

## Press Release

### **Public Property is as Explained by Islam, O Mufti of the Authority of Sana'a**

(Translated)

The Grand Mufti of the Sana'a government, Shams al-Din Sharaf al-Din, participated in an anti-corruption event in Sana'a. He delivered a speech in which he stressed that protecting public property is an immense task and a great responsibility, and that it is not an easy issue, as it is a trust that we should be able to protect.

This is what the Mufti said, and we, in turn, say to him: Your words, O Mufti, clearly and unambiguously indicate your lack of awareness of the types of property in Islam. Islam has divided property into three types: private property, which is the permission of the Legislator to benefit from the thing. It is a legal ruling estimated by item or the benefit, which requires enabling the person to benefit from the item, and to take compensation for it, and it is all that a person possesses of wealth such as money, houses, real estate, cars and others, to satisfy one's needs. This is because it is human nature to strive for this possession, and because the fulfillment of human needs is an imperative; it is not possible for a person to live without. To prevent the person from possessing it is against the nature. What remains only is to determine the manner of possession. The item must be from what the Legislator has authorized a person to possess, whether by work, inheritance, gift or other. It is not permissible for a person to own what Allah (swt) has forbidden even if he possesses it, such as alcohol, swine and money from gambling and usury. The second type is the state property, it is related to the right of the general Muslims, such as the *fai'*, the Kharaj, the jizya and the like. The caliph has the authority to decide to give some Muslims some of it, according to what he sees best. As for public property, it is the Legislator's permission for the community to share the benefit of the things/objects. What constitute public property are the things/material that the legislator stipulates that they are shared between them, and are prohibited from being possessed by the individual alone. Public property includes: The facilities of the community, the minerals that are not interrupted, the nature of their composition prevents the individual's competence to possess them. Because Muslims are not aware of the reality of public property and the role of the state in its acquisition and spending, this must be clarified in some detail:

Public property is one of the community facilities that all people need, and if it is absent or scarce, people will disperse in the country in search for it in order to obtain it, the Messenger of Allah (saw) said: «الْمُسْلِمُونَ شُرَكَاءُ فِي ثَلَاثٍ: فِي الْمَاءِ وَالْكَلْبِ وَالنَّارِ» "Muslims are partners in three: water, pasture and fire". He mentioned these

three in the hadith not by way of limitation, because many things take the rule of water, pasture, and fire, such as: oil, gas, minerals, salt, sulfur, bitumen, rivers, seas, lakes, stones, trees in forests, and firewood. Coal, fish in the seas, wild birds, pastures, solar energy... Although some of the public property comes from the creation of Allah (swt), there are some from the arrangement and achievement by man, which are considered as treatments to benefit from the property that Allah (swt) has created, such as: machines through which water is pumped, desalination machines, traction pipes, electricity generating machines, columns, cables, oil extraction machines, towing pipes, filling and unloading ports, refineries, coal mines, and extraction machines.

Quarries, nuclear energy, atomic furnaces, solar energy facilities, dams, bridges, tunnels, artificial canals, artificial lakes, streets, international roads, public squares, parks, stadiums, schools, mosques, hospitals, railways, sea ports, airports, shelters... These are human arrangements. The public property must also be distinguished by its abundance, so water, pasture, and fire are considered among the non-rare things, characterized by abundance, and suitable for the benefit of all people, as they are among the necessities of life. That is why the state should take over the regulation of the individuals' use of it. So that no one is wronged during the exercise of this benefit, and so that the strong do not dominate the weak in their possession.

It is also not permissible for individuals to own public property objects of unlimited size, such as the community facilities mentioned in the aforementioned noble Hadith. It is not permissible for individuals to own it, and the evidence for this is what At-Tirmidhi narrated: On the authority of Abyad bin Hamal Al-Ma'ribi, that he went to the Messenger of Allah (saw) and asked him for assigning him (the mines of) salt as fief.

So, he assigned it to him as a fief. When he returned, a man in the meeting asked: Do you know what you have assigned him as a fief? You have assigned him the perennial spring water. i.e., a never-ending mountain of salt, a huge treasure. So, he took it back from him. and prevented individuals from owning it, because it is a public property. This applies to all minerals that are perennial, and is not limited to salt only. Therefore, Islam surrounds these resources with legislation that determines the appropriate party for their investment, and enables all the subjects to benefit from them by benefiting from all the forms that the state determines for the group.

This is what public property was like, and what Muslims were like since the establishment of their state in Medina until its demolition in Istanbul in 1924. This is what they should be like today in the second Khilafah Rashida (rightly-guided Caliphate) State on the method of Prophethood, may Allah hasten its establishment.

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