Through a thorough analysis of emerging legal and regulatory issues in Islamic law practice and research in Malaysia, this exciting new study covers issues such as blockchain technology, anti-money laundering, and FinTech in Islamic finance.

The Islamic Shari'a as a phrase has two scope of meanings. Generally and widely construed it denotes everything that has been written by Moslem jurists throughout the centuries, whether it dealt with contemporaneous issues of the time or in anticipation of future ones. The jurist derived their principles from the Qur'an and the Sunna (way of action and the opinions of the Prophet), and from the other sources of Shari'a such as Jihin, (the consensus of the community represented by its scholars and learned men), and public interest considerations. The Shari'a looked upon in this wide scope constitute a huge Juristic tradition the value of which depends on the individual jurist himself, his era, or even the particular problem confronting him. As such the system has a tremendous scholastic value to the Moslem, however, it has no binding authority; since within it one might find different, and sometimes contradictory principles resolving the same issues, depending on the Juristic school that propagated the principle. Furthermore, it cannot have a binding authority since circumstances that brought about a certain principle might not be in existence any more, and surely we cannot maintain that previous Moslem Jurists have anticipated all our existing contemporary problems. Yet, as I said before in this wide sense, one cannot deny the Shari'a scholastic value as an elaborate system of deduction which should be relied upon for future derivations of principles. Construed narrowly, the Shari'a is confined to the undoubted principles of the Qur'an, to what is true and valid of the Sunna, and the consensus of the community represented by its scholars and jurists during the formative period. The fourth chapter describes the evolution from the formative to the classical period of Shari'a. The spirit and general principles of Shari'a are as valid today as they were yesterday many centuries ago and as they will be tomorrow many centuries to come. They are like a green oasis in the desert of our lives which is over crowded with problems and conflicting ideological ideologies. The time of the late publication Ahmed Zaki Yamani was Minister of Petroleum and Mineral Resources, Kingdom of Saudi Arabia. AUTHOR COMMENTS The Islamic world, relying on the principles of Shari'a, can achieve its own entity, independent of East and West, and by which it can defend and protect itself from the threat of extremism and certain inequities of capitalism. The ability of Shari'a, to develop and evolve to meet the ever-changing needs of society, by relying on the concept of public interest as a source of legislation. The collective notion in Islam itself be emphasized, outstanding quality in Shari'a which establishes a profound equilibrium between the individual and the community, should be put in perspective in relation to our own age. When our political leaders begin to think seriously about the happiness and welfare of their people, they shall find in Shari'a a guiding proven system to achieve and fulfill their aims. The immortal principles of Shari'a can be used to correct and cure our social diseases in the Islamic world. Perhaps even the West might find it, again, a ray of light and knowledge to achieve still a more advanced civilization, or at least to preserve its existing one.

The relationship between modern international law and Islamic law has raised many theoretical and practical questions about whether it is too late for Shari'a to face contemporary issues is an exaggerated prejudiced statement, made possible because of the closeness of the doors of investment many centuries ago. The spirit and general principles of Shari'a are as valid today as they were yesterday many centuries ago and as they will be tomorrow many centuries to come. They are like a green oasis in the desert of our lives which is over crowded with problems and conflicting ideological ideologies. The time of the late publication Ahmed Zaki Yamani was Minister of Petroleum and Mineral Resources, Kingdom of Saudi Arabia. AUTHOR COMMENTS The Islamic world, relying on the principles of Shari'a, can achieve its own entity, independent of East and West, and by which it can defend and protect itself from the threat of extremism and certain inequities of capitalism. The ability of Shari'a, to develop and evolve to meet the ever-changing needs of society, by relying on the concept of public interest as a source of legislation. The collective notion in Islam itself be emphasized, outstanding quality in Shari'a which establishes a profound equilibrium between the individual and the community, should be put in perspective in relation to our own age. When our political leaders begin to think seriously about the happiness and welfare of their people, they shall find in Shari'a a guiding proven system to achieve and fulfill their aims. The immortal principles of Shari'a can be used to correct and cure our social diseases in the Islamic world. Perhaps even the West might find it, again, a ray of light and knowledge to achieve still a more advanced civilization, or at least to preserve its existing one.

This book provides an accessible introductory discourse on Islamic law, justice, and society. At the center of the volume is a discussion of some interrelated theological, historical, legal, and practical issues facing Islamic law in such different countries and regions as Algeria, Morocco, South Africa, and South Asia. This will be a valuable book for students and scholars of Middle Eastern, legal, and contemporary international law. The articles reproduced in this volume examine the issues of General Principles of International Law, International Use of Force, International Law, International Humanitarian Law, International Terrorism, International Environmental and Water Law, Universality of Human Rights, Women's Rights, Rights of the Child, Rights of Religious Minorities, and State Practice. The essays have been carefully selected to reflect, as much as possible, the different Islamic perspectives on each of these aspects of international law.

