

OFFICE OF THE MUFTI
- SINGAPORE -

THE FATWA INSTITUTION IN SINGAPORE:

JOURNEY AND METHODOLOGY

THE FATWA INSTITUTION - JOURNEY

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The Muftis of Singapore

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Awards and Recognition

THE FATWA INSTITUTION - METHODOLOGY

- **Expanding** the realm of *ijtihād*
- **Refining** the conceptualisation of issues
- **Strengthening** moral values
- **Securing** public welfare (*taḥqīq al-maṣāliḥ*)
- **Empowering** the community
- **Leveraging** diversity in Islamic jurisprudence
- **Enhancing** international partnerships

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SPECIAL ACKNOWLEDGMENT



بسم الله الرحمن الرحيم
الحمد لله ذي الجلال والعظمة والصلاة والسلام على نبي الهدى والرحمة سيدنا محمد
وعلى آله وصحبه الكرام البررة وبعد.

This humble publication seeks to record the stellar work of all those involved in fatwa work in Singapore over more than five decades. It is also a tribute to the hardwork of the Singapore Muslim community in living Islam with confidence and resilience in challenging and turbulent times.

I am deeply grateful to the learned members of the Fatwa institution in Singapore, and especially my distinguished predecessors, for their invaluable contributions and unwavering commitment in guiding the Singapore Muslim community through contextual, progressive and empowering fatwas. Their views and opinions have helped shape a Muslim community that is confident and resilient.

I would also like to extend my heartfelt appreciation to the team at the Office of the Mufti for sharing the vision to uplift the community's religious life towards continued progress. Their dedication and courage to scale new horizons, in spite of many difficult challenges, are testament to the resoluteness of their faith and compassion in their character.

May Allah reward you duly and bountifully, and preserve His blessings and guidance for a Singapore that is united, harmonious and compassionate.

Dr Nazirudin Mohd Nasir
MUFTI OF SINGAPORE



Scan the QR Code to watch a
Message from the Mufti or visit
go.gov.sg/oom-fismufti

THE FATWA INSTITUTION IN SINGAPORE





Fatwa Committee 2023 - 2025, chaired by Sohibus Samahah Mufti Ustaz Dr Nazirudin Mohd Nasir

Introduction and History

Before the establishment of a central Islamic authority that oversees religious affairs in Singapore, the Muslim community encountered many issues that necessitated religious guidance from experts in the field of Islamic law. These matters were initially referred to the Chief Qadi, a position at the Syariah Court vested with the authority under the Mohammedan Marriage Ordinance (1880) and the Muslim Ordinance (1957). However, to effectively address matters concerning Muslim affairs and safeguard the welfare and interests of the Muslim community, it was necessary to establish a religious council.

In 1968, the Fatwa institution in Singapore was established through the enactment of the Administration of Muslim Law Act (AMLA) and the establishment of Majlis Ugama Islam Singapura (MUIS). The AMLA includes, among other things, the formation of a Fatwa Committee, and specifies the roles and jurisdiction of the Committee. AMLA also stipulates the appointment of the Mufti by the President of Singapore, to chair the Committee. The Mufti functions as the highest Muslim religious authority in the land.

The Fatwa Committee comprises of learned scholars and Asatizah, some of whom are members of the MUIS Council. Since 1990, the Mufti has also appointed associate members to add richness and breadth to the deliberations of the Committee, as well as to provide opportunities for training and upskilling of younger Asatizah.

To support the Mufti in his work to guide the Muslim community, the Office of the Mufti (OOM) was set up in 1999.

OOM has been instrumental in rolling out public education programmes, preparing sermons, and supporting the Fatwa Committee in all fatwa-related work.

Today, OOM plays a significant role in strengthening the research capabilities of the Fatwa Committee, particularly in examining socio-historical factors and contemporary developments that have significant impact on fatwa work.

The Role and Functions of the Fatwa Institution

A fatwa in the context of Singapore is a religious position unanimously agreed upon by the members of the Fatwa Committee. It provides solutions founded on religious principles and values that enable individuals to confidently address new issues and challenges.

The Fatwa Committee also addresses queries from members of the public, government agencies, and community organisations seeking religious advisory. The Mufti will determine whether a fatwa is required, and issues that concern general public welfare and interest are prioritised. The fatwa institution also engages regional and international fatwa bodies to exchange ideas and benefit from different views in tackling common emerging issues facing Muslims worldwide.

The responsibilities of the Mufti also extend beyond performing traditional roles such as announcing the start of Islamic months such as Ramadan and Syawwal.

The Mufti has to make swift decisions in particular situations to preserve public welfare and the interests of the community.

Summary of Fatwa on precautionary measures in dealing with the Covid-19 pandemic in 2020

"...The Fatwa Committee is of the opinion that mosques' management has the religious duty to request or prohibit any unwell congregants from entering the mosque area, whether for performing prayers or other matters. This is because their presence may cause the transmission of the virus and harm to mosques and the community. The general well-being of mosque congregants should be safeguarded.

The Fatwa Committee is also of the opinion that if there is a wider spread of the Covid-19 virus and the situation becomes more critical which would require the closure of public places, including houses of worship such as mosques, or if there is a need for public access to public places such as mosques to be restricted, this will be considered as an emergency situation. Accordingly, the Fatwa Committee is of the view that the closing of a mosque or the suspension of congregational prayers and Friday prayers during this situation, is required."



Former Mufti, Ustaz Dr Fatris Bakaram in one of the recording sessions to announce the commencement of Ramadan

For instance, during the Covid-19 pandemic, the Fatwa Committee supported the decision to temporarily close mosques. This was not an easy decision, as closure of mosques, especially for the purposes of conducting Friday prayers, was unprecedented.

As such, the Committee had to carefully explain the extenuating circumstances of the pandemic that permitted such a decision, and that it was not out of line with the principles and essence of the Sharia.

Apart from the Fatwa Committee, OOM also provides religious guidance and advice to the community where there is already a relevant existing Islamic position on the question, and where a new religious position is not required.

Socio-Religious Impact of Fatwas in Singapore

The fatwa institution takes a proactive approach in addressing emerging issues. It pursues a rigorous process of ascertaining all the necessary information and facts on a matter before it is deliberated by the Fatwa Committee.

It is common for the Committee to extensively engage subject matter experts from various fields such as in medicine, law and finance. For instance, the Fatwa Committee issued a fatwa in 2013 on the Rotavirus vaccine after extensive consultations with medical experts and scientists.

The Fatwa Committee also revisits previous fatwas in response to contemporary and scientific advancements that warrant a review of past decisions. This ongoing review is essential to ensure that the Committee's fatwas continue achieve the right outcomes while also serving the greater benefit (*maṣlaḥah*) of the community.

For example, in 1973, a fatwa was issued on the impermissibility of organ donations. However, it was re-evaluated in 1985, at a time where medical knowledge advanced and there were more cases of kidney failure in the Muslim community. A revised fatwa permitting organ donation was issued, on the grounds of exigency (*darūrah*) and interest (*maṣlaḥah*).

Summary of Fatwa on HOTA in 2007

In 2007, the Fatwa Committee takes the position that it is permissible for Muslims to be included in the Human Organ Transplant Act (HOTA) for the following reasons:

The general consensus of Muslim jurists is that organ transplant and donation by the deceased is permissible in Islam. Among the reasons quoted by jurists are:

1. Islam calls for the seeking of cure and treatment for illnesses, and the most effective treatment for those who suffer from organ failure, currently, is by receiving a new organ in place of the failed one.

2. The objectives (*maqasid*) of the Sharia clearly state the importance of protecting and saving human lives. This is mentioned in the Holy Quran:

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

Which means "...and whomever saves one life, then it is as though he has saved the whole of humanity." (Al-Maidah : 32)

3. The Sharia is built upon values such as care and compassion. The Sharia thus calls for mankind to help one another, and to contribute to alleviating human sufferings and pain, such as the sufferings of kidney patients.

Donating one's organs is an act of amal jariyah (continuous charitable deed) in which the rewards accrue even after one's death.



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Published in Berita Harian on 2 June 1997

In 2007, the Fatwa Committee supported the inclusion of Muslims in the Human Organ Transplant Act (HOTA) to address the rising cases of organ failure in Singapore.

In conclusion, the fatwa institution plays a significant role in facilitating the religious life of the Singapore Muslim community. Through its fatwas, the Fatwa Committee equips Muslims with religious values and principles that empower them to navigate complex contemporary and future challenges in multicultural Singapore.

THE MUFTIS OF SINGAPORE





Ustaz Hj Mohamed Sanusi Hj Mahmood

1969 - 1972

Ustaz Hj Mohamed Sanusi Hj Mahmood served as the first Mufti of Singapore. After his early formal education in national schools in Singapore, he travelled to Indonesia, Makkah and Turkey to study religion, before pursuing degrees in the Al-Azhar University in Egypt. He graduated with an equivalent of a master's degree from the institution.

Prior to his appointment as the Mufti, he worked at the Syariah Court and the Registry of Marriages, Divorces, and Reconciliation. He served as the Mufti from 1969 to 1972.

Some key fatwas during his tenure are as follows:

Eradicating deviant teachings

Ustaz Sanusi addressed issues concerning some deviant teachings during his time as the Mufti.

His focus was to ensure a sound understanding of Islam and strengthen the faith of the community.

Ustaz Sanusi wrote and translated many works of significance to the life of Muslims then. He had also written on reconciling between faith and science, and encouraged Muslims to exercise intellectual and scientific thought.



Penduduk2
Pulau S
sah dirikan
Juma'at dgn
jema'ah-nya
kurang 40

"Memandangkan betapa penting-nya sembahyang Juma'at," tambah pembacha itu, "saya ingin mendapat rangka fatwa dari tuan, berapa-kah bilangan yang sah untuk mendirikan sembahyang fardhu itu.

"Jika mungkin, biarlah fatwa itu di-buat khusus untuk keadaan2 yang tertentu, malah jika mungkin di-beri fatwa yang lain dari mazhab Shafie."

Pengerusi Jawatan-kuasa. Fatwa itu menjelaskan bahawa Imam Shafie dan Hambali sa-pendapat menyatakan, bilangan jema'ah mestilah tidak kurang dari 40 orang, termasuk imam.

