



مُنظمة التعاون الإسلامي

Organisation of Islamic Cooperation  
Organisation de la Coopération Islamique

# ACADEMY NEWS 59



مجمع الفقه الإسلامي الدولي

International Islamic Fiqh Academy  
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A MONTHLY NEWSLETTER BY THE INTERNATIONAL ISLAMIC Fiqh ACADEMY | PUBLISHED IN ARABIC, ENGLISH AND FRENCH | Muharram 1447– July 2025

## Secretary General Presents Academy's Resolutions To HRH The Crown Prince of Brunei



His Royal Highness Prince Al-Muhtadee Billah ibni Hassanah Bolkiah, Crown Prince and Deputy Sultan of Brunei Darussalam, received His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy (IIFA), on Tuesday, 7 Dhul Hijjah 1446 AH, corresponding to 3 June 2025, in the capital Bandar Seri Begawan.

The audience was held within the framework of the Secretary General's official visit to the Sultanate of Brunei at the invitation of Sultan Sharif Ali Islamic University's international conference on "The Shafi'i Madhhab in the Digital Age". His Excellency expressed his profound gratitude for the warm welcome

and generous hospitality extended by the leadership and people of Brunei Darussalam. He highlighted the Sultanate's unwavering commitment to the promotion of the values of moderation, its support for the advancement of religious scholarship, and its encouragement of da'wah and scientific institutions across the Muslim world.

On this occasion, he presented a copy of the Academy's "Resolutions and Recommendations" (5th revised edition). The volume comprises a compendium of the Academy's jurisprudential and legal resolutions on contemporary issues of concern to the Ummah, adopted since its

establishment until the conclusion of its 25th session.

In turn, His Royal Highness expressed his appreciation for this distinguished gift and commended the Academy's pioneering role in consolidating the Ummah's jurisprudential authority, enhancing its unity, and advancing a balanced and moderate understanding of the noble Sharia.

This conference reflected the depth of scholarly and spiritual bonds between the Sultanate of Brunei and the Academy, and further strengthened avenues of cooperation in the service of Islam and the Muslim Ummah worldwide.

## At the Brunei conference, Secretary General declared “The Digitalization is Inevitable”

On Tuesday, 7 Dhul Hijjah 1446 AH (3 June 2025), His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, delivered the keynote address at the International Conference on “The Shafi’i Madhhab in the Digital Age”, hosted by Sultan Sharif Ali Islamic University (UNISSA) in Brunei Darussalam.

At the beginning of his address, he expressed sincere appreciation to the Government and people of Brunei for their warm hospitality and lauded the continued support of His Majesty Sultan Haji Hassanal Bolkiah for knowledge, moderation, and academic distinction. He also commended the organizers for selecting such a timely and relevant theme. He underscored the profound impact of digitalization on education and knowledge transmission, explaining that Islamic scholarly heritage, once confined to libraries and manuscripts, has, through modern technologies, become accessible to all with unprecedented ease. This transformation, he noted, provides unique opportunities to preserve and disseminate Islamic intellectual treasures, broaden access across cultures and languages, attract younger generations through interactive platforms, and enrich comparative research among various schools of jurisprudence.

While affirming that digitalization has become an inevitable reality, he cautioned



that it presents both opportunities and risks. He emphasized that it must be embraced with wisdom and discipline, so it strengthens rather than diminishes Islamic sciences. In this regard, he highlighted the inherent adaptability of Islamic jurisprudence, recalling Imam al-Shafi’i’s transition between his “old” opinions in Iraq and his “new” ones in Egypt as an example of the school’s dynamism and capacity for renewal. He also warned of the challenges of digitalization, including the prevalence of unverified content, the oversimplification of complex jurisprudential issues, persistent language barriers, and the weakening of the teacher-student bond due to overreliance on digital platforms. He cited Imam Al-Shafi’i’s timeless advice that knowledge can only be attained through six essentials: intelligence, eagerness, diligence, financial means, the companionship of a teacher, and the passage of time. Within this framework, he urged universities, particularly Islamic institutions, to integrate specialized courses that train students in the effective use

of digital resources, enabling them to analyse texts, study fatwas, compare juristic views, authenticate Hadith, and conduct scholarly research efficiently and rigorously.

Addressing the central question of the conference, he remarked that whether digitalization is a “friend” or a “foe” to the Shafi’i school depends entirely on its application: employed within sound scholarly frameworks, it enriches and safeguards knowledge; left unchecked, it risks spreading confusion and undermining rigor.

In conclusion, he called for strategic measures to ensure the quality of digital content, equip scholars and students with the skills to engage responsibly with technology, translate, and adapt classical works, and build platforms that merge authentic scholarship with modern tools. He stressed that digitalization is not a matter of choice but a reality that must be approached with wisdom, guided by the principles of the Shafi’i school and the spirit of renewal—so that the madhhab remains dynamic and influential in the digital age.



## IIFA and Sultan Sharif Ali Islamic University of Brunei Sign Cooperation Agreement



As part of his official visit to the Sultanate of Brunei Darussalam, His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, signed a scientific and academic cooperation agreement with Sultan Sharif Ali Islamic University (UNISSA). The agreement was signed on Wednesday evening, 8 Dhul Hijjah 1446 AH, corresponding to 4 June 2025, with His Excellency Dr. Nur Irfan bin Haji Zainal Abedin, President of the University, representing UNISSA.

The agreement seeks to strengthen collaboration in the fields of research and academic exchange, foster joint initiatives on contemporary jurisprudential issues, and

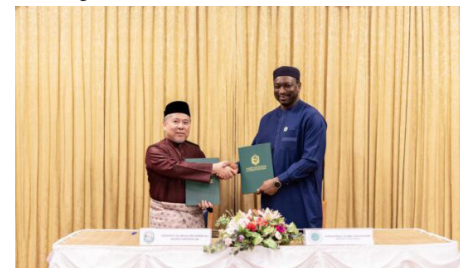
enhance the study of emerging questions and modern challenges. It also aims to build the capacities and skills of researchers in both institutions, particularly in the areas of Sharia and applied jurisprudence.

On this occasion, the Secretary General expressed his deep satisfaction at the conclusion of this agreement, describing it as a strategic milestone in expanding cooperation with leading universities and scientific institutions across the Muslim world. He commended Sultan Sharif Ali Islamic University for its distinguished academic standing and its pioneering contributions to the dissemination of moderation, balance, and authentic Islamic scholarship.

For his part, the President of the University expressed his pride in establishing this partnership, noting that the agreement will provide broad opportunities for students and researchers to benefit from the Academy’s rich jurisprudential heritage, especially its

Resolutions and Recommendations, which serve as a trusted reference on contemporary issues.

Following the signing ceremony, the Secretary General presented the University President with two of the Academy’s key scientific publications: the latest edition of “Resolutions and Recommendations of the International Islamic Fiqh Academy” and the “Glossary of Jurisprudence Terms”, authored by His Excellency himself. These works were offered in recognition of the University’s high scholarly standing and as valuable resources for its professors and students.





## Secretary General Meets Minister of Religious Affairs of Brunei Darussalam



During his official visit to the Sultanate of Brunei Darussalam, His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, met with His Excellency Prof. Dr. Haji Badli bin Haji Bashir, Minister of Religious Affairs of Brunei Darussalam, at the Ministry's headquarters in Bandar Seri Begawan, on Thursday afternoon, 9 Dhul Hijjah 1446 AH, corresponding to 5 June 2025.

The discussions focused on strengthening the existing partnership between the Academy and the Ministry in the areas of Islamic jurisprudence, intellectual development, da'wah, and training. Both sides also explored new avenues of cooperation, particularly in the joint organization of scholarly events

and specialized conferences addressing contemporary jurisprudential issues facing the Ummah.

On this occasion, the Secretary General expressed his profound gratitude to the Government of Brunei and the Ministry of Religious Affairs for their continued support of the Academy and their active participation in its sessions and conferences over the years. He underlined that this commitment reflects the Sultanate's steadfast dedication to advancing Islamic causes, serving the Muslim Ummah, and consolidating the Academy's role as a leading authority on contemporary issues. His Excellency further conveyed his deep appreciation to the Minister for the Ministry's initial readiness to host a future session of the Academy following Malaysia, stressing that this noble initiative is a clear testimony to Brunei's commitment to joint Islamic action and to the service of the Ummah in line with the higher objectives of Sharia.

For his part, His Excellency the Minister

warmly welcomed the proposal for Brunei to host upcoming sessions of the Academy and affirmed the Ministry's readiness to provide all necessary support to ensure their success. He emphasized that such sessions play a crucial role in promoting moderation, consolidating collective ijtihad, and strengthening the values of tolerance and peaceful coexistence across the Muslim world.