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Islamic legal theory (usul al-fiqh) is literally regarded as the ‘roots of the law’ whilst Islamic jurists consider it to be the basis of Islamic jurisprudence and thus an essential aspect of Islamic law. This volume addresses the sources, methods and principles of Islamic law leading to an appreciation of the skills of independent juristic and legal reasoning necessary for deriving specific rulings from the established sources of the law. The articles engage critically with relevant traditional views to enable a diagnostic understanding of the different issues, covering both Sunni? and Shi'a? perspectives on some of the issues for comparison. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research. Islamic legal theory is a complex subject which challenges the ingenuity of any expert and therefore special care has been taken to select articles for their clarity as well as their quality, variety and critique to ensure an in-depth, engaging and easy understanding of what is normally a highly theoretical subject.

In Islamic Law in Past and Present, the lawyer and Islamicist Mathias Rohe offers a comprehensive study of Islamic law, law reforms and law in action with a particular focus on modern developments in the Islamic world, India, Canada and Germany.

This paper reviews institutions offering Islamic financial services (IIFS) corporate governance challenges and suggests options to address them. It first points out the importance of corporate governance for IIFS, where it would require a distinct treatment from conventional corporate governance and highlights three cases of distress of IIFS. It then dwells on prevailing corporate governance arrangements addressing IIFS’ needs to ensure the consistency of their operations with Islamic finance principles and the protection of the financial interests of stakeholders, namely depositors holding unrestricted investment accounts. It raises the issues of independence, confidentiality, competence, compliance and disclosure that may bear on pronouncements of consistency with Islamic finance principles. It also discusses the agency problem of depositors holding unrestricted investment accounts. The paper argues for a governance framework that combines internal and external arrangements and relies significantly on transparency and disclosure of market relevant information.

A Muslim Reformer in Communist Yugoslavia examines the Islamic modernist thought of Husain 'Azoo, a prominent Balkan scholar. Born at a time when the external challenges to the Muslim world were many, and its internal problems both complex and overwhelming, 'Azoo made it his goal to reinterpret the teachings of the Qur'an and hadith (prophetic tradition) to a generation for whom the truths and realities of Islam had fallen into disuse. As a Muslim scholar who lived and worked in a European, communist, multi-cultural and multi-religious society, Husain 'Azoo and his work present us with a particularly exciting account through which to examine the innovative interpretations of Islam. For example, through a critical analysis of 'Azoo’s most significant fatwâs and other relevant materials, this book examines the extent of the inherent flexibility of the Islamic law and its ability to respond to Muslim interests in different socio-political conditions. Since 'Azoo’s writings in general and his fatwâs in particular have continued to be published in the Balkans lands up to the present, this monograph should help shed some light on certain assumptions underlying modern Islamic thought and consciousness found in the region.

Outlines of Islamic Jurisprudence covers a number of topics of usul al-fiqh, sometimes in abridged form, that have been covered in the title on the subject of Islamic Jurisprudence by the same author. The significance of this book can only be understood through a comparison with that book. Islamic jurisprudence focuses on the discipline of usul al-fiqh and deals with it in an exhaustive way. Thus, it covers the different aspects of interpretation and theories of Islamic law. The present book includes some of the topics covered in that book. The bulk of Outlines of Islamic Jurisprudence, however, summarizes the entire law of Islam presenting it in a concise yet effective way. Property, contracts, evidence, procedure, constitutional matters and issues of Muslim personal law (family law) are dealt with efficiently. The last part of the book also includes information on the schools of law and their history. Due to the treatment of the entire Islamic law in a comprehensive way, the book is like a short encyclopedia. The book was first published in 1998 and is now in its sixth edition. It is very popular among law students, lawyers and even the general readers. Minor improvements to the book have been made dealing with property and contracts are taught independently as a one semester course on contracts, in particular for Islamic banking. The section on the history of the schools serves as a brief introduction to the law of Islam.