"Tetapi Imam Hanafi dan Maliki pula sa-pendapat mengatakan bahawa sudah boleh dan sah mendirikan sembahyang Juma'at sekali pun jema'ah-nya kurang dari bilangan itu," tambah-nya.

Friday prayers for less than 40 congregants

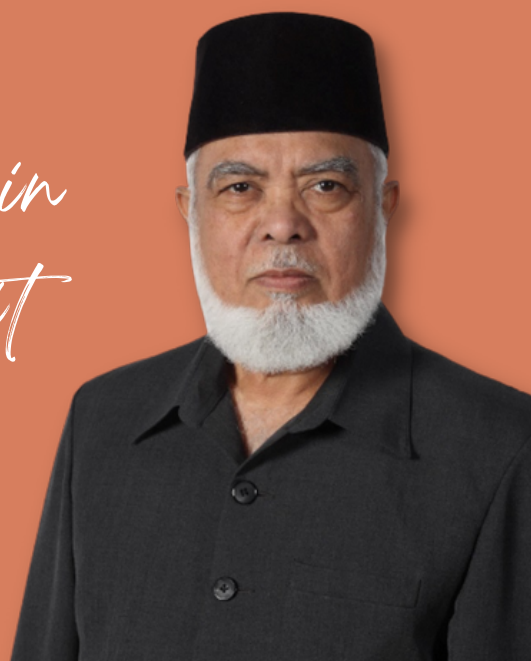
In a query, a *mustafti* raised the issue of no Friday prayers in some areas in southern Singapore due to the small number of congregants.

The Shafi'i school requires a minimum of 40 congregants but Ustaz Sanusi referred to the opinions in other schools, such as the Hanafi and Maliki schools, that allow much smaller congregations.

This was to ensure that Friday prayers could be performed in those areas. This is an example of a fatwa that considers other schools of law in order to secure public interest.

Shaikh Syed Isa Bin Mohamed Bin Semait

1972 - 2010



Shaikh Syed Isa Bin Mohamed Bin Semait was appointed as Singapore's second Mufti in 1972. He completed his early religious education at the renowned Madrasah Al-Junied, before pursuing his bachelor's degree in Sharia at the Al-Azhar University in Cairo. Whilst in Egypt, Shaikh Syed Isa served as an aide to the Singapore ambassador to Cairo, the late Professor Ahmad Ibrahim, who was also the architect of the Administration of Muslim Law Act.

Upon his return to Singapore, Shaikh Syed Isa served as a member of the Appeal Board of the Syariah Court and a naib kadi (marriage registrar), before his appointment as Mufti in 1972 at a young age of 33.

His extensive experience in dealing with culturally-diverse groups had prepared him for his duties as a Mufti with confidence, courage and grace. He was receptive to change in dealing with many issues affecting the community. His tenure as the Mufti lasted for 39 years.

During his tenure, the fatwa institution had evolved considerably, as is evident in the 146 fatwas documented in the *Kumpulan Fatwa* series. There are at least two significant changes which transpired during his tenure.

Firstly, fatwa enquiries received by Muis had progressed from basic questions on rituals to more challenging contemporary issues that required complex interpretations and jurisprudential exercise. Secondly, the fatwas which he issued progressed from terse and brief articulations of position to more detailed and extensive expositions which would normally include the reasoning behind the fatwa positions. This was important for the purposes of educating the community through fatwas.



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Published in Berita Harian, 18 January 1988

Shaikh Syed Isa was committed to contextualizing fatwas for Muslims living in a secular country like Singapore.

In recognition of his contributions and progressive thinking, Shaikh Syed Isa was conferred several prestigious awards including the Meritorious Service Medal, the IRO Lifetime Award and the Public Administration Medal (Gold).

To honour Shaikh Syed Isa's stellar contributions, a scholarship to support outstanding students pursuing Islamic studies was named after him.

Some key fatwas during his tenure are as follows:

Wakaf asset migration

The traditional ruling for wakaf properties is they should not be sold off or replaced because of the principle of perpetuity (*ta'bid*) that applies to wakaf. However, with land scarcity, high costs and regulations on the use of land in Singapore, administering and managing wakaf properties efficiently to ensure they generate revenue is a huge challenge.

Hence, to resolve issues related to properties that are idle, low-yielding or not properly maintained, a fatwa on asset migration (*istibdāl*) was issued, offering new and viable solutions to sustain and grow the wakaf properties.

With the new ruling, such properties could be sold off, and their proceeds used to buy better-performing properties and redeveloped with better facilities for commercial use, or converted into other forms of wakaf like cash wakaf and wakaf ilmu.

Astronomical calculation (*hisāb*) to determine the lunar months

Traditionally, the beginning and end of a lunar month are determined by sighting the new moon above the horizon. Due to Singapore's geographical location and atmospheric factors, this method is not feasible and has caused uncertainties and inconvenience to the community, particularly in ascertaining the start of Ramadan and Eid. In 1974, Sheikh Syed Isa proposed to implement *hisāb* in Singapore to avoid such confusion and disunity. This method was fully adopted from 1980 until today.

Zakat payment in cash

When zakat was contributed in the form of rice grains, Shaikh Syed Isa observed how improper collection methods had made zakat vulnerable to exploitation. There were also difficulties associated with managing the distribution of a perishable commodity. He noted the many advantages of paying zakat in cash in the context of modern Singapore.

Shaikh Syed Isa had also reviewed the categories of individuals eligible to receive zakat funds (*asnāf*) in view of emerging needs of the community.

Through increased public education and awareness, and more transparent distribution efforts, the zakat institution flourished and collections continued to rise.

Today, zakat can be paid through cashless transactions, thanks to the progressive approach pioneered by Shaikh Syed Isa in preserving Islamic principles but adapting methods to suit the needs of the time.

Genetic testing

In 2005, the Fatwa Committee discussed the Singapore Bioethics Advisory Committee's consultation paper on Genetic Testing titled "Ethical, Legal and Social Issues in Genetic Testing and Genetic Research". The Fatwa Committee deemed genetic testing to be permissible, in principle, but emphasized the need for elaboration on certain recommendations, as there may be religious implications.

The Fatwa Committee also laid out its position on various innovative medical testing technologies, such as Predictive Testing, Prenatal Genetic Diagnosis, and Tissue Typing. This demonstrates how the Committee considers new biomedical developments, ethical considerations, and religious rulings in formulating its views on contemporary issues.



Ustaz Dr Mohamed Fatris Bakaram

2010 - 2020

Dr. Mohamed Fatris Bakaram succeeded Shaikh Syed Isa as the third Mufti of Singapore. He received his primary education at Pasir Panjang Primary School before pursuing religious studies in Madrasah Aljunied Al-Islamiah. He pursued his bachelor's degree in Islamic Theology at the Al-Azhar University, and completed his postgraduate degrees at the International Islamic University of Malaysia in Islamic Education, and the University of Birmingham (UK) in Islamic Studies.

Dr Mohamed Fatris served as the principal of Madrasah Al-Irsyad Al-Islamiah, before his appointment as the Mufti in 2010. He paid a lot of attention to the conditions and needs of the community, prioritizing the interest (*maṣlaḥah*) of the public and how fatwas and guidance could achieve this. He spent ample time in engaging and educating the community through various platforms.

The fatwas issued during this tenure were elaborate, as they often included statistics and other information where relevant, as well as various opinions within the Islamic tradition.

Such a more comprehensive fatwa text presents a clearer view of the issue, allowing the public to better appreciate the religious positions taken by the Committee.

Zakat on gold jewellery

The Fatwa Committee reviewed a past decision on zakat on gold jewellery by revising the *`urf* (customary practices) amount from 20 *mithqāl* in the 1995 fatwa text to 200 *mithqāl*, equivalent to 200 dinar and 860 grams, in 2011. As for gold jewelry kept for investment, it is subjected to zakat if it reaches 86 grams.

As the community and its norms evolve, so too does the *`urf*, or any new forms of hardships arising from past decisions, which, in turn, necessitate a review of the related fatwas.

Review of fatwa on joint tenancy

In 2019, the Fatwa Committee recognised joint tenancy as a valid and new form of contract that does not contradict the principles of the Sharia.

That was the latest in a series of revisions on joint tenancy since 1997. The Fatwa Committee then viewed it as a partnership

where the the surviving partner (when the other owner dies) would have to distribute the shares owned by the deceased to his or her beneficiaries, in accordance with *farā'id* laws. In 2008, the Fatwa Committee nuanced the position and allowed joint tenants to give their share to the surviving tenant through contracts such as *nuzriah* or *hibah al-ruqbā*.

These fatwas led to various challenges, such as conflicts arising from ambiguity regarding the deceased's intention, pressures on the surviving tenant from the beneficiaries to sell of the property and give them their shares, and the right of survivorship in statutory law, which would prevent the distribution of *farā'id* as intended by the deceased.

Given that home ownership in Singapore through 'joint tenancy' is extremely prevalent, there has been a significant level of public interest and concern on this issue. The latest fatwa in 2019 resolved much of the ambiguity and uncertainty around this issue from the perspective of Muslim law.

Hibah as a Trust (with the SNTC)

In Singapore, the government set up the Special Needs Trust Company (SNTC) to facilitate the creation of trust funds by parents or caregivers to provide long-term care for persons with special needs. It is a unique form of trust, but clearly with very noble intentions and as an important social support scheme.

The Fatwa Committee considered the SNTC trust as a unique instrument, not exactly similar to other forms of wealth transfer like wills, *nuzriah*, *hibah*, and *hibah al-ruqbā*. The trust, however, complies with Islamic principles and fulfils the objectives of Sharia (*maqāṣid al-shari`ah*), and is therefore permissible. The trust also protects the interest (*maṣlaḥah*) of the beneficiaries by ensuring they are cared for financially in the long run for their specific needs.



Milk Bank

The fatwa on 'milk bank' issued in 2017 challenged cultural norms and understanding of kinship (*maḥramiyyah*).

Dr Mohamed Fatris carefully considered very specific cases which require a review of the position on the limited use of a non-biological mother's milk to help feed newborn babies.

This applied to premature babies born 34 weeks and below who weigh less than 1.8kg and the mother is unable to produce breast milk. The milk is given in small volumes, ranging from 1-2ml to 15ml per feed. The milk is necessary for the babies to survive and significantly reduces their chances of developing long-term debilitating health conditions if they were to rely solely on infant formula.

