

CONCLUSION

This work has been an attempt to discuss *ḍamān al-mithl* (guarantee of similars). Having analyzed a number of sources, the researcher has reached the following conclusions:

1. *Al-Ḍamān* has been discussed in the Sharī'ah in the sense of *al-kafālah* (surety) and in the sense of compensating for what is caused to perish. In human laws, this represents civil responsibility.
2. *Al-Ḍamān* is regarded by the property and company owners as strong basis for economic boom in the modern time.
3. In the Sharī'ah, rights and properties are guaranteed and no one is allowed to devour another's property without the latter's consent.
4. Jurists have disagreed over the question of guaranteeing the similars. Some support it and others reject it and all have different proofs and justifications for their views.
5. Among the forms of *al-ḍamān* in the modern time is guarantee letters which banks issue to facilitate financial transactions.
6. Insurance is a natural development resulting from the concept of *al-ḍamān* and without it, no business can be truly conducted today.

7. Modern commercial innovations must not be strictly articulated by the Shar'ī texts. Their lawfulness depends on their conformity with the fundamental texts of th Sharī'ah.
8. The application of unrestricted public interest within its limits is a true indication of the flexibility of the Sharī'ah and its workability in all times and places.
9. Islamic societies need to be made fully aware of the means of *al-ḍamān* and the way people's rights are fully protected so that rights can neither be trespassed nor be abused.
10. Today, medical doctors commit lots of medical errors causing death for their patients. They some cause chronic disease by making those mistakes. We have seen that today the responsibility of medical doctors in hospital is a collective responsibility.
11. The contract of lease is one of the contracts that necessitate guarantee when negligence takes place because of one of the contracting parties.
12. The tenant is bound to treat the rented asset with respect and according to custom. In case he breaches rules of custom, necessitate guarantee.
13. The world we witness today is a world of scientific revolution as manifested factories and companies what emphasize the importance and

value of information and its safekeeping.

14. Different types of lease have emerged in this modern time that lead to the establishment of guarantee to protect property rights like lease that end up with transfer of ownership.
15. Many jurists hold the view that credit cards are legally adopted as a form of proxy or surety and both of them are discussed in *Fiqh* books.
16. In the Sharī'ah, mortgage represents security in return to a debt. This means that guarantee and mortgage play a similar role to secure debts.
17. Muslim jurists differ over the question whether a mortgager can by law benefit from the mortgage or maintain it by spending money on it.