The importance of the rule of law is universally recognized and of fundamental value for most societies. Establishing and promoting of the rule of law in the Muslim world, particularly in the Middle East, North Africa, and Central Asia, has become a pressing but complicated issue. These states have Muslim majority populations, and the religion of Islam has an important role in the traditional structures of their societies. While the Muslim world is taking gradual steps towards the establishment of rule of law systems, most Muslim majority countries may not yet have effective legal systems with independent judiciaries, which would allow the state and institutions to be controlled by an effective rule of law system. One important aspect of the rule of law is freedom of expression. Given the sensitivity of Muslim societies in relation to their sacred beliefs, freedom of expression, as an international human rights issue, has raised some controversial cases. This book, drawing on both International and Islamic Law, explores the rule of law, and freedom of expression and its practical application in the Muslim world.

This unparalleled Companion provides a comprehensive and authoritative guide to Islamic law to all with an interest in this increasingly relevant and developing field. The volume presents classical Islamic law through a historiographical introduction to and analysis of Western scholarship, while key debates about hot-button issues in modern-day circumstances are also addressed. Twenty-one chapters, distinguished authors offer an overview of their particular specialty, reflect on past and current thinking, and point to directions for future research. The Companion is divided into four parts. The first offers an introduction to the history of Islamic law as well as a discussion of how Western scholarship and historiography have evolved over time. The second part delves into the substance of Islamic law. Legal rules for the areas of legal status, family law, socio-economic justice, penal law, constitutional authority, and the law of war are all discussed in this section. Part three examines the adaptation of Islamic law in light of colonialism and the modern nation state as well as the subsequent re-Islamization of national legal systems. The final section presents contemporary debates on the role of Islamic law in areas such as finance, the diaspora, modern governance, and medical ethics, and the volume concludes by questioning the role of Sharia law as a legal authority in the modern context. By outlining the history of Islamic law through a linear study of research, this collection is unique in its examination of past and present scholarship and the lessons we can draw from this for the future. It introduces scholars and students to the challenges posed in the past, to the magnitude of milestones that were achieved in the reinterpretation and revision of established ideas, and ultimately to a thorough conceptual understanding of Islamic law.

Contributed articles:

This book places context at the core of the Islamic mechanism of fiqh to better understand the process of issuing fatwa’s in Muslim and non-Muslim countries, thus highlighting the connection between context and contemporaneity, on one hand, and the adaptable perception of Islamic law, on the other. The practice of fiqh is one of the most important mechanisms of Islamic law that keeps Islamic thought about ethical and legal issues in harmony with the demands, exigencies and developments of time. This book builds upon the existing body of work related to the practice of fiqh, but takes the discussion beyond the current debates with the intent of unraveling the interaction between Islamic legal methodologies and different environmental contexts. The book specifically addresses the three institutions (Saudi Arabia’s D’I’ll al-Hajj, Turkey’s Diyanet and America’s FACA) and their Islamic legal opinions (fatwâs) in a comparative framework. This demonstrates the existence of complex and diverse ideas around similar issues within contemporary
Islamic legal opinions that is further complicated by the influence of international, social, political, cultural and ideological contexts. The book thus unveils a more complicated range of interactive constituents in the process of the practice of (f)it'ah and its outputs, jauza. The work will be of interest to academics and researchers working in the areas of Islamic law, Middle Eastern studies, religion and politics.

Most Americans and Europeans have by now heard of Shariah. In the West, politicians, media commentators, televangelists, and others have stoked fears that Muslims intend to impose a repressive rule based on Shariah in America and Europe. Shariah has been portrayed as a medieval system that oppresses women, stifles human rights, and imposes harsh punishments like stoning and amputation. In reality, however, Shariah is a complex concept that has been interpreted in many ways over time and around the world. It plays a vital role in the lives of Muslims around the world, offering guidance on everything from personal morality to ritual practices, family life, and finance. In this timely addition to Oxford’s What Everyone Needs to Know series, John Esposito and Natana DeLong-Bas offer an accessible and thorough guide to this little-understood, but often caricatured system. The book provides clear and even-handed answers to a wide range of questions, covering the history, development, content, and practice of Shariah. What are its origins? What is a Shariah court and how does it work? How does a person become a Muslim in the eyes of Islamic law? Does Islamic law allow Muslims to marry non-Muslims? What are blasphemy laws, and how are they enforced? How does Islamic law govern trade and contracts of sale? Do Muslims in the West want Shariah Law? Is there a need to protect American and European societies from the imposition of Shariah? By answering the questions that so many people have about Shariah and its role in Muslim life, this book makes an invaluable contribution to the crucial task of fostering mutual understanding in our globalizing, pluralistic societies.

This second edition of John L. Esposito’s landmark book expands and updates coverage of family law reforms (in marriage, divorce, and inheritance) throughout the Middle East, North Africa, and South and Southeast Asia, and analyzes the diverse interpretation of Muslim family law, identifying shifts, key problems, and challenges in the twenty-first century.