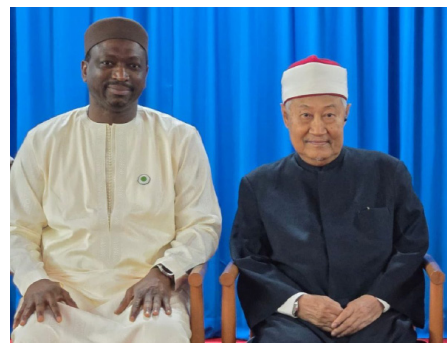
At the conclusion of the meeting, both parties expressed their shared determination to enhance coordination and deepen cooperation in pursuit of their common mission of serving Islam and Muslims worldwide.



## Secretary General Visits the Grand Mufti of Brunei Darussalam

His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, paid a courtesy visit to His Eminence Dr. Haji Abdul Aziz bin Haji Jinnah, Grand Mufti of Brunei Darussalam, at his office in Bandar Seri Begawan on Wednesday evening, 7 Dhul Hijjah 1446 AH, corresponding to 4 June 2025.

The visit formed part of the Secretary General's official program in the Sultanate, which aims to strengthen collaboration between the Academy and Brunei's religious and academic institutions, as well as to explore avenues for supporting joint initiatives in the fields of jurisprudence, Islamic thought,



da'wah, and fatwa.

During the meeting, His Excellency expressed his heartfelt gratitude to the Grand Mufti for the warm welcome and generous hospitality, commending the pioneering role of Brunei's Dar al-Ifta in entrenching the values of moderation, temperance, and raising public awareness of authentic Sharia rulings in various aspects of daily life. On this occasion, he presented the Grand Mufti with the latest edition of the Academy's publication "Resolutions and Recommendations of the International Islamic Fiqh Academy", underscoring that the work represents the fruit of decades of collective scholarly and legal efforts aimed at providing contemporary jurisprudential solutions aligned with the

higher objectives of Sharia and responsive to the challenges of modern life.

For his part, His Eminence the Grand Mufti commended the Secretary General and praised the Academy's outstanding contributions in unifying the efforts of Muslim scholars and jurists worldwide. He also expressed the readiness of Brunei's Dar al-Ifta to strengthen cooperation and coordination with the Academy in all areas that contribute to the service of Islam and the welfare of the Muslim Ummah.

The meeting was attended by senior officials from both sides, reflecting the shared commitment to advancing common goals in the service of religion, scholarship, and society.



## Secretary General Participates in Founding Advisory Panel for Singapore Islamic University Project



His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), took part in the inaugural meeting of the Advisory Panel for the Singapore University of Islamic Studies project on Tuesday, 28 Dhul Hijjah 1446 AH, corresponding to 24 June 2025, in Singapore's capital city.

The meeting was chaired by His Excellency Dr. Mohammad Faisal Ibrahim, Singapore's Minister for Home Affairs and Minister in charge of Muslim Affairs, who also serves as Chairman of the project's Advisory Panel. This gathering represented a landmark step in the establishment of Singapore's first Islamic higher education institution of its kind. The University is envisioned to prepare a new generation of Muslim leaders and scholars

who combine profound religious knowledge with contemporary intellectual awareness, offering two primary academic tracks: Islamic Sciences and Applied Social Sciences. The institution is scheduled to admit its first cohort of full-time undergraduate students in 2028.

The Advisory Panel assembled a distinguished body of eminent religious and academic leaders from across the Muslim world, including grand muftis, university presidents, and secretaries general of major Islamic organizations. Among them was H.E. Prof. Sano, who made substantial contributions to the deliberations by sharing thoughtful insights on the vital balance between the principles of Sharia and the requirements of modern realities. He emphasized the importance of designing curricula that marry authenticity with practicality while safeguarding the cultural and religious identity of Singapore's Muslim community. In his interventions, His Excellency underlined the necessity of investing in the development of scholarly expertise capable of sound ijtihad and adept at addressing

contemporary intellectual and social challenges through a Maqasid al-Shariah (objectives-based) approach. He further highlighted the indispensable role of regional and international academic cooperation in ensuring the success of this pioneering educational initiative, which aspires to embody the highest values of Islam in thought and practice.

At the close of the meeting, members of the Advisory Panel collectively stressed the urgency of advancing the design of academic programs and reinforcing partnerships with leading Islamic universities and institutes worldwide. The project, they affirmed, is destined to become a beacon of Islamic scholarship and intellectual renewal in Southeast Asia.



## Secretary General Stresses the Role of Artificial Intelligence in Fatwa Issuance Within the Framework of Sharia



During his participation in the inaugural Advisory Panel meeting for the Singapore Islamic University of Studies project, His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the International Islamic Fiqh Academy (IIFA), addressed the "Fatwa Workshop 2025" organized on 23 June 2025 by the Office of the Mufti of Singapore in collaboration with the Islamic Religious Council.

In his intervention, His Excellency underscored the promising potential

of artificial intelligence (AI) to support contemporary fatwa issuance. He noted that AI can greatly facilitate research by compiling classical and modern references, accelerating access to religious texts, and linking juristic maxims to emerging realities. Nevertheless, he cautioned against excessive reliance on AI without the supervision of qualified scholars, emphasizing that AI is neither capable of independent ijtihad nor competent to weigh conflicting evidences.

Prof. Sano affirmed that the issuance of fatwas remains the exclusive responsibility of duly qualified scholars who possess mastery of the Qur'an and Sunnah, a deep understanding of Maqasid al-Shariah (the higher objectives of Islamic law), and expertise in juristic differences. He described AI as a useful means of communication between questioners and muftis, but not a substitute for human

scholarship. Drawing an analogy with the medical field, His Excellency explained that issuing fatwas without scholarly qualifications is akin to practicing medicine without a license—both can lead to serious harm, whether spiritual or physical.

He further warned against individuals issuing fatwas on complex public issues such as economics, medicine, and environmental affairs, stressing that such matters should be addressed only by specialized juristic councils due to their profound societal impact and far-reaching consequences.

His remarks were warmly received by the workshop participants, who welcomed his balanced approach that encouraged harnessing technological innovation while preserving the authenticity, integrity, and scholarly rigor required in the issuance of Sharia rulings.



## Secretary General Hosts Farewell Ceremony Honoring Mr. Mohamed Adnan Ishmaou El-Fihri

In recognition of more than two decades of dedicated service and outstanding contributions to the Academy, His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, hosted a farewell ceremony in honor of Mr. Mohamed Adnan Ishmaou El-Fihri, Director of Administrative and Financial Affairs, on the occasion of his retirement. The event was held on Thursday, 24 Dhul-Qa'dah 1446 AH, corresponding to 22 May 2025, at the Academy's headquarters. During the ceremony, His Excellency conveyed the Academy's deepest gratitude and highest appreciation to Mr. Adnan



for his exceptional service and unwavering dedication throughout his career. He praised Mr. Adnan's significant and lasting impact on the financial administration of the Academy, noting the respect and admiration he earned from colleagues and all who had the privilege of working alongside him. His Excellency highlighted his sincerity, humility, loyalty, discipline, and strong work ethic, commending his vigilance in safeguarding the Academy's resources and his professionalism

in discharging his responsibilities. He emphasized that Mr. Adnan's departure marks a considerable loss for the Academy, leaving behind a void that will not be easily filled.

Concluding his remarks, His Excellency affirmed that the Academy will remain indebted to Mr. Adnan for his devoted service and expressed confidence that his relationship with the Academy will continue in the years ahead. He prayed that Almighty Allah preserve him as a source of strength for Islam and Muslims, abundantly reward his contributions to the Academy and the Ummah, and grant him continued success and well-being in all his future endeavors.

At the close of the ceremony, His Excellency presented Mr. Adnan with a commemorative shield as a token of appreciation and recognition. The ceremony concluded with a luncheon held in his honor, attended by all staff members of the Academy.



## IIFA Participates in CIBAFI Workshop on Governance and Compliance in Islamic Financial Institutions

Dr. Mohamed El-Amin Mohamed Sylla, Head of the Research Division at the International Islamic Fiqh Academy (IIFA), took part in a technical workshop on "Governance and Compliance in Islamic Financial Institutions," organized by the General Council for Islamic Banks and Financial Institutions (CIBAFI) on Tuesday and Wednesday, 28–29 Dhul Hijjah 1446 AH, corresponding to 23–24 June 2025. The workshop aimed to update participants

on the latest practices and standards in governance and compliance within the Islamic finance industry. It also sought to enhance participants' knowledge of governance principles in light of Shariah regulations and to define the objectives of effective supervision in Islamic financial institutions. The event gathered a select group of experts and professionals specializing in the field.