The fatwa considered the opinions of scholars from various schools of thought, and recognised the difficulty (*masyaqqah*) and necessity (*hājah*) in relation to premature babies.



Ustaz Dr Nazirudin Mohd Nasir

2020 -

In 2020, Dr Nazirudin assumed the position of Mufti of Singapore, succeeding Dr Mohamed Fatris. Dr Nazirudin went through national education before pursuing his religious studies in Madrasah Aljunied Al-Islamiah. He pursued his bachelor's degree in Islamic Law at the Al-Azhar University as the first recipient of the Muis undergraduate scholarship. He completed his master's degree at the School of Oriental and African Studies as a Chevening scholar, and further postgraduate degrees and a Doctor of Philosophy from the University of Oxford with a scholarship from the university.

Dr Nazirudin had worked on various new initiatives in Muis prior to his appointment as the Mufti. He was in the team that revamped part-time Islamic education, introduced the concept of the Singapore Muslim Identity, and conducted public outreach on issues such as organ donation and gender equality in Islam.

He took on the role of the Mufti during a challenging time when Singapore was hit by the global Covid-19 pandemic.

He had to make difficult yet necessary decisions to provide solutions for the community in a time of emergency. Several fatwas were issued during this period, including the closure of mosques, suspension of Jumu'ah prayer, conducting multiple sessions for Jumu'ah prayers, and performing Jumu'ah prayer before zawal where there were multiple sessions.

These difficult decisions required a lot of public engagement and education. With the support of the Fatwa Committee and the Asatizah fraternity, the Muslim community gradually accepted these adjustments and contributed to a safer Singapore in curbing the spread of the pandemic. These initiatives were recognized internationally and the Mufti and the Committee were conferred the Imam Al-Qarafi Award by the General Secretariat for Fatwa Authorities Worldwide led by Egypt's Dar al-Ifta.



Fatwas and Irsyad on COVID-19

COVID-19-related fatwas guided the Muslim community and offered comfort at a time of great trial and emergency.

The pandemic had a direct and significant impact on communal religious practices, but it also offered an opportunity to develop the community's confidence and resilience.

When mosques were closed during Eid, OOM issued guidelines for families to perform their own Eid prayers at home whilst telecasting live sermons to maintain a sense of community and togetherness.

Wearing of the headscarf (tudung) in the uniform services

Discussions on the tudung had started as early as 2002. In November 2021, Muslim nurses were allowed to wear the tudung in the public healthcare sector. The Fatwa Committee issued a fatwa to explain the religious positions on this matter, including the uniform policy 'Bare Below Elbow' (BBE) for nurses, and to guide the community on other uniform services where the tudung is not permitted.

The fatwa sought to empower individuals to make informed decisions, taking into account their personal circumstances and needs. There was a lot of emphasis placed on being compassionate and respectful, not coercing or imposing the tudung on others, as well as on the imperative to preserve our multi-cultural space in cohesive ways.

Fatwas on issues of sustainability

At a time of great environmental transition marked by serious global warming trends, issues of environmental sustainability have become a lot more urgent and much more common. Fatwas can play a role to save the environment in its own unique ways. Thus far, fatwas have been issued on the use of renewable oil and alternative sources of food such as alternative protein and lab-cultivated meat.

As issues become more complex and multi-faceted, Dr Nazirudin placed a great emphasis on the need for the Committee and Asatizah to accurately identify the nature of the issues that the fatwa deals with. Jurists and scholars must resist the tendency to equate latest innovations (in science and technology, for example), with things we are accustomed to or discussions in the classical Muslim tradition.

For example, the only similarity between lab-cultivated meat and traditionally slaughtered animals is the original source of the cells. Yet, there are significant and fundamental differences in the nature of the meats produced. He often cautions against a blanket application of religious principles without meticulous consideration of subtle but important differences in new developments.

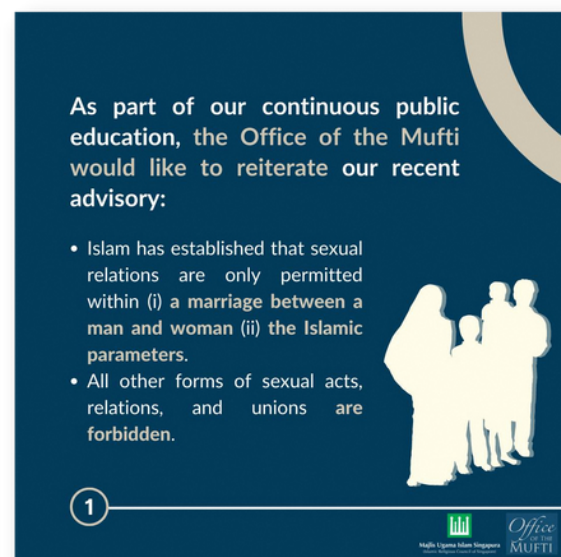
Religious guidance on LGBTQ+ developments

As Singapore society evolves, issues related to sexual identity and social lifestyles become increasingly prominent and contested. One of these is LGBTQ+ issues and developments.

OOM had issued several statements and guidance on these.

While emphasising the Islamic position that all forms of unions and sexual relationships other than through lawful marriage between male and female are prohibited, Dr Nazirudin called on the community to strengthen its resilience and empathy towards those who are struggling with issues relating to sexuality.

With the rise in divisive and contentious issues, it is important that Singapore continues to hold its social fabric together. The Muslim community has an important role in contributing to this cohesion through greater appreciation of diversity and demonstration of the values of compassion and kindness.



Excerpt from Office of the Mufti Instagram, @officeofthemuftisg on 9 September 2022 as part of its public education and engagement efforts..

In his role as the Mufti, Dr Nazirudin strives to bridge between various stakeholders, government agencies and the Muslim community in Singapore. He regularly writes to other faith leaders on their festive occasions, to foster good relations between different faith communities and strengthen the peace and harmony in a highly diverse society in Singapore.



"The role of fatwa is crucial in shaping a Muslim community of excellence who is confident and able to co-exist peacefully with others even when faced with difficult challenges. Indeed, the pandemic is one of the most difficult and grueling challenges we have faced. Fatwas today require an accurate understanding of our context and challenges and a progressive and forward-thinking approach."



Remarks by Dr. Nazirudin Mohd Nasir during the conferral of the
Al-Qarafi Award to the Office of the Mufti in 2022

AWARDS & RECOGNITION



International Sheikh Mohammed bin Rashid Al-Makhtoum Award

2006

MUIS was conferred the International Sheikh Mohammed bin Rashid Al-Makhtoum Award by the Ruler of Dubai for Innovative Solutions in Islamic Finance, as part of enhancing the wakaf management in Singapore.

The Zakat and Wakaf Unit of MUIS had consulted the Fatwa Committee on new methods, such as asset migration (*istibdāl*), consolidating funds to buy a property with better prospects, and building a sustainable funding structure that supports the

development of wakaf properties. These were supported by the Fatwa Committee, and a shari`ah-approved *mushārah* bond was launched. The *sukūk mushārah* structure was the first of its kind in Singapore.

With the proceeds of 27 wakaf properties, including unutilised cash wakaf, a six-story commercial building at 11 Beach Road was purchased.



Imam Al-Qarafi Award for Distinction in Fatwa

2022

The Mufti of Singapore and the Fatwa Committee were conferred the Imam Al-Qarafi Award for Distinction in Fatwa by the General Secretariat for Fatwa Authorities Worldwide, headed by Egypt's Dar al-Ifta' in 2022.

The Secretariat acknowledged the contributions of the Mufti and the Fatwa Committee in addressing contemporary issues, including overcoming challenges during the COVID-19 pandemic. Singapore is the second recipient of the Imam Al-Qarafi Award and the first from a country with a Muslim minority. The first recipient was the Mufti of Jerusalem, Sheikh Muhammad Hussein.

Mufti Dr Nazirudin remarked during the award: *"The role of fatwa is crucial in shaping a Muslim community of excellence who is confident and able to co-exist peacefully with others even when faced with difficult challenges. Indeed, the pandemic is one of the most difficult and grueling challenges we have faced. Fatwas today require an accurate understanding of our context and challenges and a progressive and forward-thinking approach."*

**FATWA
METHODOLOGY &
APPROACH IN
SINGAPORE**



Fatwa Methodology and Approach in Singapore

The suitability and adaptability of Islam to changed contexts and environments through the instrument of *ijtihad* is an established religious principle. This enables the much needed renewal of Islamic thought (including its conceptions and formulations of substantive law) in environments and contexts different and unique from those during the early phases of the faith. Muslim scripture and tradition also claim relevance for all times and place with the immutable principles and core set of teachings of Islam. More critically, the world today has become more volatile and turbulent, and regularly presents Muslims with new and complex issues and challenges that impact their socio-religious life.

Yet, relevance is not possible without effective responses and solutions to these issues and challenges. The principle of *ijtihad* encourages a reasoned engagement with religious texts and recognises that a change in environment and context can affect existing laws. It therefore prevents the teachings of Islam from being ossified and frozen in time in ways that hinder progress and development. Accordingly, individuals trained in the juristic sciences are encouraged to offer new readings and interpretations as part of seeking solutions. Where Muslim societies require guidance on new developments and changes, they are exhorted to consult scholars of religion. The Qur'an refers to this in broad terms: *"So ask the people of knowledge if you do not know."* [Quran 16:43]

The people of knowledge referred to in this verse are the learned who guide with wisdom and experience, with the competence to interpret God's laws and the traditions of the Prophet Muhammad ﷺ.

They are entrusted to preserve the principles and objectives of the Sharia, and follow the path of the pious predecessors in ensuring sound ways of interpreting scripture and the traditions. Today, the institution of fatwa comprising of learned jurists and scholars of Muslim traditions serves this function.

In fact, this role has become even more critical today, in view of the complexity of emerging challenges and developments in many aspects of life.

The world faces various existential threats, in matters relating to the environment, health, politics, economy and social relationships. It is incumbent upon religious scholars and jurists to creatively think of new solutions to guide their communities.