Islamic law is one of the major legal systems in the world today, yet it is often misunderstood, particularly in the West. This book provides a critical overview of the theory, scope, and practice of Islamic law, taking into account both classical and modern scholarly perspectives in examining the various facets of this key legal system.

The diversity of interpretation within Islamic legal traditions can be challenging for those working within this field of study. Using a distinctly contextual approach, this book addresses such challenges by combining theoretical perspectives on Islamic law with insight into how local understandings impact on the application of law in Muslim daily life. Engaging with topics as diverse as Islamic constitutionalism, Islamic finance, human rights and internet fatwas, Shaheen Sardar Ali provides an invaluable resource for scholars, students and practitioners alike by exploring exactly what constitutes Islamic law in the contemporary world. Useful examples, case studies, a glossary of terms and the author’s personal reflections accompany traditional academic critique, and together offer the reader a unique and discerning discussion of Islamic law in practice.

To truly understand the current interest in the development of Islamic banking and finance in South-East Asia and how it is different from the conventional banking system, one must first understand the religious relationship originating from the Qur’an, and then trace the historical, geographic, and political developments of Islam over recent centuries. On only this basis can the reader, without prejudice or cynicism, begin to appreciate Shari’ah law and Islamic jurisprudence. With this platform established in the first part of the book, readers are invited to learn about the financial products and services offered, understand the challenges in their development, and ultimately recognize the significant opportunities that Islamic banking and finance can provide. The authors, Daud Abdullah, William Hasian, and the late Jalil Ahmad, in particular, the chapter on Singapore details significant developments such as the direction which major banks are taking towards Islamic banking and the increase in Islamic banking products being offered, although written by a non-Muslim author, this highly-regarded book is being translated into Arabic by a leading Islamic university in the Middle East. Sample Chapter(s): Chapter 1: Islamic History (699 KB). Contents: Islamic History; Shari’ah Law and Islamic Jurisprudence; Islamic Commerical Law; Islamic Financial Products; Issues and Challenges of Islamic Banking Today; Islam in South-East Asia; Colonial Legacies: Islam and State Law in South-East Asia; Islamic Banking in Malaysia; Islamic Banking in Indonesia; Lebanon: A Niche in the Islamic Money Market; Islamic Banking in Brunei; Banking in Singapore. Readership: Investors; bankers; financial industry players; upper-level undergraduates and post graduate students in Islamic studies; banking and finance.

This important collection of articles, contributed by eminent scholars, judges & legal practitioners, addresses the fundamental issues of human rights, democracy, the rule of law & Islam. It covers a broad & diverse range of topics & discusses key issues & questions such as: What lessons should emerging democracies learn from mature democracies in the promotion of human rights & respect for the rule of law? Are democratic processes & human rights standards in the developed world really models that should be adopted by developing countries? How are human rights protected in Islam & the Middle East? What is Islamic constitutionalism & how does Islamic law provide for a democratic system of government? The book argues that the development of the rule of law, democracy & respect for human rights should be a process of interaction & integration on a global scale. In addition, it stresses that the integration of previously closed societies into the process of globalisation must take into account the indigenous traditions already existing in such societies, & the extent to which they will contribute to, & benefit from, the process as a whole.

This book is a humble essay on some topics in Islamic law. It is divided into two main parts. The first part presents some legal studies carried out by a jurist in Islamic commercial law. The second part takes up land law in the Ottoman Empire. Nonetheless, we should admit that one of the most obvious features of the Ottoman Empire was its wide territory and characteristics of its administration. The Ottoman Empire lasted for more than 600 years and extended across three continents: Asia, Africa, and Europe. Economically, this worldwide empire, known as the “Pact Ottoman” is important for the Ottoman treasury. The land law of the Ottoman Empire can be a model for Islamic countries today, both with respect to administration and economics (the latter is very important). These countries should adopt the land system of the Ottoman Empire, and this book will elucidate the main justifications and reasons for this claim.

This book explores contemporary issues and trends facing Islamic banks, businesses and economies as presented at the International Conference of Islamic Economics, Banking and Finance. The authors leverage current empirical research and statistics to provide unique and fresh perspectives on the changing world of Islamic finance. They focus specifically on the implementation of Islamic financial instruments and services in global capital markets and how their success can be evaluated. Chapters feature case studies from all over the world including examples from Afghanistan, Bosnia and Herzegovina and the United Kingdom, to name a few. The breadth and immediacy of the research presented by the authors will appeal to practitioners and scholars alike. The global outlook and rich data-based approach adopted in this book guarantees that it is a timely and valuable addition to the field of Islamic finance.