## 52nd Periodic Meeting of Divisions

His Excellency Prof. Koutoub Moustapha Sano, Secretary General of the Academy, presided over the Academy's fifty-second regular monthly meeting on Thursday, 12 Shawwal 1446 AH, corresponding to 10 April 2025.

At the outset, His Excellency welcomed the staff, extended Eid Al-Fitr greetings, and expressed gratitude to Mr. Al-Moez Al-Riyahi for performing the duties of Acting Secretary General. He also congratulated two staff members, Dr. Manta Drameh and Dr. Abdullah Omar Al-Tamimi, on successfully earning their doctoral degrees, praying that these academic achievements strengthen



their contributions to the Academy and the Ummah. His Excellency then briefed attendees on the fruitful discussions held between the Academy's delegation and officials of the Ministry of Islamic Affairs and Awqaf in Qatar regarding final preparations for the Academy's upcoming session. He

also expressed appreciation to Mr. Hassan Ibrahim Kamit, Director of the Department of Sessions and Conferences, for his tireless efforts with the Qatari Ministry's team, which resulted in the unprecedented early completion of printing all research papers for the session.

The meeting concluded with decisions including:

- Revising the Academy's website and updating the digital version of the Resolutions.
- Repairing the lighting of the Academy's headquarters and inspecting the national flags.

## 142nd Weekly Meeting of Departments

On Monday, 28 Dhul-Qa'dah 1446 AH, corresponding to 26 May 2025, His Excellency Prof. Koutoub Moustapha Sano chaired the 142nd weekly departmental meeting at the Academy's headquarters in Jeddah.

He began by paying tribute to Mr. Mohamed Adnan Ishmaou El-Fihri, the former Director of Administrative and Financial Affairs, in recognition of his two decades of loyal service to the Academy, and prayed for his continued health and success. His Excellency also congratulated Mr. Khalid Hamid Al-Ahmadi upon his appointment as the new Director of



Administrative and Financial Affairs, praying for his success in fulfilling his duties.

The Secretary General further updated attendees on preparations for the 27th session to be hosted in Malaysia, noting that he

would meet with Malaysian officials during his visit to Malaysia to finalize scientific, administrative, and logistical arrangements. The meeting reviewed earlier resolutions and adopted new decisions, notably:

- Confirming the agenda and total number of participants for the upcoming 27th session.
- Preparing creative designs for the Academy's introductory brochure and the Waqf Trust brochure.
- Updating the Academy's website, including photos, flags, and biographies of scholars.

## 69th Periodic Meeting of Divisions

His Excellency Prof. Koutoub Moustapha Sano chaired the Academy's sixty-ninth periodic meeting of Heads of Divisions on Thursday, 6 Safar 1447 AH, corresponding to 31 July 2025, at the headquarters in Jeddah. He acknowledged accepting the resignation of Mr. Jawzi Lardjane, extending sincere appreciation for his valuable contributions and wishing him continued success in his future endeavors.

The meeting concluded with a series of important resolutions, including:

- Updating and redesigning the Academy's brochures to be used in official gift packages, scanning the guestbook, and creating a new website section titled "What They Said About the Academy."

• Distributing the Academy's publications and the 5th edition of the Book of Resolutions to partner institutions, permanent missions, consulates, embassies, universities in the Kingdom of Saudi Arabia, the Organization of Islamic Cooperation, the Council of Senior Scholars, and the Presidency of Religious Affairs.

• Continuing to publish video content on the Academy's official YouTube channel and updating portraits of current and former Secretaries General and members.

• Completing the printing of previously pending newsletter editions.

• Disbursing translation fees for the Turkish edition of the Book of Resolutions to the Academy's representative from Türkiye.



- Uploading digital versions of the Book of Resolutions in non-Arabic languages on the official website by 6 August 2025.
- Coordinating with specialized translators to prepare translations of the Book of Resolutions into Russian, Chinese, Portuguese, and Fulani.
- Selecting the most suitable offer for printing the Turkish edition of the Book of Resolutions.

## 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 21st Session of the Council of the International Islamic Fiqh Academy Riyadh, Kingdom of Saudi Arabia 15–19 Muḥarram 1435 / 19–22 November 2013

### Resolution No. 195 (1/21) Hedging in Financial Transactions

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013), Having examined the research papers

submitted to the Academy concerning Hedging in Financial Transactions, Having listened to the discussions on the subject, Resolves Postponement of issuing a resolution on this

subject to allow time for preparation more research and studies covering of hedging in Islamic financial institutions and the Shariah-acceptable alternatives of conventional hedging. Indeed, Allāh is the Giver of Success.

### Resolution No. 196 (2/21) Pursuit of Research on Islamic Ṣukūk

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013), Having examined the research papers submitted to the Academy concerning the Pursuit of Research on Islamic Ṣukūk, particularly on the following issues:

- Shariah ruling on postponement of rent in a specific but non-existing Ijārah asset (lease)
- Shariah ruling on trading specific Ijārah bonds before identification of subject matter of the contract.

- “Attribution (Subordination)” and “Predominance (Majority)” Criteria and

Having listened to the in-depth discussions on the subject,

Resolves

First: Shariah Ruling on Postponement of Rent in a Specific but Non-Existing Ijārah Asset

1. In leasing usufructs, which the lessee is to obtain in the future, rent can be paid instantly, in installments or deferred.
2. In leasing usufructs, which the lessee is to obtain in the future, rent does not become due until the lessee is given full access to such If the lessee is not enabled to obtain the benefits during the period agreed upon, rent does not become due.
3. In the hiring of services (which involve work), Ujrah (service price) can be paid in advance, in

installments, or deferred.

4. These rulings on the postponement of rent should by no means be used for practicing Shariah-banned acts like “sale of debt for another debt”, “earning of profit without provision of guarantee”, and “sale of unowned”

Second: Shariah Ruling on Trading of Specific Ijārah Bonds before Identification of Contract Subject Matter

1. The Academy reaffirms its resolution 188 (3/20).

2. It is not permissible to trade bonds of future Ijārah assets before identifying the asset from which benefit is to be obtained.

3. It is not permissible to trade ṣukūk of services that are yet to be delivered unless the party from whom the services will be obtained is identified. Ṣukūk, in this case, are untradeable except with full abidance by Shariah norms on disposing of debts. When the party from whom services are to be obtained is identified, ṣukūk becomes

4. It is not permissible to trade ṣukūk, that represent assets to be manufactured by an Istiṣnā contract and are leased before the actual commencement of manufacturing.

Third: Some Cases of Ṣukūk issuance

1. The Academy reaffirms its resolution 188 (3/20).

2. If ṣukūk represent assets of a project or a specific economic activity and comprise tangible assets, money, debts and benefits, they become subject to item [3 – (a)] of Clause (Fifth) of resolution

188 (3/20), as follows:

1. It is not permissible to issue ṣukūk or units in investment funds or portfolios comprising physical assets, usufructs, debts and money whereby the debts and money are independent from the physical assets, usufructs and principal administrative body or economic

2. If ownership of the ṣukūk or units holders comprises the administrative apparatus and the economic activity that generates money and debts, and if such ownership is under an independent Shariah and legal entity, then it becomes permissible to issue and trade ṣukūk or units based on the principle of

3. Economic activity referred to in the preceding item is the business that generate debts and money in a Shariah-compliant

3. The Academy reiterates item (1) clause (6) of its resolution no. 188 (3/20) that “the Academy resolutions become effective from date of their issuance without affecting contracts that precede them including ṣukūk issued based on Shariah-recognizable ijtihād (interpretative judgement).”

4. Regarding the two principles of taba’iya (attribution/subordination) and

ghalabah (predominance/majority), the Academy is of the view that issuing resolutions on them should be postponed to a later session and recommends mobilization of more research on the two subjects.

Indeed, Allāh is All-Knowing.



## Resolution No. 197 (3/21)

### Criminal Liability of Vehicle Drivers for Excessive Speed or Carelessness

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having examined the research papers submitted to the Academy concerning the Criminal Liability of Vehicle Drivers for Excessive Speed or Carelessness,

Having listened to the in-depth discussions on the subject,

Having recalled the importance of paying the necessary attention to this subject, given the significant increase in vehicle accidents and their harmful effects on individuals and societies,

Resolves

First: Reaffirming the Academy resolution no. 71 (2/8) issued in Academy's 8th Session held

in Bandar Seri Begawan, Brunei Darussalam, on 1–7 Muḥarram 1414h (21–27 June 1993) on "Traffic Accidents."

Second: Traffic rules are enacted to preserve public interest and therefore must be observed.

