

## 32.Registration with non-Muslim Institutions

Some Muslims regard the registration of teachers, professionals, schools and organisations with the government as a sign of allegiance (*wala*) to an unislamic institution (or a “*kuf*r system”) and regard it as prohibited. They also regard as prohibited, the registration for and owning of a National ID card, International Passport, voter’s registration card, etc. As such, they refrain from these registrations which are sometimes made compulsory by the governments. Hence, they are unable to access some benefits that should ordinarily accrue to them, or partake in some beneficial activities.

**Is it permissible for Muslims to register anything with the government and possess such documentation?**

The purpose, nature, content and conditions of a registration will determine its permissibility. If it is oppressive and harmful (*mafsadah*), and in opposition to the principles of Islamic teachings, then it is prohibited. If however its benefits are greater than any harm and it is in the “public interest” (*maslahah*) then it would be permissible, irrespective of the faith of those concerned.

Documents such as passports, certificates, Identity Cards, birth, marriage and death certificates, Certificates of Occupancy, Certificates of Incorporation, driving licenses, etc. all try to prevent fraud and ensure greater security and transparency.

The benefits of registration of organisations or individual professionals such as teachers, doctors, engineers, lawyers, pharmacists, etc. are to guarantee that minimum professional standards are ensured and that unqualified individuals do

not put members of the public at risk. It also allows oversight by the relevant authorities to ensure that quality control and the ethics of the professions are maintained, and that there is periodic upgrading of standards of goods or services. Registered individuals or organisations also benefit from recognition, availability of relevant information, networking opportunities, training, appointments, grants, scholarships, etc.

In the traditional Islamic system of education, there was/is an *ijazah*, which is a certification of proficiency that a teacher gives to competent students upon completion of a particular level or field of study.<sup>1</sup> This is similar to certification given by educational institutions such as universities, secondary schools, etc. Issues related to registration, certification or *ijazah*, and the titles for various standards of competence belong to the general category of “worldly” or “transactional affairs” (*mu’amalat*) which Islamic Law regards as permissible in the absence of any evidence justifying a prohibition.<sup>2</sup>

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<sup>1</sup> Ministry of Awqaf and Islamic Affairs, *Al-Mausu’at al-Fiqhiyyah*, Dar al-Salasil, Kuwait, 2004, vol.1, p.310.

<sup>2</sup> Abu Sulayman, ‘Abd al-Wahhab, “An-Nazariyyah wal-Qawa’id fi al-Fiqh al-Islami” in *Majallah Jamai’ah al-Malik ‘Abdal-‘Aziz*, No.2, May 1978, p.53; Shihab ad-Din al-Qarafi, *Kitab al-Furuq*, Matha’ah Dar Ihya al-Kutub al-‘Arabiyyah, Cairo, vol. IV, p.40;

See also ‘Jamal al Din Atiyyah, *Al-Tanzir al-Fiqhi*, p. 208; Abdurahman bin Abu Bakr al-Suyuti, *Al-ashbah wa al-Nazair*, vol.1, p.107; Badruddeen Muhammad bin Abdullahi Al-Zarkashi, *Al-Bahr Al-Muheet fi Usul Al-Fiqh*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 1421 AH, vol.1, p.126; Muhammad Amir, *Taysir al-Tahrir*, Dar al-Nashr, vol.2, p.247; Abdullah bin Yusuf al-Juda’i, *Taysir ‘Ilm Usul al Fiqh*, p.34, 69, 71 and 72; Abdullah al-Fauzan, *Khulasah al-Usul*, p.7; al-Zarqa, *Sharh al-Qawa’id al-Fiqhiyyah*, p.299; Muhammad bin Hassan al-Dadaw, *Sharh al-Waraqat*, p.76; Abdulkarim al-Khudair, *Sharh Matn al-Waraqat*, p.410; Abdulwahab Khallaf, *‘Ilm Usul al-Fiqh*, Maktabah al-Da’wah, p.91; Muhammad Amin Ihsan Al-Mujaddidi Albarkati, *Qawa’id al-Fiqh*, Dar al-Nashr, p.14; Zakariyya bin Gulam Qadir Albakistani, *Usul al-Fiqh ‘Ala Manhaj Ahl al-Hadith*, Dar al-Kharraz, 1423 AH., p.116; Mashur bin Hasan Al-Salman, *Al-Tahqiqat wa al-Tanqihat al-Salafiyyah ‘ala Matn al-Waraqat*, Dar Imam al-Malik, U.A.E, 1426AH, p.584-589; Kamali, Mohammad Akram Laldin, *Introduction to Shari’ah and Islamic Jurisprudence*, 2<sup>nd</sup> ed. CERT, Kuala Lumpur,

Even if registration of individuals, professionals or organisations was understood to be a form of alliance or allegiance (*wala*) with a non-Islamic (or “*kufr*”) government, such an act cannot be regarded as prohibited since there is ample evidence in the Qur’an and Sunnah that the Prophet and his Companions formed numerous alliances with various polytheist, Jewish and Christian communities or governments.

For example, the Qur’an refers to treaties that the Prophet (p) had with various polytheist tribes in Q9:6-7 and 4:90. Other well-known treaties with polytheists included the Treaty of Hudaibiyyah with the Meccans, the treaty with the Jews of Medina documented in the *Sahifah* (Constitution) of Medina, and that with the Christians of Najran, etc.

As such, all registrations are acceptable irrespective of the authorizing body. What could make it prohibited is if it contradicts clear Islamic texts or the Higher Objectives (*maqasid*) of the Shari’ah.

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2008; Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, 1999; Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p.14-18; Mohammad Hashim Kamali, *Qawa'id Fiqh, The Legal Maxims of Islamic Jurisprudence*. p.2