Ramadan brings together essays to explain the history of Islamic law and its role in the contemporary world.

In Crime and Punishment in Islamic Law: A Fresh Interpretation, Mohammad Kamali considers problems associated with and proposals for reform of the hudud punishments prescribed by Islamic criminal law, and other topics related to crime and punishment in Shariah. He examines what the Qur’an and hadith say about hudud punishments, as well as just retaliation (qisas), and discretionary punishments (ta’zir), and looks at modern-day applications of Islamic criminal law in 15 Muslim countries. Particular attention is given to developments in Malaysia, a multi-religious society, federal state, and self-described democracy, where a lively debate about hudud has been on-going for the last three decades. Malaysia presents a particularly interesting case study of how a reasonably successful country with a market economy, high levels of exposure to the outside world, and a credible claim to inclusivity, deals with Islamic and Sharia- related issues. Kamali concludes that there is a significant gap between the theory and practice of hudud in the contemporary world. Given the diversity of interpretation within Islamic legal traditions and the scholarly articulations of jurisprudence of the various schools of Islamic law, arguing that literalism has led to such rigidity as to make Islamic criminal law effectively a dead letter. His goal is to provide a fresh reading of the sources of Shariah and demonstrate how the Qur’an and Sunnah can show the way forward to needed reforms of Islamic criminal law.
Introducing undergraduate students to Islamic law, this accessible textbook does not presume legal or technical knowledge. Drawing on a comparative approach, it encourages students to think through the issues of the application of Islamic law where Muslims live as a majority and where they live as a minority, including the USA, Saudi Arabia, Egypt, Pakistan. The book surveys the historical development as well as the contemporary contexts of Islamic law. In distilling the history of Islamic law for non-specialists, the author covers important topics such as the development and transformation of Islamic institutions before and after colonialism. Coverage of Islamic law across contemporary contexts draws on real case material, and allows for discussion of Islam as a legal and a moral code that is activated both inside and outside the court. Readers will learn about rituals, dietary restrictions, family, contracts and property, lawful and unlawful gain, criminal law and punishments, and what makes a government legitimate in the eyes of Muslim individuals and authorities.

Islamic substantive law, otherwise called branches of the law (fara? al-fiqh), covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law. It is to Islamic substantive law that the rules of Islamic legal theory are applied. The relationship between Islamic legal theory and Islamic substantive law is metaphorically described by Islamic jurists as a process of 'cultivation' (istithmar), whereby the qualified jurist (mujtahid), as the 'cultivator', uses relevant rules of legal theory to harvest the substantive law on specific issues in form of 'fruits' (thamarat) from the sources. The articles in this volume engage critically with selected substantive issues in Islamic law, including family law; law of inheritance; law of financial transactions; criminal law; judicial procedure; and international law (al-siyar). These areas of substantive law have been selected due to their contemporary relevance and application in different parts of the Muslim world today. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research.

Scholars, thinkers, and activists around the world are paying increasing attention to a legal reform method that promises to revolutionize the way people think about Islamic law. Known as "The Objectives of the Shar?" (maq??id al-shar?), the theory offers a way to derive and apply new Islamic laws using an ancient methodology. The theory identifies core objectives that underlie Islamic law, and then looks at inherited Islamic laws to see whether they meet those objectives. According to the maq??id theory, historical Islamic laws that meet their objectives should be retained, and those that do not—no matter how entrenched in practice or embedded in texts—should be discarded or reformed. Recently, several scholars have questioned the maq??id theory, arguing that it is designed not to reform laws, but to support existing power structures. They warn that adopting the maq??id wholesale would set the legal system back, ensuring that inherited Islamic laws are never fully reformed to agree with contemporary values like gender-equalitarianism and universal human rights. The Objectives of Islamic Law: The Promises and Challenges of the Maq??id captures the ongoing debate between proponents and skeptics of the maq??id theory. It raises some of the most important issues in Islamic legal debates today, and lays out visions for the future of Islamic law.

The sharia is a set of traditional laws that define a Muslim's obligations to God and his fellow human beings. Westerners often misunderstand the nature of the sharia, born as it is of a complicated legal and academic tradition that may not always seem relevant to today's world. Written for those unfamiliar with Islam, this volume provides an accurate and objective assessment of the sharia's achievements, shortcomings and future prospects. It explores the fundamentals of Islam and traditional sharia laws. In addition, the sharia is discussed with respect to Ottoman law, puritanism and jihad. The sharia's relevance to today's world events is also explored. Among items provided in appendices are a commentary on a Western translation of the concept of jihad and an analysis of the sharia in 29 selected countries.