At the same time, they have the opportunity to proactively and constructively engage with new trends and developments, so that they too could shape their trajectories and not simply follow them. In brief, the creative use of fatwas can allow fatwa institutions to be pace and trend-setters, rather than be reactionary to change.

Unfortunately, this otherwise enterprising role of fatwas is limited by erroneous assumptions that fatwas are only a tool to convey existing opinions recorded in the Muslim tradition, and scholars today are not permitted, or lack the capability and integrity, to issue new opinions.



Some have even gone so far as to disallow or reject any view which conflicts with those found in traditional texts, out of deference to scholars of the past who issued those opinions. The outcome of this unfortunate position is that the community's religious life becomes inhibited by these self-imposed constraints and limitations, and Muslims live in confusion and bewilderment every time a new and unprecedented issue arises.

An important fact that needs to be considered is that the operative environment of the classical 'ulamā is different from the world today, especially after the emergence of a nation-state system that gives rights and freedom to all citizens in various aspects of life, regardless of their background. Muslim communities today also live in very diverse situations; some as majorities but many others as minorities, and under different types of political and legal systems.

The task, therefore, of finding solutions that can truly work, given the complexity of certain issues or problems, as well as its novelty and unprecedentedness, warrants a more radical approach of rethinking former and classical approaches to fatwa making.

The Covid-19 pandemic has been one of the most challenging public health and economic crises in modern times. Whilst it was initially treated as an emergency, and the principles of the Sharia centred around promoting ease, alleviating hardship, and preventing harm would apply, the pandemic was more profound in terms of its impact and consequences. In fact, it has changed some of our norms permanently, such as the way we work, study and live. As much as it was distressing and inconvenient, this is the Sunnah (way) of Allah's creation. Just as the earth permanently changes after a natural event or calamity, so too do human conditions after passing through crises and disasters. Ibn Khaldun referred to this in his Muqaddimah when he described the plague that spread in North Africa:

"When conditions change altogether, it is as if the creation has changed from its origin, and the world has turned into a new creation and a renewed world."

The fatwa and religious leadership play an important role in helping the community navigate such new challenges with resilience and confidence in their religious identity and in the dynamism of their religious teachings.

Singapore's context

Like many other societies, Singapore too has its own unique socio-political and cultural context. It is a multicultural and multi-religious country, where Muslims live with non-Muslims in peace and security and enjoy equal rights as citizens. Singapore is also a global financial and technological hub, whose economy is deeply intertwined with the global economy. As an integral part of the Singaporean society, the Muslim community actively partakes in nation-building in the social and economic spheres.

This also means that Muslims regularly encounter new and complex challenges in their socio-religious life which require guidance through fatwas. The institution of fatwa needs to be constantly aware of, and engage with, the latest developments, policies and legislations. This is so that all its rulings and guidance can achieve the right outcomes of securing public welfare and interest, and preventing all forms of harm.

In pursuing the goals above, the fatwa institution in Singapore adopts the following key principles as part of its methodology in formulating fatwas.

1. Expanding the realm of *ijtihad*

There are two major realms of *ijtihad* in fatwa formulation. First is in providing clarification and guidance on religious matters and leading them out of confusion in matters of jurisprudence. In this regard, the Mufti and jurists can interpret on matters that have not been conclusively established, or whose evidence is unclear due to metaphorical (*majāz*) references or other linguistic considerations such as specificity (*takhṣīṣ*) in the texts (*nass*) as discussed by scholars of jurisprudence.

The speculative meanings in the foundational texts of the Sharia opens the door for scholars to exercise *ijtihad*.

As such, there could be different perspectives and opinions on such issues. These differences are acceptable and valid, and they do not constitute reprehensible forms of difference of opinions which lead to division, enmity, and hatred.

The second realm of *ijtihad* is in new and unprecedented matters and issues, where no mention of these can be found in the classical texts and views of past scholars.

The Mufti interprets God's will in such matters. To do this effectively, the Mufti needs to be cognisant of the new scientific and technological developments, and interpret the rules of the Sharia in a manner that preserves public interest and prevents the occurrence of harm.

This further reinforces the flexible and adaptive nature of the Sharia, and its suitability for all times and places. This is also what is meant by the well-established principle that "fatwa changes with time, place, conditions and customs".

The jurist Imam Al-Qarāfī emphasizes the importance of considering context and the customs and norms of people and society in formulating juristic views:

"Applying rulings that are based on outdated customs is contrary to consensus and an ignorance in religion. Everything in Sharia follows customs, and the ruling changes when the custom changes to what the renewed custom requires."

2. Refining the conceptualisation of issues

In the context of more complex and unprecedented challenges, it does not suffice for the Mufti to only comprehend Islamic texts and objectives of Islamic jurisprudence. An important first step is an accurate understanding of the nature and extent of the problem or issue at hand. The Mufti has to be familiar with the modern sciences (whether natural or social), or at least consult experts in the fields relevant to the question.

An accurate understanding and conceptualisation of the issue at hand is absolutely critical, in line with the maxim “Conceptualization precedes judgment on a matter.”

This requirement cannot be overstated and is also not easily achieved, especially in today's context where issues are multifaceted. As such, the institution of fatwa should consult experts and specialists as part of ensuring clarity on all aspects related to an issue. At the same time, the fatwa formulation process also needs to examine data, particularly on social issues (for example, in forecasting social trends).

More critically, it should carefully identify differences between what is being addressed and issues of the past that bear semblances to the present. To gain a precise understanding of new issues, it is imperative to comprehensively examine the minute details of contemporary developments and accurately account for the differences between the past and the present, to avoid the fallacy of similarity.

Classical scholars have pointed out the importance of recognising such subtle differences. Imam Al-Qarrafi notes this: *“Do not confine yourself to what is written in books throughout your life. If a person from outside your region seeks religious guidance, do not impose the customs of your own land on him.”*

Inquire about the customs of his land, give him advice based on them, and guide him accordingly, rather than imposing the customs of your own land and what is established in your books. This is the clear truth. Persisting in adhering only to transmitted knowledge is always a deviation in religion and ignorance of the objectives of the Muslim scholars and the early generations.”

Ibn al-Qayyim also discusses this issue in *I'lām al-Muwaqq'īn*: *“This is the essence of jurisprudence. Whoever issues fatwas based solely on what is transmitted in books, without considering the customs, interests, circumstances, situations, and conditions of the people, and the indications of their conditions, has gone astray and led others astray. Such a person's sin is greater than that of a doctor who treats patients according to the books of medicine, ignoring the differences in their countries, interests, circumstances, and natures. These ignorant doctors and Muftis have caused the most significant harm to the religions and bodies of people, and only Allah can provide help.”*

An example is the issue of new food technologies and sustainability. There are now technologies that can create ‘new foods’, such as lab-cultivated meat. Although such meat originates from animals, it differs in so many ways from traditional meat (from slaughtered livestock) such that adopting the same rules which apply to traditional meat to these ‘new foods’ is the wrong approach.

Technological advancements, much of which have become part of our contemporary lives and norms, can also aid in our religious life. An example of this is the determination of the start of lunar months, and the use of astronomical calculations for this purpose.

The visual sighting is a means, whose aim is to determine the beginning of lunar months with a high degree of accuracy. In this case, the purpose and goal of the Sharia is the determination of the new month, not sighting in and of itself. Astronomical calculations, which are also based on long-term and complex set of scientific observations, can achieve the same, if not a more accurate outcome.



Mufti Dr Nazirudin ascertaining atmospheric conditions in Singapore for moon sighting at Tuas for Shawwal 1443H/2022 accompanied by Falak expert, Mr Md Faizal Othman and Deputy Mufti, Ustaz Dr Izal Mustafa Kamar.

Hence, it is important that the fatwa leadership and scholars are imbued with new skills to enable them to competently deal with contemporary issues, particularly in the process of appraising the challenges and acquiring an accurate and comprehensive understanding of complex issues. These new skills and tools, which may include the use of artificial intelligence, big data in the social sciences, and other relevant tools, have become critical in the process of fatwa formulation today.

3. Strengthening moral values

Islam provides a spiritual and ethical paradigm that helps Muslims navigate life and its vicissitudes and challenges. The ethical dimensions of Islam is an integral part of its Sharia. Islam places equal importance on cultivating moral values in individuals as it does on requiring adherence to legal rulings.

This approach is embedded in all the teachings of the Prophet Muhammad ﷺ and the Holy Quran. When the companion Ibn Mas'ud, known as the interpreter of the Quran (may Allah be pleased with him), was asked about the verse in the Quran that is most wise, he pointed to the following: *"Indeed, Allah orders justice and kindness"* [Quran 16:90]

Islamic jurisprudence and fatwas are founded on these ethical values, which play an important role in bringing about hope and optimism, tranquility and peace, in a turbulent and difficult world.

One of the most important values is mercy and rahmah (compassion). This value is emphasized in the Quran and the noble Sunnah, and considered a fundamental principle in all Sharia rulings.

In the issue of organ donation, the Fatwa Committee in Singapore considered the difficulties faced by those suffering from organ failure, and the various challenges that they encounter, such as medical, financial, emotional difficulties, which affect them and their families. Based on the value of mercy and compassion, the religious position on organ donation could help relieve them of some of their pain and suffering.

4. Securing public welfare (*taḥqīq al-maṣāliḥ*)

Islam upholds the values of mercy, peace, justice, and kindness. The Sharia seeks to achieve these noble objectives with its principles, rules, and values, and to secure public interests and prevent harm and danger that adversely impact human life.

By examining the Sharia texts and rules, it is clear that the Sharia seeks to benefit worshipers in this life and the hereafter. The jurist *Al-Shāṭibī* pointed to this, in his book *Al-Muwāfaqāt* and Ibn Qayyim summarised in his book *I'lām Al-Muwaqqi'īn*:

"The Sharia is based on wisdom and the interests of worshipers in this life and the hereafter. It is all justice, mercy, and interests, and all wisdom. Every issue that deviates from justice to injustice, from mercy to its opposite, from interest to harm, and from wisdom to nonsense, is not part of the Sharia, even if it is interpreted as such. The Sharia is Allah's justice among His worshipers, His mercy among His creation, His shadow on His land, and His ruling that indicates His truthfulness and the truthfulness of His Messenger, peace be upon him."