Third: It is prohibited for vehicle drivers to drive in a way that could lead to harm for himself or others and should guarantee any harm he causes to others. Dangerous acts of vehicle drivers include, for instance:

1. Crossing of signal court during red
2. Excessive speed
3. Using the vehicle as a means of showoff (tafhīt/ drifting) and unlawful car chases.
4. Neglecting vehicle maintenance or driving carelessly, to the extent that could lead to harm.

When a vehicle driver behaves in a manner that causes bodily or any other less serious

harm to others, the vehicle driver is chargeable with ensuing liability while his felon may be considered purposeful, semi-purposeful or by fault

subject to the specific case in question. The competent authority has the right to decide the ta'zīr (discretionary punishment) to which he is liable.

Recommendation

Relevant authorities and bodies in {OIC} Member states shall disseminate awareness about the importance of abiding by traffic rules and the evil consequences to which individuals and societies become vulnerable to the violation of such rules.

Indeed, Allāh is All-Knowing.

## Resolution No. 198 (4/21)

### Transmutation, Dilution, and Additives in Food and Medication

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having reviewed the recommendations of the Medical Fiqh Symposium on the Islamic view towards some Health Issues, organized in Casablanca on 8–11 Šafar 1418h (14–17 June 1997) by the Islamic Organization for Medical Sciences (IOMS) of Kuwait, in collaboration with the Academy, and with the participation of Al Hasan II Foundation for Scientific & Medical Research on Ramadan, the Islamic Organization for Education Science & Culture (ISESCO), and the Regional Office of the World Health Organization (WHO),

Having listened to the in-depth discussions on the subject, especially on Transmutation (Istihālāh), Dilution (Istihlak) and Additives in Food and Medication,

Resolves

First: Observation of Shariah rules is incumbent upon every Muslim, especially in areas of food and medicine, in order for a Muslim to make sure that his food, drink and medicine are immaculate. Among the uncountable manifestations of the mercy of Allāh the Almighty is the ease and facilitation He made His servants enjoy when following His directives by offering them many permits in case of necessity or need. This is clearly indicated in several Fiqh maxims such as "Necessities Permit the Forbidden",

"Need, whether public or private, can be treated as a necessity", and "Benefits are permissible in principle unless a proof about their prohibition is established." Likewise, things are immaculate in principle unless a proof about their defilement is established, and prohibition of eating or drinking something does not mean that it is impure in Shariah.

Second: Substances that are prohibited or considered as defiled on their own, or when added to food or medicine, change into Shariah-permissible substances through one of the two following methods:

1. Istihala (Transmutation)

In Fiqh terminology, Istihala (transmutation) means "occurrence of real change in a defiled or prohibited material leading to its conversion to another material that differs from the original one in name, characteristics and attributes." In general scientific terminology, this is taken to mean any complete chemical interaction such as the transmutation of oils and fats of different types to soap, and decomposition of material to its original components, as in the case of dismantling oils and fats to acids and fatty glycerin.

As chemical interaction can be done intentionally through scientific means and techniques, it can also take place – invisibly – as per the forms that Fiqh scholars have indicated, including for instance, pickling, tanning and burning. If chemical interaction is partial, it is not considered transmutation and, therefore, if the material in

question is defiled initially, it remains as it is and should not be used. Accordingly:

1. Added composites that come from a prohibited or defiled animal origin and undergo transmutation as indicated above are considered immaculate and can permissibly be used as food or medications.

1. Chemical composites extracted from defiled or prohibited origins like spilt over blood and sewage, and in which transmutation in the previously indicated form does not take place, cannot be used as food and Such materials include foodstuffs to which spilt over blood is added like: blood-stuffed sausage, black pudding, blooded hamburger, baby food containing blood, blood doughs, blood soup and the likes; and are considered as defile and prohibited because they contain spilt over blood that does not undergo transmutation.

As for blood plasma, which constitutes a cheap substitute of egg's white, it is permissible and quite different from blood in terms of name, characteristics and attributes and therefore does not fall under the same ruling. Blood plasma is typically used in pies, soup, sausage, and hamburgers, in addition to different types of doughs such as cakes, biscuits, pudding, bread, milk products, and baby foods and medicine. It may also be added to flour.

1. Istihlak (Dilution): The Academy sees its postponement for further

Recommendations

1. Importance of using skins and bones of



slaughtered animals for extraction of gelatin to be used in food and medicine, and thus avoid waste of livestock resources and ward off suspicion of using materials generated from Shariah-prohibited sources.

2. Calling on concerned officials in Muslim countries to ensure abidance by Shariah-

acceptable terms and specifications in medicine and food industries, including raw materials used and manufacturing methods.

3. Competent authorities in Muslim countries should oblige companies which produce and import conserved foods to clearly indicate in national language the detailed ingredients of the unit of any product of this

4. Calling upon IOMS – Kuwait to closely monitor new developments in areas of food and medicines, and organize seminars in cooperation with the Academy for studying such developments and indicating Shariah position regarding them. Indeed, Allāh is All-Knowing.

## Resolution No. 199 (5/21)

### Depiction of Prophets and Companions in Artistic Works

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having examined the research papers submitted to the Academy concerning the Depiction of Prophets and Companions in Artistic Works, Having listened to the in-depth discussions the subject,

Resolves

Postponement of discussion on the subject to a later session to allow time for conducting further research and studies on the subject.

Indeed, Allāh is the Giver of Success.

## Resolution No. 200 (6/21)

### Shariah Rulings and Standards for the Foundations of Cooperative Insurance

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having reviewed the recommendations of the scientific seminar on Shariah Rulings and Standards for the Foundations of Cooperative Insurance, organized by the Academy in Jeddah, Kingdom of Saudi Arabia, on 20–21 Jumādā al-Ākhirah 1434h (30 April – 1 May 2013) in response to Academy resolution no. 187 (2/20), issued at 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 listened to the in-depth discussions on the subject,

Resolves

Cooperative insurance is a new contract based on the principle of cooperation which, in its turn, is governed by criteria and standards derived from the guidance of the Quran and Sunnah (Prophetic Tradition).

Insurance, in general, is divisible into two types:

1. Commercial insurance aims to achieve gain to insurance holders through compensation for risks, while from the standpoint of the managing company, it aims to achieve

2. Non-commercial insurance does not aim to achieve profit but to serve the interest of its participants through mutual contribution to the bearing of

The second type of insurance has several denotations, including cooperative insurance, takaful insurance, reciprocal insurance and Islamic insurance.

There are essential differences between

cooperative insurance and commercial insurance of which most important are the following:

1. Islamic cooperative insurance is a form of cooperation between members of a group or several groups in the society through mutual contribution

to risk-bearing without seeking profit. Therefore, it does not constitute a muawada (compensation) contract, and the degree of gharar (uncertainty) it involves is forgivable. Contrarily, commercial insurance is a muawada (compensation) contract that aims to generate profit through compensation for shifting risks from insurance clients to insurance companies. Therefore, commercial insurance is subject to the rulings on compensatory financial dealings that are affected by gharar.

2. The parties of the relationship in cooperative insurance are the total number of participants in the cooperative insurance fund and the managing party, while in commercial insurance, they are the company and the

3. In cooperative insurance, there is a fund containing assets that comprise policyholders' contributions, profits generated from investment of contributions, and reserves, whereas there is no such fund in commercial

4. In cooperative insurance, the management company assumes the task of managing the coverage and insurance business, besides investment of insurance funds. In contrast, in commercial insurance, the insurance company is the insurer who owns the insurance premiums, insurance profits and surplus.

5. Policyholder and insurer in cooperative insurance are the same person with two different legal considerations, contrary to commercial

insurance, where they are entirely different entities since the participant is the insurance client and the insurer is the insurance company.

6. Management in cooperative insurance, whether an elected body from the participants, a specialized company or public institution, is an agent that assumes contracting on behalf of participants' (policyholders) fund and has the right of receiving payment for that, while in commercial insurance management is a principal party who performs contracting on its

7. The managing company in cooperative insurance does not own the insurance premiums (contributions) because premiums are owned by participants' (policyholders) fund, but in commercial insurance, the company owns the insurance premiums against its commitment to provide compensation in case of injury.

8. In cooperative insurance, the remainders of the premiums and their returns – after deduction of expenses and compensations – remains owned

by and in the fund accounts. It constitutes the surplus, which regulations of the fund indicate the way of disposing of it. This can never happen in commercial insurance where the company owns the premiums contractually and in terms of actual possession. That is to say, in commercial insurance, premiums represent revenue and profit for the insurance company.

9. In cooperative insurance, returns on investment of premiums – after deduction of management costs which go to managing company – belong to the policyholders' fund, while such returns belong to the insurance company in commercial insurance.

