of

Third: Lease of an Asset to its Seller

It is not permissible to sell an asset for cash on condition that the seller takes the same asset on lease under a pledge of ownership transfer, against a total amount (rent + price) that exceeds the cash price of the asset, regardless of whether such condition is explicit or implicit. A transaction of this type falls under the prohibited *Inah* sale, and hence, *shukūk* issuance on this form are not permissible.

Fourth: Lease of a Specified Asset to be delivered in the Future

1. It is permissible to lease specifically defined assets that are yet to be delivered, provided

that the lease is arranged in conformity with relevant Shariah rules, and, hence, such lease can be used as a basis for *shukūk*

2. This mode, however, faces some problems in two respects:

1. Shariah ruling on the postponement of rent amount beyond adjournment of *majlis al-'aqd* (attendance of the parties).

2. Shariah ruling on the trading of *shukūk* that are based on a lease of specified assets to be delivered in the

The Academy recommends that the Secretariat of the Academy forms up a team of scholars and experts to study this mode in the light of the preceding points and present a detailed study to the forthcoming session.

Fifth: Trading of Securities (*Shukūk*, Shares, Investment Funds Units, etc.)

1. When the underlying assets of the security are purely money or debts, the trading of security should be subject to rulings on exchange.

2. If the underlying assets of the security are purely tangible assets, benefits or rights, trading of the security can be as per price agreed upon.

3. If the underlying assets of the security are a mixture of money, debts, tangible assets, benefits and rights, there will be two cases:

1. The first case is when debts and money are attributable (follow) to what they should be attributed to (tangible assets, benefits, administrative apparatus and economic activity), and the securities embody ownership of what is followed (tangible assets, benefits, administrative apparatus and economic activity). In this case, it is permissible to trade the security irrespective of the ratio of debts and money in overall assets.

2. The second case is when such attribution (subordination) is nonexistent, and the security does not embody ownership of the followed components. Trading, in this case, is subject to rules of "predominance (majority)."

4. If the company or the project represented by the security is yet to start actual operation

or is under liquidation, security trading should be subject to the rulings based on predominance (majority) of (assets + benefits) versus (money + debts).

5. It has become apparent from the research papers submitted to the Academy that appendance could take place through ownership of the workshop, business or activity. It has also become apparent that the concept of predominance (majority) is of wide scope.

Therefore, due to the need for determining criteria relating to the concept of appendance as well as those relating to the concept of predominance (majority) and presenting the cases pertaining to each of the two concepts, the Academy recommends that the Secretariat of the Academy may convene a team of scholars and experts to study these two concepts in the light of the preceding points and submit a detailed study on them to the forthcoming session.

Sixth: Effect of the Academy Resolutions on Past Contracts

1. The Academy resolutions are applicable from the date of issuance without affecting contracts that precede them, including *shukūk* issued based on a Shariah-recognizable *ijtihād* (interpretative judgement).

2. It is incumbent upon Muslims to follow the purified Shariah guidance in all their affairs and deeds as much as they can because Allāh the Almighty said, «So fear Allāh as much as you can,» (Al-Taghābun, 16) and He also said, «On no soul doth Allāh place a burden greater than it bears.» (Al-Baqarah, 286) Having done this, Muslims will obtain forgiveness from Allāh the Almighty for what they cannot accomplish. Nevertheless, they should continuously work for overcoming any inability and surpassing the stage of necessity-based rulings, to make full use of the pearls of wisdom of Shariah and enjoyment of the righteous life of Islamic society under the divine teachings of Allāh the

Indeed, Allāh is All-Knowing.

## Resolution No. 189 (4/20)

### Pursuit of Research on Maintenance Contracts

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),  
Having examined the research papers

submitted to the Academy concerning the Pursuit of Research on Maintenance Contracts,  
Having listened to the discussions on the subject,  
Having recalled the Academy resolution no. 103 (6/11) on Maintenance Contracts,

Resolves

First: Reemphasizing the above Academy resolution no. 103 (6/11) that "a maintenance contract is a contract according to which one party undertakes to perform regular or casual checking and mending of any rectifiable defect that a machine or any other object needs



during a specific period against a specific pay.” The commitment of the maintenance provider may include work only or both work and materials.

Second: Forms of maintenance contracts, which the Academy resolved the postponement of issuing a resolution on them as per its previous resolution, remain

pending discussion in a forthcoming session after completion of more specific research and studies on them.

Indeed, Allāh is All-Knowing.