Ibn Qayyim's words sum up the importance for Islamic law to achieve the purpose of the Sharia itself. Widely referred to today by *ijtihād maqāṣidī*, this approach affords greater flexibility in terms of finding new ways at looking at issues and questions. As the scholar Allāl al-Fāsi notes, these objectives *"ensures that people conduct themselves justly, with moral probity and with integrity in thought and action, and that they reform that which needs reform on earth, tap its resources, and plan for the good of all."*

The challenge today is to critically assess and evaluate public interest and harm, as what are considered as interest may be easily confused with harm. For example, everything may have an element of interest or harm, albeit in different degrees and forms. Here, *al-Shāṭibī*'s criterion of predominance is helpful. If the interest is predominant, it should be acknowledged, and the same applies to harm. In these instances, the Mufti has the duty to weigh between the two, i.e. between interest and harm.

One of the clearest examples of preserving public interest took place during the COVID-19 pandemic, where this focus became a fundamental axis in fatwa deliberations and decisions.



The five objectives of the Sharia were extremely pertinent then, especially the preservation of life. To this end, the Fatwa Committee issued numerous fatwas, such as permissibility to conduct multiple Friday prayer sessions in the same mosque to allow for more congregants to perform their prayers, and endorsed the various health-preventive measures during worship.

An outcome of all these was that religious worship continued safely and did not contribute to the spread of the Covid-19 virus. Collectively, the community showed that Islam is a religion that brings about security, safety, peace, and well-being of everyone.

5. Empowering the Muslim community

The fatwa and religious leadership play a very important role in shaping a successful, harmonious and progressive religious life. With the appropriate guidance, the Muslim community will be confident and empowered with the right understanding of their faith to overcome the challenges that they face. The Sharia is not just a set of rules and laws, but puts forth a way of life and a comprehensive system of values and teachings that steer Muslims towards success and confidence.

Therefore, the role of fatwa is not limited to providing religious guidance that dictates and prescribes, but also educates and empowers Muslims to decide on matters very personal and specific to their circumstances. Therefore, fatwas should not build complete dependency where if there is no detailed guidance, one becomes unable to practice religion.

The desired outcome of fatwa institutions should be that the community is able to make informed decisions and does not have a crutch mentality on religious matters.

The fatwa institution in Singapore adopts this approach of 'empowerment', which focuses on educating the community and building their capability to address their issues with confidence. To do so, a fatwa should not only pronounce a specific ruling that permits or prohibits something, but reasons its position with the principles and values that led it to that position. The responsibility then shifts to the questioner to understand the purpose of the Sharia in particular situations. Perhaps this is one of the meanings that the Prophet ﷺ intended by guiding Muslims to consult their heart even as they receive advice and guidance from others:

"Consult your heart. Righteousness is that about which the soul feels at ease and the heart feels tranquil. And wrongdoing is that which wavers in the soul and causes uneasiness in the chest, even if people give you fatwas."

6. Leveraging diversity in Islamic jurisprudence

The Muslim traditions of law have played a significant role in the development and growth of Islamic jurisprudence. The great scholars of the legal schools and their disciples have left juristic works of the highest quality and depth, and a rich treasure that continue to have a significant impact on the spread and practice of Islamic jurisprudence around the world.

"An adherence to only one approach, source, or school of thought in every issue and at all times, while ignoring the existence of other opinions even if they are more preponderant than the one being followed, is a kind of fanaticism that contradicts the essence of the Sharia."

However, the vastness of the tradition also means that there are well-established differences of opinion among scholars on many issues. It is highly common to find different views and interpretations across and even within the schools. An adherence to only one approach, source, or school of thought in every issue and at all times, while ignoring the existence of other opinions even if they are more preponderant than the one being followed, is a kind of fanaticism that contradicts the essence of the Sharia.

Although the legal schools are well-established and are closely adhered to by individuals and communities in their practice of the faith, this does not mean that the search for new rulings through fatwas must be confined to the school of law to which one belongs.

For example, in Singapore, although the majority of Muslims follow the Shafi'i school, and a minority follow the Hanafi school (both due to historical reasons), the Fatwa institution has to explore the opinions of other schools on certain matters where appropriate. Whilst the Sharia itself is sacred, the views and opinions of scholars arising from their respective interpretations are not. Imam Qatada said: *"Whoever does not know the differences has not smelled the fragrance of jurisprudence with his nose."*

In fact, scholarly differences in the interpretation of Islamic legal texts is a form of mercy for the ummah, as it facilitates the search for solutions in times of need or necessity. This is particularly so when one cannot find an opinion within a school in trying to address a particular problem or challenge. In very exceptional circumstances, such as during the pandemic, interpretations that permit the conduct of Friday prayers before *zawal* was helpful in managing prayers at a time that limited the number of congregants and regular cleaning of prayer space was necessary.

7. Enhancing international partnerships

Fatwa is going through a new stage of great importance, with huge challenges but significant opportunities, at the same time. Recent developments, including multiple global crises - health, economic, security, environmental, and others - indicate that humanity as a whole needs a refresh and rethink, in terms of a common and shared vision.

The scholars and muftis of this ummah are the leaders and function as role models at the forefront of analysing complex contemporary issues and providing the right guidance, with knowledge and wisdom.



These challenges require greater collaboration and exchange of expertise between fatwa institutions in the Muslim world. It is through such exchanges and collaborations that fatwa thinking can develop and grow, so that Muslim communities can overcome new challenges with confidence.

Conclusion

Fatwa formulation is of critical importance to the socio-religious life of Muslims. Those entrusted to undertake the responsibility of issuing fatwas carry with them a huge religious responsibility. This task cannot be properly accomplished except with God's *taufiq* and guidance. The purpose of issuing fatwas is to improve the Muslim ummah and guide them towards what will please Allah and His Messenger. It is as how the Prophet Syu'aib proclaims to God *"I only intend reform as much as I am able, and my success can only come from Allah. In Him I trust, and to Him I turn."* [Quran 11:88]



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٧. تقوية التعاون الإيجابي بين مؤسسات الإفتاء

إن المؤسسات الإفتائية تعمل في واقع معقد تشتبك فيه المجالات والأبعاد فمثل هذه التحديات تتطلب من الهيئات الإفتائية في العالم أن تتعاون بتبادل التجارب والخبرات في معالجة القضايا الشائكة، ونشر البحوث العلمية ذات الأصاله والتجديد فهذا التعاون من التعاون بين المؤسسات يفتح أبواب التقدم في الفكر الإفتائي.

خاتمة

إن الإفتاء أمر خطير وأمانة عظيمة، لا يستطيع أن يقوم بها أحد إلا بتوفيق من الله تعالى، وما نريد بالإفتاء إلا إصلاح مجتمعاتنا وإرشادها إلى ما يرضي الله ورسوله ﷺ. وكما قال الله على لسان سيدنا شعيب وعلى نبينا وعليه أفضل الصلاة والسلام (إن أريد إلا الإصلاح ما استطعت وما توفيقي إلا بالله عليه توكلت وإليه أنيب).

ففي سنغافورة قد أصدرت فتوى عن جواز نقل الأراضي الموقوفة واستبدالها حيث إن في نقلها واستبدالها إبقاء لمقصد الوقف وتحقيق منفعة كبيرة وحصول عائد أكبر للمجتمع المسلم.

ومثال آخر فقد أصدرت فتوى في أيام الجائحة بتعدد الجمععات في مسجد واحد وإقامة صلاة الجمعة قبل زوال الشمس إذا تأخر وقت الزوال، حيث إن التمسك بأقوال الشافعية فقط في تلك الحالات لم يلق حلا لمشاكل المجتمع في أيام الجائحة. ولا ننسى أن من أعظم أهداف الشريعة الإسلامية هو الحفاظ على الدين الحنيف، وهذا يتطلب من الهيئة الإفتائية أن تجتهد اجتهادا انتقائيا في إطار أقوال المذاهب الفقهية المعتمدة، وتبحث عن حلول دينية تساهم في الحفاظ على الدين وتحقيق الغاية النبيلة والمصلحة العامة.



على نهجهم مؤلفات ضخمة وكنوزا ثرية يبقى أثرها العظيم في انتشار المذاهب الفقهية في جميع الأقطار.

وإن الاختلاف بين العلماء في مسألة من المسائل الفقهية لا مناص منه، والمقارنة بين هذه الآراء والاختلافات تلقي الضوء على رجحان رأي على آخر، وذلك لأسباب عديدة ذكرها وناقشها كثير من الباحثين قديما وحديثا. فمن تعمق في هذا الفن، يعني الفقه المقارن على المذاهب الأربعة أو غيرها من المذاهب المعتمدة، يكشف حقيقة مهمة وهي أن التعصب بمذهب واحد وقول واحد في كل مسألة وفي كل وقت وإغفال مذهب آخر أو رأي آخر تبين رجحانه على الذي تمسك أو عمل به، هو نوع من التعصب المذهبي الذي يناقض مرونة هذه الشريعة وسعتها وكمالها وروعيتها. ولذلك يقول قتادة: (من لم يعرف الاختلاف، لم يشم رائحة الفقه بأنفه)

ويعتبر اختلاف الفقهاء في تفسير النصوص الشرعية واستنباطها مظهر من مظاهر الرحمة والسعة حيث إن آراءهم قد تكون مصدر حل في وقت الحاجة أو الضرورة، وخاصة إذا كان التمسك بمذهب واحد آنذاك لا يخرج الأمة من مأزقها ولا يحل لها عقدها. وفي إطار التوسع الفقهي في التراث الإسلامي لا يستلزم أن الفتاوى التي تصدرها الهيئة الإفتائية تستند بشكل دائم على مذهب واحد فقط، مع أن أغلبية المسلمين في سنغافورة يتمذهبون بمذهب الإمام الشافعي والبعض اليسير على المذهب الحنفي، بل قد تلجأ - في بعض الأحيان - إلى الأقوال المعتمدة من المذاهب الفقهية الأخرى.

فالفتوى تمكّن المجتمع بأن يراعي الظروف الخاصة بالأشخاص. فبعد التوعية الكافية، ينتقل بعض المسؤولية إلى السائل ليبصر لنفسه مقصود الشارع في أحواله الخاصة به وهذا ما يسميه الشاطبي بتحقيق المناط في الأشخاص وهو نظر في كل مكلف بالنسبة إلى ما وقع عليه من الدلائل التكليفية.