10. On liquidation of the cooperative

insurance fund, its assets are either spent on charitable purposes or distributed among participants instantly (as indicated in detail in clause 13 hereafter), where such assets go to shareholders in commercial insurance.

11. In cooperative insurance, the company is bound to observe relevant rules of Shariah and fatāwa (Shariah Opinions) of its Shariah Board, a situation which is irrelevant to commercial insurance.

12. Cooperative and commercial insurance are similar in consideration of the basic principles of insurance, including:

1. Principle of Insurance Interest: This is the legal right of insurance that stems from a legally recognized financial relationship between the insurance client and the subject matter of insurance.

2. Principle of Good Faith: means the positive and voluntary duty of strict and perfect disclosure of all essential facts relating to the risk insured against, whether such facts are requested or not.

• Principle of Close Direct Cause: This refers to that adequate cause that is sufficient to set in force a series of incidents constituting the cause of the result that originates from them, without the invention of any other factor stemming from an independent new source and breaking the series.

1. Principle of compensation.

2. Principle of participation.

3. Principle of Substitution and Rights.

Cooperative insurance also has its own distinguishing principles, which include:

1. Abidance by rules and principles of Shariah in all transactions and

2. No insurance for Shariah

3. Avoidance of any transaction that involves receipt or payment of ribā (usury).

The following is an overview of the most important foundations and principles of Islamic cooperative insurance:

Clause (1): Definition

Cooperative insurance is the participation of a group of people who face certain risk(s) agree that each of them contributes a specific amount, based on cooperation, to a non-profit fund that is to be used for compensating anyone of them for the harms he would encounter when the risk in question materializes, as per signed contracts and adopted regulatory legislations.

Clause (2): Forms of Cooperative Insurance Management

Cooperative insurance is managed by an independent licensed body that works in compliance with the rules of Shariah and may take one of several forms of which most notable are the following:

1. A selected panel of policyholders.

2. A specialized insurance management

3. A Public institution established by and report to a state or number of

Clause (3): Relationship between Insurance Fund and Management

Relationship between insurance fund and the managing party is as follows:

1. Regarding management of insurance business: relationship is according to agency contract, with or without

2. Regarding investment, the relationship is governed by either an agency or a muḍārabah contract. When an agency contract is used, the agency can be against pay or not. When using muḍārabah, the managing party is entitled to a share in the profit as per the agreement, whereas loss is borne by the capital owner, except in case of negligence or default or breach of conditions or regulations.

Clause (4): Pay for Management

Pay for management takes one of two forms:

1. When cooperative insurance business is managed according to rulings of the agency contract, pay for managing party can be a lump sum or a given percentage of contributions.

1. When management of investment assets of participants' fund is arranged through muḍārabah, the muḍārib (managing party) is entitled to a given percentage of the profit, whereas if the investment is according to agency contract, pay could be a lump sum or a given percentage of invested

Clause (5): Ownership of Contributions and Returns on their Investment

Contributions and net returns on their investment are considered the rights of cooperative insurance fund, whereas the rights of policyholders in the fund are determined according to the insurance system and entitlement conditions regarding compensation and insurance surplus.

Clause (6): Remuneration of Insurance Business Managing Party

Remuneration or pay for insurance business management is estimated subject to fair criteria set by an independent body such as an institution of insurance supervision or through negotiation between representatives of the fund or any party chosen by participants to oversee their interests and the managing party.

Clause (7): Responsibility of the Fund:

The cooperative insurance fund bears any losses, whether in investment or in insurance activities, except when such losses originate from negligence, default or breach of conditions or regulations by the managing party, who should bear them in such case.

Clause (8): Insurance Surplus of the Fund

Insurance surplus is the financial balance that remains from collected contributions in addition to its investment returns and any other revenues, after payment of compensations and deduction of necessary allocations and reserve balances, as well as all due expenses and outstanding commitments of the fund.

The entire insurance surplus can be retained in the fund or distributed, totally or partially, among policyholders in a way that achieves justice and conforms to regulations of the fund.

Clause (9): Cooperative Insurance Fund Deficit and its Cases

In case of failure of cooperative insurance fund to pay its due commitments, the managing company may resort, without commitment, to one or more of the following actions:

1. Borrowing from a third party

2. Provision of qard ḥasan (benevolent free loan) from the managing party.

1. Increasing the amount of contribution after the consent of participants

2. Agreement with compensations' beneficiaries to reduce their amounts or pay them in installments.

The managing company may also resort to any other arrangements it deems suitable after clearance by the fund's Shariah Board.

Clause (10): Reinsurance

1. It is permissible for the cooperative insurance company to conclude reinsurance contracts, taking into consideration that the reinsurance transactions it takes part in by virtue of such contracts conform to rulings of Shariah and basic principles of cooperative insurance as decided by its Shariah Supervisory Board.

2. Cooperative insurance companies should be committed to doing all their reinsurance arrangements with Islamic reinsurance companies. When it is impossible, for reasonable justifications, to observe such commitment, they may conclude reinsurance contracts with conventional reinsurance companies to the extent of their real needs and in conformity with the criteria set by Shariah boards and any other criteria they deem suitable, including the following:

1. Cooperative insurance companies should keep the ratio of conventional reinsurance coverage at the minimum

2. Managing party should not direct reinsurance premiums paid to the cooperative insurance company to any type of investment that does not comply with rules and principles of Shariah. Further, the managing party should neither claim a share in the returns on investments of conventional reinsurance companies nor should it accept to bear any portion in the losses incurred by investments of these companies.



3. Cooperative insurance companies should not pay or receive any interest relating to their reinsurance arrangements with conventional reinsurance. Additionally, reinsurance funds should be kept with cooperative insurance companies rather than with conventional reinsurance companies.

4. Agreement with conventional reinsurance companies should be for the minimum possible period.

Clause (11): Shariah Compliance

Cooperative insurance management should comply with the rules of Shariah in all insurance operations, activities and investments.

Clause (12): Shariah Supervision

A cooperative insurance company should appoint a Shariah supervisory board and a Shariah audit body as has been stated in the Academy resolution no. 177 (3/19) on Role of Shariah Supervision in Controlling Islamic Banking Business (Significance, Conditions and Modus Operandi). Appointment and operation of this Shariah board should be subject to the approval of the central Shariah supervisory body, if any.

Clause (13): Fund Liquidation

When a cooperative insurance fund is liquidated, its assets can be channelled into charitable purposes or distributed among participants according to fair bases after meeting its technical and legal commitments subject to the regulation of the fund and under supervision of the public authority of Shariah supervision. The fund manager, in this case, is not entitled to any share of the assets.

Clause (14): Disputes Resolution

Disputes that arise between the cooperative insurance company and policyholders should be dealt with according to prevailing regulations and laws, starting from reconciliation, then arbitration, and finally resorting to a competent judiciary body.

Clause (15): Relationship between Participants of the Cooperative Insurance Fund

The relationship between participants of the fund is a form of cooperation in which a group of people agree to contribute specific amounts so that the proceeds of their contributions be used in compensation for harm or realization of interest to any one of them when the need arises. Such cooperation is based on forgiveness, equality and permissibility of benefiting from the rights of each other, rather than on reciprocal compensation, stinginess, and drive for profit. Therefore, a lot of gharar can be excusable under this type of arrangement, which also has nothing to do with ribā. Several instances to substantiate this fact can be quoted from Shariah, such as:

First: The divine order to cooperate in the cause

of righteousness and piety. In this regard, Allah the Almighty says, «Help ye one another in righteousness and piety, but help not ye one another in sin and rancor.» (Al-Mā'idah, 2)

Second: The Ḥadīth of the Asharis (Prophetic tradition about the Ashari

people) narrated by Abū Mūsā al-Ashari رضي الله عنه who told that the Prophet SAW said, "When the Asharis encounter food shortage during invasion, or have insufficient food stocks for their families in Madinah, they used to collect and pile up all the food they have on a piece of cloth and divide it equally among themselves. (Therefore) Asharis are my people, and I am one of them." [Agreed upon]

Commenting on this ḥadīth, Imam al-Nawawī said,

In this ḥadīth there is the virtue of the Asharis, the virtue of altruism and consolation, and the virtue of sharing food supplies during travel as well as in urban communities when there is food shortage. The ḥadīth does not refer to "Division" as it is known in Fiqh writings with all its conditions, its prohibition in ribāwiyāt (ribā-liable commodities), equality requirement and the like. What the ḥadīth seems to refer to is permissibility among the Asharis (to get equal shares) and their consolation to each other with what they had. (Al-Nawawī's Commentary on Ṣaḥīḥ Muslim, 16/62)

Third: Nahd or Munahada (Sharing): Imam al-Bukhārī indicated the concept of Nihd in the form of a long title as follows: Chapter on Sharing, Sharing in Food, Nahd and goods and how a commodity that should be measured in terms of weight or volume is divided by rough estimate or by handful, when Muslims saw no harm that one eats some and another eats some of their footstock, and also using rough estimate in dividing gold and silver, or eating two dates at a time. What is meant here is the contribution of a group of travellers to all travelling expenses and dividing such expenses among them.