### Resolution No. 190 (5/20)

## Role of Fiqh Councils in Guiding Islamic Financial Institutions: Mechanisms and Modes

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People’s Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi’dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning the Role of Fiqh Councils in Guiding Islamic Financial Institutions: Mechanisms and Modes,

Having listened to the discussions on the subject,

Reiterates that Fiqh Councils, Academies, Islamic financial institutions and banks constitute one of the most outstanding achievements of the present era, Appreciates the outstanding role of Shariah Supervisory Boards and Islamic banks and financial institutions in reviving contemporary Islamic financial sys-

tem and building confidence in it, Emphasizes:

1. Necessity of cooperation between Shariah supervisory boards of Islamic financial institutions and Fiqh academies for coordination and exchange of views.
2. Necessity of cooperation among Shariah supervisory boards in Islamic financial
3. The Academy should render practical studies to consolidate the role of Islamic financial institutions in the application of Shariah and find suitable solutions for problems and crises encountered.
4. The Academy should prepare a comprehensive code to provide guidance for Islamic financial transactions.
5. The Academy reiterates item (1) paragraph (6) stated in its resolution 188 (3/20) that “Academy resolutions are valid from date of issuance without affecting contracts that precede them including sukūk issued based on Shariah-recognizable ijtehad(interpretative

judgement).”

Recommends

1. Continuation of dialogue with central banks and supervisory bodies in Muslim countries to enable Islamic financial institutions to perform their role in the economic life and national development within the boundaries of Shariah and in the way that suits the specialties of Islamic financial
2. Communication of Academy resolutions to all Islamic banks and financial institutions, educational institutions, and local and international centers of research and studies. The Academy resolutions should also be circulated among media and made accessible through social media.
3. Calling on Islamic financial institutions to adopt the resolutions of Fiqh Academies and Concils.

Indeed, Allāh is All-Knowing.

### Resolution No. 191 (6/20)

## Prisoners’ Rights in Islamic Jurisprudence

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People’s Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi’dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning

Prisoners’ Rights in Islamic Jurisprudence,

Having listened to the discussions on the subject,

Resolves

1. The Council of the Academy, in collaboration with experts from OIC Member states, should prepare a draft document on “Prisoners’ ”
2. Prisons in every member country should be under the supervision of an independent body that looks after prisoners’ rights. Close monitoring of prisons is also required with

punishment for any violation of these

3. Muslim countries should construct prisons according to standards that observe human rights and dignity. Designs of prisons must satisfy all specifications required for prisoners’ safety and fulfillment of prisoners’
4. Individuals should not be subjected to restriction of freedom except by a legal verdict issued based on judicial guarantees that ensure achievement of justice and avoidance of oppression and
5. Providing for economic empowerment of prisoners through rehabilitation and training to enable them to perform valuable handicrafts during and after their imprisonment periods. A prisoner should also receive fair pay for his work during imprisonment.
6. Providing guarantee of the prisoner’s right of social meeting with family members and friends known for their sound behaviour.

Meetings between a prisoner and his/her spouse should also be allowed under complete

7. Guarantee of all the rights that Shariah issued for prisoners, such as satisfaction of his need for decent food and clothing and other decent living
8. Prisoners should be enabled to perform their religious rites freely. They should be educated, especially in the field of religion, and given a chance for direct contact with preachers and counsellors inside the jail.
9. Limitation of punishments that restrict or eliminate freedom as much as possible. This could be done through invoking bodily and imprisonment-substitute punishments to ward off negative consequences of freedom
10. Minimization of provisional detention and all other forms of arresting to which governments sometimes resort without

judicial adjudication, and enactment of adequate legislation to ensure the protection of the rights of those who are to be arrested. Additionally, a maximum limit for provisional detention should be fixed.

11.Enactment of rules in all Muslim countries

for compensation of prisoners who are absolved from the charge. Such rules should also include compensation of prisoners who become victims of aggression and infliction of disciplinary action against aggressors.

12.Organization of orientation sessions

for prisoners and those who are in charge of prisons to enlighten them about their respective rights and duties as well as the punishment that would be inflicted upon the negligent or violating party.

Indeed, Allāh is All-Knowing.

### Resolution No. 192 (7/20) Capital Punishment from an Islamic Perspective

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning Capital Punishment from the Islamic Perspective, Having listened to the discussions on the subject,

Having recalled that Islam, with its ethical values based on the preservation of human rights as a core element, has played an influential historical role in keeping the application of the death sentence at a bare minimum level, at a time when other nations extensively adopted it. Such a fact is clearly manifested in terms of its legal maxims, which call for "immunity of human blood",

"warding off penalties with suspicions", and "desirability of prudence in deciding blood penalties",

Resolves

1.Capital sentence constitutes an element of the criminal justice necessary for protecting supreme interests of human societies, and is considered quite suited with the crime a felon commits according to Shari'ah Therefore, the suspicions raised against this punishment and calls for its absolute abolishment have no legal or intellectual justification.

2.Capital punishment is the act of depriving the criminal of the right of living by a fair judicial sentence.