ودليل على ذلك أن النبي ﷺ أجاب بأجوبة مختلفة لما سئل في أوقات مختلفة عن أفضل الأعمال وخير الأعمال.

ولعل هذا هو أحد المعاني التي أرادها النبي ﷺ بإرشاد السائل أن يستفتي قلبه الذي لا يطلع عليه غير الله عز وجل حين قال: (استفت قلبك واستفت نفسك - ثلاث مرات - البر ما اطمأنت إليه النفس والإثم ما حاك النفس، وتردد في الصدر، وإن أفتاك الناس وأفتوك)

وقد راعت هيئة الإفتائية هذا المنهج في فتوى الحجاب للمسلمات العاملات في القطاعات المختلفة حيث يسمح ارتداء المرأة الحجاب في بعضها دون البعض، فليس دور الفتوى أن يحرم العمل للجميع في القطاعات التي تحظر لبس الحجاب لأن حاجة الأفراد للأعمال تختلف من فرد لآخر، فكل فرد يراعي ظروفه الخاصة به وهو أدري بظروفه وحاجته إلى العمل إلى غير ذلك من المصالح.

٦. توسيع الاستفادة من التراث الفقهي

إن للتراث الفقهي الإسلامي دورا عظيما في نشأة الفقه وعلومه، فقد ترك لنا أئمة المذاهب ومن سار

٥. تمكين المجتمع المسلم

إن الأعمال الإفتائية بل القيادة الدينية بصفة عامة في العصر الراهن لها أهمية بالغة ودور عظيم وحاسم في تشكيل الحياة الدينية الناجحة المتقدمة والمزدهرة والقادرة على التعايش السلمي وعلى تشكيل مجتمع مسلم قوي يمتلك الثقة بالنفس، والقدرة على التأقلم مع التحديات المختلفة التي تعترض طريقه. وهذا الذي يقصد بتمكين المجتمع وذلك لأن مفهوم الشريعة أوسع من أن تكون مجموعة من الأحكام الفقهية فحسب، بل هي طريقة حياة تقدّم حلولاً وتوجّه المجتمع نحو طريق النجاح والثقة فالفتوى لا بد أن تربي وتبني العقلية الفارقة للعقل المسلم علمياً وأخلاقياً والقادرة على اتخاذ قرارات مستنيرة في حياتهم اليومية وخاصة أن المسائل اليوم أصبحت أكثر من أن تحصى.

ومن هذا المنطلق، فلا ينبغي أن تبني عقلية معتمدة اعتماداً كلياً على فتاوى تبين الحكم في كل جزئيات الحياة - حقيقية كانت أم متخيلة - فأصبحت عاجزة عن ممارسة دينها وفاقدة لبصيرتها في حالة عدم وجود فتوى أو إرشاد ديني. ولهذا، فإن الفتوى في سنغافورة تنهج منهج التمكين حيث تركز على تعليم الناس وبناء قدراتهم العلمية في معالجة القضايا الخاصة بهم دون غيرهم.

فعلى المفتي أن يحقق المناخ في المسألة ويقوم بعملية الموازنة بين المصالح والمفاسد بل وعند تعارض الخيرين والشرين يدلي الشيخ القرضاوي بدلوه فيقول: (وليس العاقل الذي يعلم الخير من الشر، وإنما العاقل الذي يعلم خير الخيرين وشر الشرين)

ولعل أوضح مثال في تحقيق المصالح ما حدث في جائحة كوفيد-١٩ حيث أصبح الاهتمام بالمصلحة العامة معياراً أساسياً. ولقد أصدرت الهيئة الإفتائية فتاوى عديدة تحافظ على مصالح المجتمع وتدرأ عنه المفاسد، ففي هذه الحالة، يقدم مقصد حفظ النفس على غيرها باعتبارها أصلاً وفي مقدمة المقاصد الخمسة. ومن جملة تلك الفتاوى والإرشادات الدينية التي أصدرت في تلك الفترة الصعبة إغلاق أبواب المساجد، وتعطيل صلاة الجمعة والعديد في المساجد وتأجيل سفر الحجاج، وضرورة اتخاذ الاحترازاات الصحية في العبادات والأنشطة الدينية القائمة في المساجد.

وذلك من أجل الحفاظ على روحانية الدين في المجتمع المسلم في سنغافورة.

ونتيجة ذلك كله، أنه لم يكن أي النشاطات الدينية في مساجد سنغافورة سبباً في تفشي الوباء مما يؤكد على كون الإسلام هو دين أمن وأمان ودين سلم وسلام للجميع.

كلها، ومصالحُ كلها، وحكمةُ كلها؛ فكل مسألة خرجت عن العدل إلى الجور، وعن الرحمة إلى ضدها، وعن المصلحة إلى المفسدة، وعن الحكمة إلى العبث؛ فليست من الشريعة وإن أُدخلت فيها بالتأويل، فالشريعة عدلُ الله بين عباده، ورحمته بين خلقه، وظله في أرضه، وحكمته الدالة عليه وعلى صدق رسوله - ﷺ - أتمَّ دلالةً وأصدقهاً.)

فتحقيق المصالح ومراعاتها في الإفتاء أمر لا مرية فيه، بيد أن إدراك المصلحة في الأفية الثالثة يُكون أشدَّ صعوبةً وتعقيدا حيث قد تلتبس المصالح بالمفاسد، فما من مصلحة إلا وقد تكون فيها نوع من مفسدة، ولا توجد مفسدة عارية من مصلحة البتة، فإن العبرة بالغلبة فما كانت المصلحة فيه أغلب، اعتبر مصلحة، وما كانت مفسدته أغلب، اعتبر مفسدة ولذلك يقول الشاطبي: (فالمصالح والمفاسد الراجعة إلى الدنيا إنما تفهم على مقتضى ما غلب فإذا كان الغالب جهة المصلحة، فهي المصلحة المفهومة عرفا، وإذا غلبت الجهة الأخرى فهي المفسدة المفهومة عرفا)



ولتكن الفتوى والإرشاد الديني مصدرا من مصادر الطمأنينة والسكينة في الدين حيث يُلقى النظرة نحو مستقبل زاهر وغد مشرق، يمنح البصيرة لرؤية ما هو أفضل وأكثر ازدهارًا.

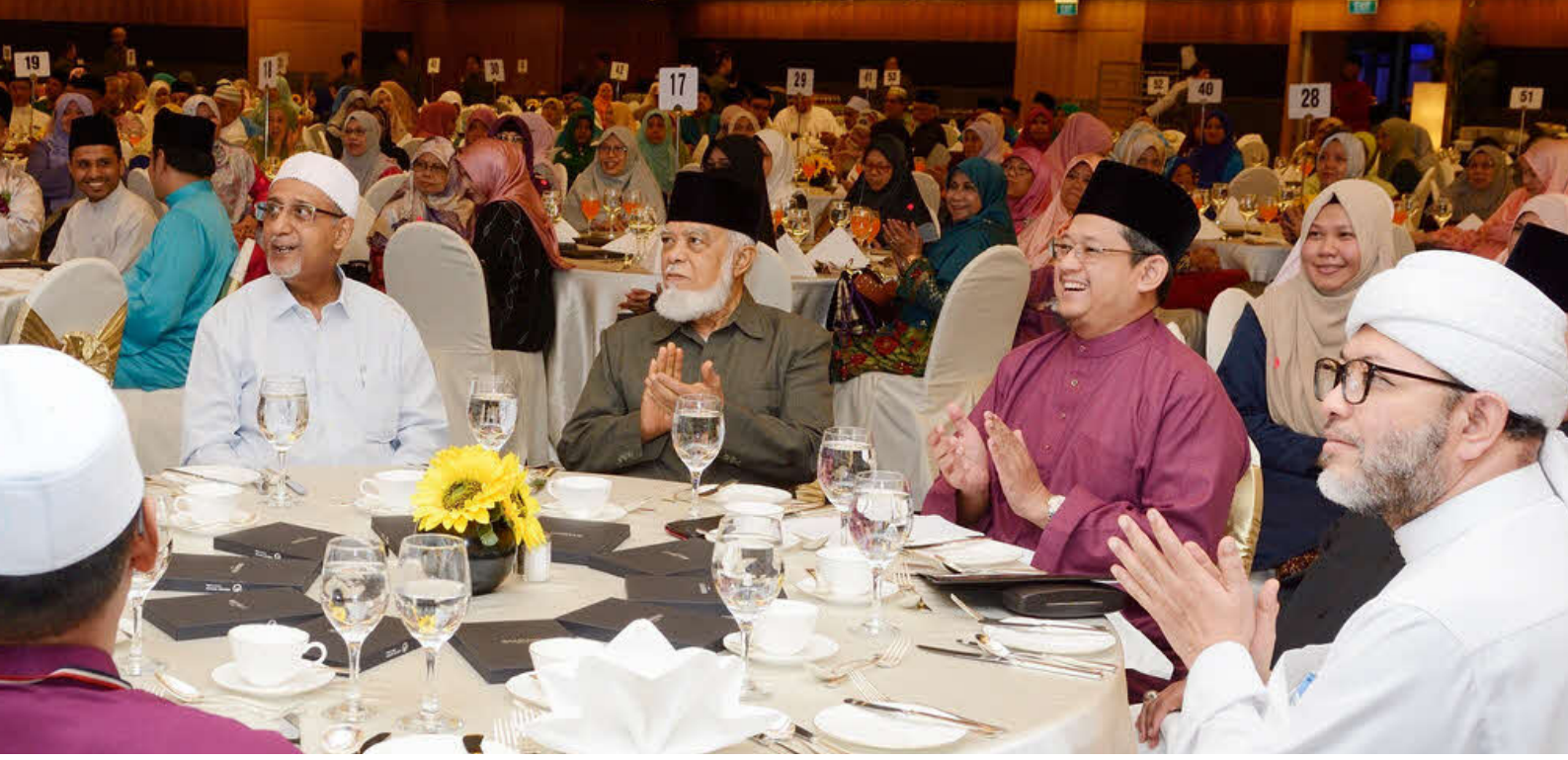
وعلى هذا فقد راعت الهيئة الإفتائية بسنغافورة قيمة الرحمة والإحسان في مسألة تبرع الأعضاء بعد الموت حيث أصدرت فتوى تجيز التبرع بالأعضاء للأحياء لما فيها معنى الإحياء للنفس الإنسانية والرحمة. ومما استدلت به الهيئة الإفتائية هو قوله تعالى: ﴿كَتَبَ رَبُّكُمْ عَلَى نَفْسِهِ الرَّحْمَةَ﴾

فالفِتنَى إِذن إما أنها ترحم الخلق، أو تقرر حكمة، أو تأمر بالعدل، أو تحقق مصلحة، أو تدرأ مفسدة للإنسانية.