Ibn Ḥajr al-'Asqalānī also indicated that Nihd or Nahd refers to equal sharing of sustenance items while on travel. He further elaborated that usually, sharing comprises a multitude of items, among which are food items, including ribā-liable commodities. Yet, according to al-'Asqalānī, ribā restrictions on exchange of ribā-liable commodities is forgiven in the case of Nihd, because proof of Nihd permissibility is well established. (Fatḥ al-Bārī, 5/128)

Clause (16): Fund Autonomy

Cooperative insurance fund should be independent and may comprise other donations besides those of participants. Independence of the fund can be ensured by granting it a legal

personality decided by law or through complete separation of its accounts from those of the managing party. Alternatively, a charitable cash Waqf can also be established based on the permissibility of such type of Waqf.

Clause (17): Withdrawal from Fund

Cooperative insurance policy regulates cases of withdrawal according to regulations, conditions and criteria cleared by Shariah Board, without inflicting any harm on others.

Clause (18): Contribution to Insurance Fund

1. Contribution is determinable according to actuarial principles based on statistical techniques, with due consideration to whether the risk is constant or variable. The determination process would also involve applying the principle of proportionality between contribution and risk itself and taking into consideration the type and period of contribution, as well as the amount of insurance

2. The risk insured against must be of probable occurrence, rather than just relating to the will of the insurance client, and should not relate to a prohibited

Clause (19): Substitution

Fund management substitutes participant it compensates for injury inflicted upon him in suing harm inflictor in all lawsuits and rights, and the proceeds thus collected goes to the fund.

Clause (20): Bearing Part of Liability

It is permissible to stipulate in the insurance policy that the insurance client has to bear a lump sum or a percentage of compensation amount for harms that others inflict upon him or those he inflicts upon others.

Clause (21): Ownership of Premiums

It is permissible for the fund to own contributions, and in that case, policyholders will no longer remain owners of their contributions as soon as they pay them. In this case each, the policyholder is considered to have assigned his right of owning his contribution to the fund. One of these two options, of owning or relinquishment, of the right in contribution should be explicitly mentioned in insurance policy.

Recommendations

1. Communication of these rulings, bases and conditions to concerned parties in Muslim countries, especially those responsible for issuing rules and regulations, cooperative insurance companies and other interested

2. Operationalization of what has been stated in the Academy resolution 480

1. 177 (3/19) concerning call upon Muslim countries to establish central supervisory bodies to oversee the activities of supervisory boards of Islamic financial institutions and cooperative insurance companies.

2. Call for establishment of an international Shariah board under the supervision of the Academy with the participation of landmark institutions of the Islamic financial industry including:

- o Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI).
- o Islamic Development Bank Group (ISDB).
- o Islamic Financial Services Board (IFSB).
- o General Council for Islamic Banks and Financial Institutions (GCIBFI).

Among the essential functions of the proposed board is the issuance of Shariah standards that regulate cooperative insurance and Islamic bank-

ing activities, getting such standards ratified by the Academy and facilitating their adoption by supervisory and regulatory bodies as the laws that govern the work of Islamic financial institutions. The IsDB and the Secretariat of the Academy may coordinate for developing the detailed proposal on the working modalities of the board.

4. The Secretariat of the Academy should mobilize more studies on some issues of cooperative insurance, including:

- o Presentation of international experiences in the field of cooperative insurance and exploring their abidance by the bases adopted in this
- o Studying the idea of remunerating the managing party for management of insurance

operations through a specific amount or ratio of the insurance surplus without allocating any part of contribution proceeds for payment of management expenses.

- o Studying the idea of remunerating the party that manages insurance operations through a combination of a ratio of contribution proceeds along with a ratio of the insurance surplus to ensure motivation of management for enhanced performance.
  - o Studying the different aspects relating to the Waqf-based cooperative
- Indeed, Allāh is the Giver of Success.

## Resolution No. 201 (7/21)

### Slaughtering Animals after Electric Stunning in light of New Updates

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013), Having examined the research papers submitted to the Academy concerning Slaughtering Animals after Electric Stunning in light of New Updates, Having listened to the in-depth discussions on the subject, Resolves

First: Reemphasizing the Academy resolution no. 95 (3/10) “Animal Slaughters.”

Second: Regarding new updates, the Council of the Academy assigns its Secretariat the task of convening a committee comprising the Academy’s members and outsourced experts to conduct field visits to the countries from which meat is imported and perform the required tasks, including the following:

1. Development of the procedural standards that would ensure slaughtering

according to Shariah criteria.

2. Ensure that animal slaughtering in meat-producing factories is in conformity with relevant Shariah rulings, as indicated in the Academy resolution

3. Calling upon the Standards and Metrology Institute for Islamic Countries (SMIIC) to ensure the credibility of certificates issued by concerned bodies in this connection.

Indeed, Allāh is the Giver of Success.

## Resolution No. 202 (8/21)

### Dialogue between Followers of Islamic Denominations

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013), Having examined the research papers submitted to the Academy concerning Dialogue between Followers of Islamic Denominations, Having listened to the in-depth discussions on the subject, Resolves

1. Reaffirming previous Academy resolutions, particularly resolution 98 (1/11) concerning Islamic Unity and no. 152 (1/17) on “Islam, the One Ummah: Theological, Jurisprudential, and Educational Schools.”

2. Dialogue between followers of Islamic denominations is a process of exchanging views on a particular subject among followers of different Islamic

denominations and schools far away from fanaticism and in order to reach common, convergent or co-existing understandings.

3. Dialogue is a social necessity for continuity and soundness of life and, indeed, the more so among followers of the same faith in the contemporary world of groupings and alliances.

4. Dialogue has specific morals that need to be recognized, including sincerity, dissenter respect, abandonment of bigotry, avoidance of exhibitionism and ostentation, choosing the best persuasion methods, and arguing in a friendly manner.

5. Dialogue has modalities that govern its process and ensure its success, of which most important are the following:

1. Agreement on a referential method of reasoning – which is the method agreed upon among the scholars of the Ummah – and emphasizing the intention to observe it.

2. Identification of aspects of agreement and those of dispute and using the former as a basis for discussing the This would ensure

continuity of mutual understanding and respect of each other’s opinion, as far as such opinion does not contradict a clear text of the Quran or Sunnah or challenge points of irrefutable consensus among scholars of the Ummah.

1. Dialogue is relevant in the context of suppositional issues, which are open for ijtihād (interpretative judgement). As regards issues on which decisive Shariah rulings are provided, dialogue is irrelevant except for the exchange of advice concerning their observation of such rulings and how they could be applied.

6. Adoption of the plan prepared by the Secretariat of the Academy for tackling this aspect as part of the 10-Year Strategic



Plan, endorsed by the resolution of the 3rd Extraordinary Islamic Summit, held in Makkah al-Mukarramah, on kind invitation from the Custodian of the Two Holy Mosques, during 5–6 Dhū al-Qi'dah 1426h (7–8 December 2005). This plan, which was submitted to OIC and cleared by a group of renowned leading scholars from all Islamic schools on invitation from the OIC Secretary General on 28 July 2008, has to be circulated among the concerned parties indicated in it.

**Recommendations**

1. Reemphasizing that it is incumbent upon followers of all Islamic denominations to show full respect to the Mothers of

Believers (Ummuhāt al-Mu'minīn, Wives of the Prophet SAW) as well as Prophet's companions and family and refrain from doing wrong to them through belittling of their high standing or defaming them.

2. Prohibition of charging any Muslim sect with infidelity as long as such sect believes in Allāh the Almighty, His Messenger Muhammad SAW, Fundamentals of Islam and those of Īmān (belief), while it does not deny intuitively known aspects of religion.

3. Prohibition of shedding the blood of or fighting any follower of any Muslim

4. Preventing any missionary work among followers of other schools in order

to ward off sedition, separation, rancor and ill will between them.

5. Circulation of previous recommendations among OIC Member states to incorporate them in educational curricula, disseminate them through media and adopt them as a continuous political position.

6. Calling upon the Academy to organize seminars and forums to deepen the dialogue between followers of Islamic sects, eliminate barriers that encounter such dialogue, reaffirm common fundamentals and values and promote the culture of tolerance, reasonability and moderation.