3.A verdict of capital Punishment should not be decided unless it is verified through Shariah-acknowledgeable procedures that the criminal has committed a crime which makes him liable to it.

4.Capital Punishment can only be inflicted on the basis of an explicit legislative text derived from Shariah.

5.Sufficient guarantees must be provided to prevent severity in the execution of capital punishment or deciding it by mistake.

6.All possible safeguards should be adopted to mitigate crimes that entail capital punishment and, hence, leave no excuse for the criminal who becomes liable to it.

7.The suitable means through which capital punishment is to be executed is left to each Muslim country to decide within the boundaries of Shariah's general rules and objectives.

Indeed, Allāh is All-Knowing.

### Resolution No. 193 (8/20) Genetic Engineering and the Human Genome from an Islamic Perspective

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning Genetic Engineering and the Human Genome from an Islamic Perspective,

Having reviewed the recommendations of the 11th Medical Fiqh Seminar organized in collaboration between the Academy and the Islamic Organization for Medical Sciences of Kuwait on Genetic Engineering and Genetic Treatment from an Islamic Perspective in 1419h (1998),

Having listened to the discussions on the subject,

Resolves

First: Postponement of finalization of this subject to a later session of the Academy.

Second: The Council of the Academy is to organize a specialized seminar to discuss the subject in detail and submit its recommendations to one of the forthcoming sessions of the Council.

Indeed, Allāh is All-Knowing.

### Resolution No. 194 (9/20) Legal Evidence by Presumptions and Signs (Latest Updates)

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having examined the research papers submitted to the Academy concerning

Legal Evidence by Presumptions and Signs (Latest Updates), Having listened to the discussions on the subject,

Resolves

First: Definition of a Presumption

A presumption is an apparent matter that can be used for knowing an unknown matter.

Second: Types of Presumptions

A presumption is a broad concept that comprises several types based on different considerations. With the advancement of sciences through time, many new presumptions have been brought into use, including fingerprints in different types, photography, audio recording, electronic signature, electronic mails, and the likes.

### Third: Using Presumption

In principle, judicial judgement should not be founded except on Shariah- acceptable proof such as confession, testimony and oath. In the absence of proof of this kind, peremptory presumptions, whether textual or judicial, can be used. Therefore:

1. It is permissible to depend on new peremptory presumptions in proof- ing financial rights and other different offences, except hudud and qisas (punishments prescribed by Quran and Sunnah).
2. It is permissible to depend on presumptions in proofing contracts unless the contract in question includes what nullifies the presumption.
3. Non-peremptory presumptions may also be considered for proofing rights and the like, when there are other evidence that allay the judi- ary's

### Fourth: Genetic Imprint (DNA)

Scientifically, the genetic imprint (DNA) is a means that can hardly fail in the verification of biological fatherhood and identification of personality, especially in the field of forensic medicine. It sometimes goes up to the same level of sub- stantial presumptions that recognise the majority of Fiqh scholars in matters other than ḥudūd and qisās. In our present times, genetic imprint constitutes a vast development in the area of Fiqh known as qiyāfah (physiognomy), as the majority of scholars from the different Fiqh schools adopt it for verification of disputable descent. However, to be used as a piece of evidence, genetic imprints should be obtained from more than one laboratory.

Therefore genetic imprint can be adopted in the area of parentage verifica- tion, in those cases where the application of

qiyāfah (physiognomy) is preferable, including the following:

1. Cases of dispute about those who are of unknown parentage, as per the different forms mentioned by Fiqh scholars.
2. Cases of suspicion about newborns in hospitals and baby care centers and the like, as well as in vitro fertilization babies.
3. Cases of loss and mixing of children because of catastrophes and crises and inability to find their families, or when there are corpses of unknown people after war or any other accident.

Fifth: Genetic imprint cannot be used to negate parentage or be considered superior to the li'ān (mutual curse to deny or confirm adultery).

Indeed, Allāh is All-Knowing.

## Production of a Film in the United States, abusing the Ultimate Character of the Prophet Muhammad SAW

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 Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Noticed with great concern how the mal attitude of those who hate Islam has led them to the extent of producing a film in the United States of America to offend the supreme status of the great Prophet Muhammad SAW.