٤. تحقيق المصالح المنشودة

ولقد جاءت شريعته السمحة المقدسة بكل أحكامها لتحقيق الغايات السامية منها الرحمة والسلام والعدل والإحسان فالشريعة بما فيها من أصول وفروع، ومبادئ وقواعد، تسعى لتحقيق مصالح البشر في الدنيا والأخرى وتدفع عنهم المفاسد و شتى مضرات الحياة كما ذكره الشاطبي في "الموافقات": (والمعتمد أنا استقرينا من الشريعة أنها وضعت لمصالح العباد)

وقد لخص الإمام ابن القيم في كتابه إعلام الموقعين هذا المقصد في أجمل تعبير وأدق عبارة فيقول: (فإن الشريعة مبنّاها وأساسها على الحكم ومصالح العباد في المعاش والمعاد، وهي عدلٌ كُلُّها، ورحمةٌ



ولعل أوضح مثال تطبيق قيمة الرحمة في الأحكام المتعلقة بالعبادات ما قاله النبي ﷺ عن شأن إمامة الصلاة: (إِذَا مَا قَامَ أَحَدُكُمْ لِلنَّاسِ فَلْيُخَفِّفِ الصَّلَاةَ فَإِنَّ فِيهِمُ الْكَبِيرَ وَفِيهِمُ الضَّعِيفُ وَإِذَا قَامَ وَحْدَهُ فَلْيُطِلْ صَلَاتَهُ مَا شَاءَ)

وكذلك قيمة الإحسان فيها هو ابن مسعود رضي الله تعالى عنه لما سئل عن أحكم آية في القرآن أجاب بقوله تعالى: ﴿إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ﴾

فالفقه الإسلامي لا يستثنى من هذا المعنى، بل يسير حيث سارت هذه القيم فإنه يتميز بالنزعة الأخلاقية التي تسري في كل جزئيات الأحكام الفقهية.

هذه القيم لها دور أعظم وأكبر في تكييف الفقه وتجديده فكذلك شأن الفتوى التي تهدف إلى إخراج المجتمع من مشاكل في ظل الظروف الصعبة.

ولذلك لا بد من تمكين القيادة الإفتائية والعلماء وتدريبهم على مهارات جديدة بطريقة هادفة مما يساعدهم على إدراك الواقع وتصور صحيح كامل للقضايا والمسائل المعقدة ذات الجوانب المختلفة.

٣. ترسيخ القيم الأخلاقية

إن القيم الأخلاقية جزء لا يتجزء من الشريعة وأحكامها وقد بينت شريعة الله على هذه القيم العليا وتجلت هذه القيم في جزئيات حياة الرسول ﷺ ووكلياتها وشرعها لأمته في سائر أحوالهم.

فمن أعظم هذه القيم هي قيمة الرحمة ولقد كثرت الإشارة إليها والحث عليها في القرآن والسنة النبوية الشريفة، وتعدُّ هذه القيمة محورا أساسيا موجِّهاً لجميع تعاليم الدين وأحكامه المتعددة، وتستمد هذه القيمة من قوله ﷺ - الحديث المسلسل بالأولية: (الرَّاحِمُونَ يَرْحَمُهُمُ الرَّحْمَنُ ارْحَمُوا مَنْ فِي الْأَرْضِ يَرْحَمَكُم مِّنْ فِي السَّمَاءِ)

وهذا النوع من الاجتهاد هو المقصود من أن الفتوى تتغير بتغير الزمان والمكان والأحوال والعادات.

ولقد تحدث عن مراعاة الواقع وتغير عادات الناس والمجتمع الإمام القرافي رحمه الله حيث قال: (إن إجراء الأحكام التي مدرکہا العوائد مع تغير تلك العوائد، خلاف الإجماع وجهالة في الدين، بل كل ما هو في الشريعة يتبع العوائد يتغير الحكم فيه عند تغير العادة إلى ما تقتضيه العادة المتجددة)

والمثال على تأثر الأحكام بالعادة هو أن حاجة المجتمع إلى الغذاء لم تعد تقتصر على نوع معين بل تعدت إلى أنواع أخرى من الأقوات وذلك بحسب العادة المتغيرة عبر الزمان فأفتت الهيئة الإفتائية بإخراج الزكاة نقدا بدلا من إخراجها بقوت البلد.

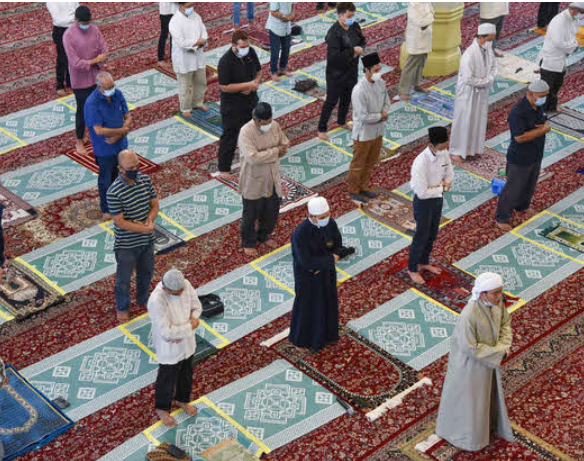
٢. تصور المسألة الصحيح والكامل

إن مسؤولية المفتي في هذا العصر الراهن لا تقتصر على فهم الشريعة نصوصا ومقاصد فحسب، لأن معالجة القضايا المستجدة في العصر الحاضر تتطلب الإلمام بالعلوم الحديثة، منها العلوم الطبيعية والإنسانية والاجتماعية حتى يعي المفتي بالواقع وعيا تاما وصحيحا يستوعب كل جوانب القضية وذلك حسب القاعدة: (الحكم على الشيء فرع عن تصوره).

وأصبح الأمر أكثر ضروريا اليوم لأن قضايا نادرة البساطة والوضوح، بل هي في معظم الأحيان مُعقّدة ومُتشعبة بأبعادٍ وجوانب مُتعددة. فلا بد أن تستعين الهيئة الإفتائية بالمتخصصين في المجالات المعنية كالأطباء في قضايا طبية كما هو

ظاهر عند جائحة كوفيد- 19 والمتخصصين في العلوم الاجتماعية في قضايا اجتماعية، وإلى أهل الاقتصاد في قضايا المعاملات المالية، بل تستعين في زماننا بالبيانات الرقمية والذكاء الاصطناعي في عملية الإفتاء لكي يتم التصور للواقع ومآلات الأحكام تصورا سليما شاملا غير مشوه. وحتى لا يحدث الالتباس في فهمه لحقيقة القضايا التي تعالجها فتفرق بين المختلفات وتميّز بين الأشياء تمييزا دقيقا، فالتفاهم الدقيق للتحديات الجديدة يتطلب النظر إلى شتى جوانبها، وفهم الاختلافات بدقة. فعلى سبيل المثال الطعام الجديد أو ما يسمى باللحوم المخبرية، لها طبيعتها الخاصة والمنفردة والمُباينة للحم التقليدي لم يتحدث عنها فقهاؤنا الأسلاف، فالفتوى على حلها أو حرمتها قياسا تاما على الأطعمة أو اللحوم التقليدية قد تكون خطأ.

وللإمام القرافي ملاحظة قيمة في تغير الأعراف عبر الزمان في "الفروق" فيقول: (ولا تجمد على المسطورة في الكتب طول عمرک، بل إذا جاءک رجل من غير أهل إقليمک يستفتیک ولا تُجره على عرف بلدک، واسأله عن عرف بلده وأجره عليه وافته به دون عرف بلدک والمقرر في كتبک، فهذا هو الحق الواضح، والجمود على المنقولات أبدا ضلال في الدين وجهل بمقاصد علماء المسلمين والسلف الماضين).



فإذا ثبت أن الفتوى نوع من أعمال الاجتهاد المطلوبة في الدين لكون هذه الشريعة صالحة لكل زمان ومكان، فإن المؤسسات الإفتائية تلعب دوراً مهماً في توجيه المجتمع المسلم نحو ممارسة الدين ممارسة صحيحة تلائم واقع مجتمعاتها، فمؤسسة الإفتاء في سنغافورة تسير على هذا المنوال كونها بلداً متعدد الثقافات والديانات، يتعايش المسلمون مع غير المسلمين في أمن وسلام، ويتمتعون بما يتمتع به غيرهم على أساس المواطنة ويساهمون في بناء وتطوير اقتصاد الدولة لمكانتها كمركز مالي عالمي لأن المجتمع المسلم جزء لا يتجزأ من مجتمع سنغافورة.

إن الفتوى لها مهمتان: **الأولى** التوضيح للناس في أمر دينهم وإخراجهم من الغموض الفقهي فالمفتي موقع عن الله عز وجل فيما استجد من القضايا، فيستنبط من النصوص الشرعية التي اشتبهت دلالاته لما يعترضه من المجاز أو التخصيص أو لأسباب أخرى مما ذكره الأصوليون، فكون بعض النصوص الشرعية ظنيّة الدلالة تفتح المجال للعلماء أن يجتهدوا، وهذا دليل على مدى سعة الشريعة الإسلامية ومرونتها. وإن كثرة الاجتهادات واختلاف الآراء لا تدرج تحت الخلاف المذموم المنهي عنه الذي يؤدي إلى التفرق والعداوة والبغضاء.

فهذا الواقع له أثر بالغ في الحياة الدينية للمسلمين فإن القضايا الدينية التي يواجهها المجتمع المسلم شديدة التعقيد والتغير مما يتطلب من الهيئة الإفتائية أن تكون ملمة بهذه التنوعات والتغيرات الهائلة حتى تنزل الأحكام على الواقع تنزيلاً صحيحاً مراعية السياق الزماني والمكاني والإنساني، محققة لمصالح المجتمع، مجنبّة المفاصد عنهم سواء كانت واقعة أم متوقعة.