Indeed, Allāh is the Giver of Success.

## Resolution No. 203 (9/21) Heredity, Genetic Engineering and Human Genome

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having reviewed the recommendations of the Medical Fiqh Symposium on Heredity, Genetic Engineering and Human Genome organized by the Academy in Jeddah, Kingdom of Saudi Arabia, on 13–15 Rabī' al-Ākhir 1434h (23–25 February 2013), in collaboration with the Islamic Organization for Medical Sciences (IOMS) of Kuwait, in response to the Academy resolution no. 193 (8/20), issued at 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 listened to the in-depth discussions on the subject,

Resolves

First: Human Genome

Reading the human genome, which means (drawing the complete genetic map of a human being) constitutes part of the attempts of human being to know themselves and explore the divine laws that govern Allāh's creatures in the world, a fact that the Quran indicates in the verse, «Soon will we show them our signs in the (furthest) regions (of the earth) and in their own souls,» (Fuṣṣilat, 53) and other similar verses. Because reading the human genome is a means for identification of some hereditary diseases or probability of their occurrence, it represents a valuable addition to endeavors of health and medical scientists to facilitate means of diagnosis, prevention and treatment of diseases, and, hence, is classified under acts of farḍ al-kifāyah (collective

duty) in the society; with due consideration to the following rulings:

1. It is permissible to use the human genome or part of it for beneficial purposes, as long as it aims to achieve interests that conform to those pursued by Shariah, such as disease prevention and

2. Genome should not be used for harmful purposes or in any way that contradicts with rules and principles of Shariah.

3. It is prohibited to conduct any research work, experiment, therapy or diagnosis relating to a person's genome before performing a precise pre-evaluation for the probable risks and benefits of the act to be conducted with full abidance by relevant norms of Shariah.

4. For analyzing the genetic map of a person, appropriate and Shariah-recognizable permission must be obtained from him or his lawful guardian. In a genetic map, analyzing the interest of the person in question should also be given utmost priority.

5. Everybody has the right to decide on whether he wants to be informed about the results or consequences of any genetic examination he undergoes or not.

6. Whether kept or used for research or any other purpose, genetic diagnoses should be treated with complete confidentiality. Information relating to such diagnoses should never be disclosed except in cases indicated in Academy resolution no. 79 (10/8) on "Confidentiality in Medical Professions" and resolution 142 (8/15) on "Physician's Liability." The physician must obtain the patient's permission to disclose his secret to his family when the latter has a dangerous disease. If the patient refuses to give such permission, the physician should keep

trying to convince him to save the lives of the patient's family members.

7. Reemphasizing Shariah criteria regarding human genome stated in the recommendation of the seminar on Heredity, Genetic Engineering, Human Genome and Genetic Treatment organized by IOMS – Kuwait in cooperation with the Academy in

8. Nobody should encounter any form of discrimination due to his genetic characteristics if the aim behind such discrimination is to violate his fundamental rights and freedoms or abuse of his

9. It is prohibited to conduct any clinical research relating to the human genome or its applications, especially in biology, genetics, and medicine, that contradicts with rulings of Shariah or does not show respect to Shariah-recognizable human rights.

**Genetic Treatment:**

It refers to transferring a part of DNA (or a fit gene) to replace an infected gene and hence restore a previous genetic function inside the cell. With regard to the genetic treatment of the cell, it can be divided into two types:

— First Type: Genetic Treatment of Somatic Cells  
This type of treatment includes all body cells, and its Shariah ruling differs according to its specific purpose. If curing is the real purpose of genetic treatment, then treatment is permissible subject to the following conditions:

1. Treatment should not lead to more than the already existing

2. Treatment is believed, most likely, to lead to healing or pain

3. When an alternative solution is

4. Observation of Shariah-recognizable terms

pertaining to donor and recipient in cases of transplantation of organs, as stated in Academy resolution 57 (8/6). Moreover, treatment should be done by specialists of vast experience, high performance and honesty.

If genetic treatment is sought for the mere sake of acquiring specific characteristics such as shape alteration, it becomes prohibited because it involves the prohibited act of changing the original form of Allāh's creation. In the absence of any Shariah recognizable necessity or need that could justify it, genetic treatment is an act of futility and abuse of human dignity.

#### — Second Type: Genetic Treatment of Genital Cells

This refers to the genetic treatment of sex (reproduction) cells. It is permissible to perform a genetic examination for these cells to see if they suffer from a genetic disease or not.

However, genetic treatment of genital cells in their present form, which does not abide by Shariah rulings, especially with regard to mixing of lineage, is prohibited given the danger and harm it involves.

#### Second: Genetic Engineering

1. It is prohibited to use genetic engineering to change the genetic setup through what is known as "Enhancement of Human Progeny." Any attempt of genetic tampering with the human character or intervening with the capacity to assume individual responsibility is prohibited by

2. Utilization of genetic engineering in the fields of botany and zoology is permissible in principle, subject to the following norms:

1. Such utilization should not lead to harm sooner or

1. It should be for an appropriate and permissible purpose, rather than for the sake of abuse and wastefulness.

2. It should be undertaken by specialists of vast experience and

3. Genetic Engineering should not be used for harmful

#### Third: Genetic Counselling

Genetic counselling aims to provide its seekers with the proper knowledge, besides predictable outcomes and their statistical probability. Decision making, in this regard, belongs only to stakeholders and the treating physician with no attempt to influence them towards any specific direction. This process involves several aspects of which most important are the following:

1. Facilitation of genetic counselling services at a wide scope to families and those about to get married, recruitment of competent specialists, and using all available means for disseminating mass awareness and

2. Genetic counselling should be done as per the clause regarding "Preventive Genetic Survey" in this resolution, provided that its outcomes would not entail any mandatory action.

3. Information relating to counselling should be considered as top

4. Widening the scope of knowledge about genetic counselling in medical and health institutes and schools, in addition to the presentation of such knowledge through media and worship places, by well-qualified specialists in the subject.

5. Families that witness the frequent occurrence of a genetic disease in some of their members need to consult physicians to know about the probability of transmission of such disease.

#### Shariah Rulings on Genetic Treatments

Rulings on genetic treatment differ as follows:

##### 1. Preventive Genetic Survey

It is permissible to conduct this type of survey, provided that the means used are permissible and safe. In order to achieve the interest of averting public harm, the competent national authority has the right to enforce such device when, for instance, an epidemic disease spreads in a country or when a country becomes vulnerable to radioactive or toxic materials that can adversely affect genes. However, the survey results should remain confidential to preserve the privacy of personal affairs and maintain human dignity, as emphasized in the objectives and general principles of Shariah.

##### 1. Pre-Marriage Genetic Examination

It is permissible to undertake pre-marriage genetic examination since it helps achieve objectives of Shariah by safeguarding family against genetic diseases, provided that the means used are permissible and safe. The competent authority can also enforce pre-marriage genetic examination for the realization of a Shariah recognizable public interest.

##### 1. Genetic Diagnosis before Sperm Culture

It is permissible to perform diagnosis before sperm culture and after in-vitro fertilization (in-vitro fertilization babies), provided that precautionary measures are taken to ensure the avoidance of sample mixing.

##### 1. Genetic Examination during Pregnancy

This method has several medical means and can be performed at different stages at the beginning, in the middle, or at the end of pregnancy. If it is proved that there is a genetic disease, the fetus can be aborted as indicated in Academy resolution no. 56 (7/6) on Abortion.

##### 1. Genetic Examination after Delivery

The genetic examination must be done for newborns to give a chance for early intervention when there are curable cases.

#### Recommendations

1. Enhancing awareness about genetic diseases and working for reduction of their occurrence.

2. Encouraging pre-marriage genetic tests through enlightenment campaigns through media, organization of seminars and at worship places.

3. Calling upon national health authorities to increase the number of human genetic units to facilitate access to services of genetic counseling consultants and enlarge the scope of health services in diagnostic and therapeutic genetics to enhance reproductive health.

4. Calling upon IOMS and other specialized institutions to follow up new developments in the area of genetic engineering.

5. Calling upon Muslim countries to pay more attention to all Shariah-recognizable areas of genetic engineering. This would require performance of several tasks, including:

- Establishment of specialized research centers that work in this field with the maximum possible synergy and complete conformity with rules and principles of Shariah.

- Provision of highly qualified human resources to work in these

- Including genetics in educational programs at different

- Simplification of results of genetic research work and surveys for its dissemination through different media

6. Muslim countries are urged to provide free of charge service of this kind to its needy people who cannot afford the payment of its high cost.