This act, which contradicts all the divine laws, international conventions and human values, constitutes a severe insult that reached the most sacred symbol of the Muslim Ummah, the Prophet Muhammad SAW, the messenger of mercy sent by Allāh the Almighty to humanity at large. Such behaviour would undoubtedly stir up feelings of disapprobation and denounce not only among Muslims, but also on

the part of anyone who has conscience. Needless to say, acts of this type do not at all serve the cause of peace and coexistence because extremism would lead to nothing but similar counteraction and undesirable consequences. The Academy while condemning this disgraceful act and unacceptable be- haviour as well as all other acts of those who have bad intentions, indicates the following:

First: Freedom is not an absolute value. It should always remain closely linked to responsibility so that the freedom of any individual or group would not go to the extent where it runs counter to that of others or hurt their moral or material rights, let alone going as far as to insult the sacred symbols and faith of a whole nation. The rationalization of freedom has repeatedly been empha- sized by the United Nation's General Assembly (UNGA). In the plenary session of the 59th Meeting of UNGA convened on 11 November 2004, a resolution was issued to encourage inter-religious dialogue. Among the main issues that were clearly reflected in that

resolution is the need to combat religions' defamation. The resolution also indicated that mutual advice and inter-religious dialogue constitute two fundamental dimensions of inter-civilizational tolerance and a culture of peace.

Furthermore, in the sixty-first session of the UN Human Rights Committee (UNHRC), reference was made to sufferings of Muslim minorities and sects in non-Muslim countries; the negative image of Islam propagated in the media; and the practices of adopting and enforcing rules that discriminate against Muslims and target them. UNHRC resolved the adoption of resolutions relating to combating defamation of religions and called upon countries to take strict actions to ban publication of ideas and materials that provoke racism and hatred of others; show hostility to any religion or its followers; or instigate discrimi- nation, enmity or violence.

Among the most important points, which the resolution brought into focus is that deliberate attempts to distort the image of religion are one of the main causes of



social discord and violation of human rights, as it negatively affects peaceful coexistence and mutual respect followers of different faiths.

Second: The Council of the Academy strongly reject selectivity in dealing with issues of Islam and Muslims and call upon leaders of the countries where these offensive deeds against Islam happen to take strict action to prevent their publication, rather than resorting to denunciation which has no actual effect of rectification and disciplining.

Third: The Council of the Academy calls upon leaders of Muslim countries to have firm positions against such practices and alerts leaders of concerned countries how such unacceptable acts could negatively affect the interests of their countries and the future of relationships between peoples and civilizations. Fourth: The Council of the Academy appeals to civil society organizations in the west and all noble and

conscientious people around the world to condemn this anomalous behaviour and rally behind civilizational values that preserve faiths and respect religious symbols. It also appeals to the UN to issue mandatory resolutions criminalizing any act of provoking hatred against Islam or defaming its sanctuaries and symbols.

Fifth: the Academy calls upon all Muslim organizations to refute these contentious attitudes. Nonetheless, demonstration of support to our great Prophet SAW should always stick to peaceful means and abidance by principles of Shariah, without aggressions against people or their properties, or attacks against diplomatic missions; we should honor commitments and conventions in compliance with Islamic values.

Sixth: The Council urges Muslims to commit themselves to follow the path of their Prophet SAW and demonstrate such

commitment in practice, in order to show his real message of carrying divine mercy to the world, and thus rectify the wrong image which the enemies and opponents of Islam try in vain to disseminate everywhere.

Muslims have no doubt that Allāh the Almighty Who is the All-Capable preserves His religion and that Islam will always remain victorious, despite the tendentious attacks that are launched against it. Allāh the Almighty said: «For sufficient are We unto thee against those who scoff» (Al-Hijr, 95), and He also said, «For he who hateth thee, he will be cut off (from future hope)» (Al-Kawthar, 3). And let our final prayer be that all praise is to Allāh, the Lord of all the worlds, and peace and blessings are to our Master Muhammad and His family and all His companions.

## Current Events in the Syrian Arab Republic

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 Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 20th session in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012),

Having watched the events that have been taking place in Syria for more than 18 months and the struggle of Syrian people for freedom, dignity and lifting of injustice, which started with peaceful demonstrations against a ruling regime that continued to face them with killing, assault and damage of property, Strongly condemns these brutal acts and

announces the following:

First: Its support to Syrian people in claiming freedom, dignity and pride.

Second: Emphasizes that the Syrian state should always remain united and denounces every call for discrimination, sectarianism, or division.

Third: Condemns all forms of brutal aggression, killing or torture against peaceful demonstrators, as well as demolishing of towns and villages and extermination of wealth and progeny.

Fourth: Calls upon the Syrian regime to stop all acts of aggression, murder and shedding of blood immediately and put an end to all manifestations of armed subdue.

Fifth: Calls for release of detainees as soon as possible.

Sixth: Call upon the Syrian regime to permit all relief organizations to cure the

sick, treat casualties and deliver food and medical aid to deservers.

Seventh: Urges the international community in whole to move for supporting Syrian people and preserving their welfare.

Eighth: Appeals to governments and people worldwide to expedite the provision of humanitarian relief, protection and support to Syrians who suffer the pains of seeking refuge, homelessness and injury.

And let our final prayer be that all praise is to Allāh, the Lord of all the worlds, and peace and blessings are to our Master Muhammad and His family and all His companions.

