

Shariah Law: Principles and practice in a western context

What is Shari'ah Law?

- Distinction between Shari'ah and Fiqh in Islamic Law
- Sources of Islamic Law
- Characteristics of Shari'ah
- Nature and role of Shari'ah and Fiqh

Scope of Shari'ah Law

- Faith in the One God
- Crimes and Penalties
- Civil Rules and Shari'ah Finance
 - è Interest or usury is not allowed
 - è Contracts containing immoral or pornographic subject matter or conditions are not allowed
 - è Dealings in armaments, intoxicants including drugs, pork etc. are not allowed
 - è Contracts which contain an element of gambling are not allowed
 - è Contracts which are uncertain are not allowed

Shari'ah Law and the West

- The rhetoric of Shari'ah Law in the West
- The reality of Shari'ah Law in the West
- Practice of Shari'ah Law in the UK
 - è Work of Shari'ah Law Councils and Committees
 - è Shari'ah Law and contracts adjudicated by English Courts
 - Freedom of Contact

Shari'ah Law and the West

- Shari'ah compliant Contracts and English Law
 - * Depth of experience
 - * A developed and responsive jurisprudence
 - * An orderly and independent legal system
 - * Compatibility with regard to mercantile and financial agreements
 - * Need for clarity

Shari'ah Law and the West

Two important cases involving Shari'ah finance instruments which incorporated English Law adjudicated in the English Courts

è Symphony Gems Case, Beximco Case

Implication of these Cases:

- Growing importance of Shari'ah Law in Financial transactions
- UK Government and Sukuk
- Growing Interest in Shari'ah Law, especially in Finance

**End of Presentation.
Thank you for your attention!**