والثانية: تبصيرهم عن مستجدات الحياة وإخراجهم من مشكلاتها ومآزقها فالنوازل التي لم يسبق لها مثيل، لا في النصوص الشرعية ولا في تراثنا تتطلب الاجتهاد ولا سيما أن الواقع الحالي الذي نعيشه يتسم بالتعقيد والتغير، مما يضع على عاتق الهيئة الإفتائية وفي مقدمتها المفتي مسؤولية الوعي التام بتلك التحولات الاجتماعية والسياسية، من أجل تطبيق الأحكام الشرعية على الواقع بشكل صحيح لجلب المصلحة لمجتمعه ودفع المضرة عنه فيتعين على الهيئات الإفتائية أن تكون على دراية تامة بالتطورات العلمية والتكنولوجية الحديثة غير مسبوقة وتجتهد في هذه القضايا المستجدة.

ولتحقيق هذه الأهداف، تراعي الهيئة الإفتائية بسنغافورة سبعة أبعاد مهمة:

- ١ توسيع مجالات الاجتهاد والإفتاء الراهنة
- ٢ تصور المسألة الصحيح والكامل
- ٣ ترسيخ القيم الأخلاقية
- ٤ تحقيق المصالح المنشودة
- ٥ تمكين المجتمع المسلم
- ٦ توسيع الاستفادة من التراث الفقهي
- ٧ تقوية التعاون الإيجابي بين مؤسسات الإفتاء



قال بها، فمثله كمثّل تلميذ مبتدئ يقرأ كتابًا عن الطب، فيجد فيه وصفًا للأمراض وطرق علاجها، ولكنه لا يدري أن هذا الكتاب يعرض فقط لمعلومات تاريخية، وأنه قد تتغير هذه المعلومات مع تطور الطب.

وبالتالي، فإنه يظن أن مهمة الطبيب هي مجرد تطبيق ما ورد في ذلك الكتاب، دون فهم الحالة المرضية ووضع خطة علاجية مناسبة لها.

وتكمن مأساة كبيرة من هذا الالتباس ويظهر أثره في نوع تعيس من الحياة الدينية تتولد منه أمة تعيش في حالة من الارتباك والحيرة كلما طرأت عليها قضية جديدة. وهذا الوضع يناقض سمات الشريعة الغراء من المرونة واليسر والسعة اللازمة لمواكبة التحديات المتجددة في العصر الحديث.

وتزداد مسؤوليتهم اليوم لأن الإفتاء يمر بمرحلة جديدة ذات أهمية كبيرة وفرص عظيمة في الوقت ذاته.

فالتطورات الأخيرة، بما في ذلك من الأزمات المتعددة - الصحية والاقتصادية والأمنية والبيئية وغيرها - تدل على أن الإنسانية بأسرها بحاجة ماسة إلى رؤية جديدة منعشة للحياة ومتفاعلة مع أحداثها.

فعلماء هذه الأمة ومفتوها هم القادة والقذوة القائمون في الصف الأول لهذه الأمة لتحليل قضاياها بما منحهم المولى تبارك وتعالى من علم وحكمة ومهارة وخبرة.

بالرغم من توفر هذه الإمكانية العظيمة، ولكنه للأسف، التبست على كثير من الناس حقيقة الفتوى ولطائفها ودقائقها، فتوهموا بأن مهمة الفتوى تنحصر في نقل الآراء المسطورة في كتب التراث الإسلامي، فلا داعي عندهم لتجديد الاجتهاد بل يمنعون العدول عما سلف من الاجتهادات والخروج من أقوال مستقرة في المذاهب الفقهية نظرا لمن



الهيئة الإفتائية تحت رئاسة المفتي السابق، الدكتور فطريش بكرام لفترة ٢٠١٧ - ٢٠١٩ م

منهج الإفتاء في سنخافورة

ويتحمل هذه المسؤولية، أي مسؤولية البيان في كل مجتمع وعصر - صفوة من علماء الأمة وفقهاءها الذين هم أمناء الله على شريعته، وفي واقعنا المعاصر هم المؤهلون للإفتاء حيث تكون مهمتهم الاستدلال واستنباط الأحكام مهتدين بنصوص الشريعة ومقاصدها، ومقتدين بمنهج أسلافهم من الأئمة والعلماء، ومعتبرين لواقعهم المعاش، مع الحرص الشديد على التمسك بالأصالة والمحافظة على روح الشريعة ومبادئها وقيمها والانفتاح بكل جديد مفيد للواقع المعاش.

إن الأمة الإسلامية مع اختلاف لغاتهم وثقافتهم وأوضاعهم الاجتماعية والسياسية تعيش في عالم مضطرب، سريع التغير حيث تعاني من شتى أنواع التحديات والملمات. فمن حين لآخر، تواجه المستجدات والقضايا التي تستوجب البيان والإيضاح لكي يستقيم أمر دينها وتزول عن حياتها الدينية الشكوك والأوهام. فما من سؤال ولا قضية إلا وفي الإسلام وشريعته السمحة جواب وحل.

وقد أشار إلى ذلك المولى تبارك وتعالى مجملا في محكم كتابه: **﴿فاسألوا أهل الذكر إن كنتم لا تعلمون﴾**

فأهل الذكر - في نظرنا - هم أهل العلم والحكمة والخبرة وهم الذين يتحرون الأصوب والأصلح في أمر دينهم ويستنبطون بالحكمة الإلهية السمحة والهدي النبوي الشريف في الكشف عن حكم الله في مستجدات الحياة.

لمحة موجزة عن مؤسسة الفتوى بسنغافورة

فعلى سبيل المثال، أصدرت فتوى في عام ٢٠١٣ بشأن لقاح الروتافيروس بعد الاستشارات العديدة مع الخبراء من الأطباء وأيضا في معالجة القضايا المتعلقة بجائحة كوفيد-١٩.

وتمتد مسؤوليات المفتي إلى ما وراء الأدوار التقليدية مثل تعيين التقويم الهجري والإعلان عن بداية شهر رمضان والعيد بل وفي حالات الطوارئ، تتطلب تلك الحالة من المفتي أن يتخذ قرارات سريعة ومناسبة تحافظ على مصلحة المجتمع وتدرأ عنه المفسد مثل جائحة كوفيد-١٩.

وفي عام ١٩٩٩، أسس مكتب المفتي لدعم مؤسسة الإفتاء وتطوير البرامج التعليمية الدينية للعامة.

ويقدم توجيهات وإرشادات باعتباره سكرتيرا للهيئة الإفتائية عندما يكون هناك تساءل عن قضية معينة أو طلب لإصدار موقف ديني فوري مثل التوجيه عن أداء صلاة العيد، فيجاب عليها بتوجيهات من قائمة البحوث المتوفرة وكذلك في المسائل التي تعتبر واضحة وغير معقدة فلا داعية إلى إحالة المسألة إلى الهيئة الإفتائية لأنها تختص بالقضايا التي تتطلب المزيد من المناقشة والتحليل بسبب تعقيدها وتأثيرها على المجتمع.

لقد تم تأسيس مؤسسة الإفتاء في عام ١٩٦٨ بموجب القانون الإداري لشؤون المسلمين (AMLA)، متزامنا مع تأسيس المجلس الإسلامي السنغافوري (MUIS). وقبل إنشائها، كانت مسؤولية الإرشاد الديني يتحملها القاضي الأعلى لمحكمة الشريعة بسنغافورة.

وتلعب مؤسسة الإفتاء التي يترأسها مفتي الجمهورية دورًا فعالًا في الإشراف على الشؤون الدينية وإصدار الفتاوى وتوجيه المجتمع المسلم نحو ممارسة دينهم وفقًا للمبادئ الدينية.

وتركز بشكل أكبر على الأبحاث والمناقشات حول القضايا المعاصرة بما في ذلك تحليل كيفية تأثير العوامل والاعتبارات السياقية على الاستدلال والتفسيرات الفقهية. وكذلك من خلال استقطاب خبراء في مجالات مختلفة مثل الطب والقانون.

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تقدير خاص

بسم الله الرحمن الرحيم

الحمد لله ذي الجلال والعظمة والصلاة والسلام على
نبي الهدى والرحمة سيدنا محمد وعلى آله وصحبه
الكرام البررة وبعد.

تسعى هذه النشرة المتواضعة إلى تسجيل العمل
المتميز من الذين بذلوا الجهود في الأعمال الإفتائية
في سنغافورة على مدى أكثر من خمسة عقود، وهي
في نفس الوقت تكريم للعمل الجاد للمجتمع
المسلم السنغافوري في ممارسة الدين بثقة
وتكيف.

وأنا ومن أعماق قلبي أقول بإنني ممتن لكل أعضاء
الهيئة الإفتائية، وأخص بالذكر المفتين السابقين من
علماءنا ومشائخنا المتميزين، على جهودهم القيمة
والالتزامهم في توجيه المجتمع المسلم في سنغافورة
بإصدار الفتاوى والإرشادات الدينية المراعية للسياق
والمتصفة بالتقدمية والممكنة التي قد ساهمت في
تشكيل وبناء مجتمع مسلم واثق وقادر على الصمود.

كما أود أن أعبر عن تقديري الصادق لفريق مكتب
المفتي لمشاركتهم الرؤيا في رفع مستوى الحياة
الدينية للمجتمع المسلم السنغافوري. إن تفانيهم
ورغبتهم في تحقيق آفاق جديدة، على الرغم من
وجود العديد من التحديات الصعبة، لهي شهادة على
إيمانهم الراسخ ورحمتهم المستدامة في المعاملة مع
الناس.

أدعو الله تبارك وتعالى أن يجزيهم خير ما جزى الله
به عباده المحسنين وأن يتم نعمته على هذا البلد
لتبقى مجتمعاته متراحمة ومنسجمة. والله ولي
التوفيق.

الدكتور ناظر الدين محمد ناصر

مفتي جمهورية سنغافورة



مكتب المفتي
- سنغافورة -

مؤسسة الافتاء بسنغافورة مسيرة و منهجا