7. Companies that produce animal and plant products should clearly indicate if any of their products are produced through genetic engineering techniques so that consumers can base their decisions to purchase such products or not on such information.

8. Calling upon Muslim countries to issue necessary rules and regulations to protect their people against being used as fields of

9. Activating the role of consumer protection agencies and raising its awareness in Muslim countries.

Indeed, Allāh is All-Knowing.



## Resolution No. 204 (10/21) Fighting between Muslims in the name of Jihad

The Council of the International Islamic Fiqh Academy of the Organization of Islamic Cooperation, holding its 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (19–22 November 2013),

Having examined the research papers submitted to the Academy concerning Fighting between Muslims in the name of Jihad,  
Having listened to the in-depth discussions

on the subject,  
Resolves  
Postponement of issuing a resolution on this subject for further research and studies.  
Indeed, Allāh is All-Knowing.

## Statement on Current Events in the Arab World and in some Muslim countries

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 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (18–22 November 2013),

In its capacity as a reference institution of the Ummah in the area of Fiqh,  
Considering the duties ensuing from such responsibility, at a time when the Ummah is facing a host of challenges and dangers that are quite apparent in terms of the current events in the Arab world and some Muslim countries,  
Observing closely the terrifying violence, turmoil, and riot prevailing in several countries in the Arab and Muslim worlds, and the chaos which is about to destroy the abilities of the Ummah, endanger its entity, challenge its unity, paralyze its economic power, and drag its people towards bitter sufferings of injustice, hunger, terror, disagreement, absence of peace and order and finally the complete destruction of social life,  
Based on the obligation of the Academy towards the entire Ummah,  
Recalling the resolutions of the Academy in its previous sessions, especially its 20th Session held in Oran, People's Democratic Republic of Algeria, on 26 Shawwāl – 2 Dhū al-Qi'dah 1433h (13–18 September 2012), in which the Academy issued a statement on Syria,

Addresses its following call to people, leaders, scholars and statesmen of the Ummah, especially in countries where awful killing and disorder is going on:

First: Strongly confirming sanctity of human blood and Muslims' obligation to preserve each other's lives and avert evils of causing harm to others. In this regard, Allāh the Almighty says: «...if anyone slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole humanity,» (Al-Mā'idah, 32) and the Prophet صلى الله عليه وسلم said: "...in no way it is permissible for a Muslim to hurt another Muslim whether in body, property or honor." (Reported by al-Bukhari and Muslim)

Second: Emphasizing unity and territorial integrity of Ummah, which no Muslim should work for – or help those who work for – its destruction. It should also be emphasized that national unity is the prime means of ensuring the sustainability of social cohesion, national power and sovereignty; and facilitate avoidance of internal struggles.

Third: Necessity of raising awareness among all segments within Arab and Muslim societies to leave no chance for the enemies of the Ummah and spoil the wicked plans of those who are waiting to launch their aggressive attacks after diverting the attention of the Ummah away from its significant issues to endless internal struggles.

Fourth: Emphasizing the necessity of abiding by the Islamic approach of

dialogue indicated in the Academy resolution no. 98 (1/11), 152 (1/17), as a means

of resolving political disputes and arranging the relationship between governing authority, citizens and political parties. No resort should be to violence, killing, intolerance, sectarianism or excessive loyalty to narrow partisanship among the people of the same nation and country.

Fifth: Affirming the fact that acknowledgement of the right of all segments

of the society to justice, consultation, cooperation and decent life is a fundamental prerequisite of achieving the supreme objectives of the Ummah.

Sixth: Necessity of extending all possible support to oppressed people who suffer different types of unfairness, killing, violence, and loss of security, because, as clearly stated by Allāh the Almighty, «The believers are but a single brotherhood.» (Al-Ḥujūrāt, 10)

Seventh: Emphasizing the right of people in freedom and working to prevent detestable acts and call for good deeds through peaceful means and subject to the rules of Shariah.

The Academy urges all the Ummah, represented by its leaders, individuals, political powers, scholars and thinkers, to join hands for facing the dangers surrounding it, so that every Muslim country can recover its role in serving the Ummah.

As an international organization that has emanated from the OIC, the Academy calls states' leaders to exert every

possible effort in order to patch up the crack, put an end to injustice and spread peace in countries that have entirely

lost peace and comfort  
We pray to Allāh the Almighty to protect our nation against all types of evil

and grant us His righteous guidance. Indeed, He is the Guardian of Success.

## Statement on Israeli Aggressions against al-Quds and Al-Aqsa Mosque

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 21st session in Riyadh, Kingdom of Saudi Arabia, on 15–19 Muḥarram 1435h (18–22 November 2013), In its capacity as a reference institution of the Ummah in the area of Fiqh, Conscious of its responsibilities towards the Ummah and the great challenges and dangers it is facing nowadays, particularly the terrifying attacks of the Israelis against Al-Quds City and Al-Aqsa Mosque, Emphasizes the following:

- Al-Aqsa Mosque is a sacred symbol to which every Muslim has the utmost sense of love and longing and the jewel that adorns the forehead of Al-Quds City and It is the first of the two qiblas (Muslims prayer direction) and the third of the three Mosques which Muslims are not supposed to set in travel for the mere sake of performing prayer in any mosque other than them. Furthermore, Al-Aqsa mosque is the sacred place that witnessed the “Midnight Journey” of the Prophet Muhammad SAW and his “Ascension” to the “Seven Heavens.” The Quran indicates the incident of the Midnight Journey in the following verse: «Glory to Allāh Who did take His servant for a journey by night from the sacred mosque to the farthest mosque whose precincts We did bless in order that We might show him some of Our signs for He is the One Who heareth and seeth (all things).» (Al-Isrā’, 1) This verse shows clearly the everlasting link between the Sacred Mosque and the Farthest Mosque which the Quran emphasizes, a fact which makes it incumbent upon Muslims to have much interest in this blessed Mosque.

- Al-Aqsa Mosque and its sacred city are facing now sinful and persistent aggression by the Israeli occupation, which strives to judaize the holy city and spread its complete control over Al-Aqsa Mosque through aggressive acts. In the course of achieving its judaizing plan, the Israeli invasion resorts to the seizure of lands and expansion of settlement areas; destruction of houses of Palestinians; conducting digging works that have reached the foundations of the mosque and are about to lead to its complete collapse; abuse of monuments; and origination of Jewish temples in the holy city to be-

come part of the points from which Jewish settlers invade Al-Aqsa Mosque and commit their brutal assaults against Muslims citizens. The occupation authority continued its aggression against Al-Aqsa Mosque by preparing plans to get it shared between Muslims and Jews time or space-wise. Such arrangements, which are done in pursuit of the final aim of establishing the contended “Temple,” are repeatedly emphasized through official declarations and discussions, in one of the Israeli parliament committees, on a draft law to be issued to this effect.

- Being conscious of these severe dangers surrounding Al-Quds City, Al-Aqsa Mosque, and many other sacred places, the Council of the Academy calls upon all states, governments, and the entire Ummah to face these dangers and work for them stopping them through political and legal action in all regional and international fora. In order to augment the impact of the steadfastness and courage of Al-Quds people, Muslim countries and governments are also called upon to provide moral and material support to Al-Quds people. Material support should cover diverse areas of social and economic life, particularly housing requirements.

Furthermore, the Council urges Arab countries to honor as soon as possible their pledges to provide support to Al-Quds people, which they announced in various Arab summits.

- The Council of the Academy appreciates the efforts of those who are stationed in the courtyards of Al-Aqsa Mosque to defend it against all types of Zionist aggression and extend its thanks to OIC and Arab League Member states and Al-Quds Committee for the efforts they make in order to preserve sacred places in the holy Thanks are also due to the Kingdom of Saudi Arabia, for its outstanding efforts and tangible support to the Palestinian problem in general and to Al-Quds City and Al-Aqsa Mosque in particular.

Finally, the Council appreciates the Kingdom’s position manifested in its non-acceptance of the International Security Council seat to show its denial to the indifference of the international community towards the just Palestinian issue and the ordeal of Al-Quds City and Al-Aqsa Mosque. This position of the Kingdom constitutes an essential step along the path of pursuing reform of the International Security Council.

Moreover, the Council thanks the King, government and people of the Hashemite Kingdom of Jordan for supervision, sponsorship and support they extend to the Islamic sanctities in Al-Quds.

Finally, the Council thanks all institutions, organizations, committees, societies, and other bodies supporting Al-Quds City and perseverance of its people

until abatement of occupation of this sacred land. «Allāh will certainly aid those who aid his (cause); for verily Allāh is full of Strength, Exalted in Might, (able to enforce His Will).» (Al-Ḥajj, 22–40)

