
In memoriam:

Prof. dr. Fikret Karčić (1955–2022)

Profesor dr. Fikret Karčić preselio je na Ahiret 13. šabana 1443/16. marta 2022. godine. Dženaza je klanjana 17. marta 2022. iza ikindije namaza u haremu Begove džamije, u prisustvu velikog broja ljudi, njegove rodbine, prijatelja, poznanika i studenata. Ukop je obavljen u haremu Ćurčića džamije u Sarajevu.

Preseljenjem na Ahiret prof. dr. Fikreta Karčića Islamska zajednica u Bosni i Hercegovini, kao i naša naučna, univerzitetska i akademska javnost, kako bosanskohercegovačka tako i evropska, ostala je bez najboljeg stručnjaka iz područja pravnih i šerijatskopravnih nauka, te pravne komparativistike i historije prava. U tim i srodnim disciplinama profesor Fikret Karčić je bio briljantan naučnik i istraživač, pripadao je krugu autoriteta na koje se rado pozivalo i čija su predavanja rado posjećivana i slušana.

Fikret Karčić rođen je u Višegradu 1955. godine, sin je Hasana i Hafe, kćerke Rasim-ef. Tabakovića, svojevremeno glavnog imama u Višegradu. Fikret Karčić se 1969. godine, po završetku osmogodišnje škole, upisao u petogodišnju Gazi Husrev-begovu medresu, koju završava 1974. godine kao učenik generacije. Nakon položenih prijemnih ispita, akademske 1974/75. upisuje se na Pravni fakultet Univerziteta u Sarajevu. Studij prava završava 1978. godine, u predviđenom roku i sa najvišim ocjenama, a iste godine primljen je za asistenta na Katedri šerijatskopravnih disciplina na Islamskom teološkom fakultetu u Sarajevu, kod profesora Hamida Hadžibegića. Po odsluženju vojnog roka u Jugoslavenskoj narodnoj armiji (1978–1979), Fikret Karčić nastavlja rad na Islamskom teološkom fakultetu. Postdiplomski studij upisao je na Pravnom fakultetu Univerziteta u Beogradu, gdje je 1985. odbranio magistarsku tezu pod naslovom „Šerijatski sudovi u Jugoslaviji 1918–1945”. Na istom fakultetu je doktorirao 1989. godine sa temom „Pokret za reformu šerijatskog prava i njegov odjek u Jugoslaviji u prvoj polovini XX vijeka”.

Upravo je period od akademske 1974/75. kad je postao student Pravnog fakulteta u Sarajevu, pa do 1989. kad je uspješno odbranio doktorsku disertaciju na Pravnom fakultetu Univerziteta u Beogradu, utjecao na Fikreta

Karčića da se on primarno, sa nesvakidašnjom osobnom predanošću, bavi temeljitim studiranjem pravne literature, pravnih tradicija, nauka i disciplina. Svjetskost i univerzalni pristupi u mnogim pravnim specijalizacijama profesora Fikreta Karčića vide se i po velikom broju izvora koje on citira, naročito na arapskom, engleskom i turskom, kao i mnogim drugim jezicima. Također, Fikret Karčić je kao asistent profesora Hamida Hadžibegića na Islamskom teološkom fakultetu, 1979. godine i domalo kasnije, pred tim čuvenim profesorom učio osnove osmanskog turskog, sve to prema relevantnim dokumentima Osmanske Carevine.

U Gazi Husrev-begovoj medresi, u godinama 1969–1974, Fikret Karčić je bio uzoran đak s odličnim rezultatima u učenju, kao i u vannastavnim aktivnostima. Njegovi su radovi i sastavi u listu *Zemzem* bili zapaženi, a bio je i glavni i odgovorni urednik tog đakskog lista u periodu 1972–1973. U petom razredu Gazi Husrev-begove medrese, u školskoj 1973/74. godini, Fikret Karčić je tečno govorio arapski i engleski jezik. Na Filozofskom fakultetu Univerziteta u Sarajevu 1973. godine položio je stručni ispit iz arapskog jezika za verifikovanog vodiča za arapske naučne posjetitelje zapadnog Balkana i Jugoslavije. Za svojih studentskih dana ostvario je uspješnu saradnju sa listovima i časopisima u Islamskoj zajednici, posebno u *Preporodu*.

Pored uspješnog rada na Islamskom teološkom fakultetu (kasnije Fakultetu islamskih nauka) u Sarajevu, svoje velike akademske prinose profesor Fikret Karčić je dao i na Univerzitetu Marmara u Istanbulu (1993) te na Međunarodnom islamskom univerzitetu u Kuala Lumpuru (1993–2002). K tome, povremeno je saradivao i predavao na Univerzitetu u Oslu. Redovni profesor na Fakultetu islamskih nauka bio je od 2002. do 2004, da bi od 2004. do 2022. radio kao redovni profesor na Pravnom fakultetu Univerziteta u Sarajevu. Time njegova saradnja sa Fakultetom islamskih nauka nije prestala; predavao je nekoliko predmeta na dodiplomskom i postdiplomskom studiju, a bio je angažiran i u brojnim naučnim i stručnim komisijama na Fakultetu islamskih nauka. Njegova učešća na simpozijima koje je organizirao Fakultet islamskih nauka doprinosila su aktueliziranju najvažnijih tema s područja religije u našoj savremenosti.

Kao afirmirani profesor pravnih nauka držao je predavanja na brojnim univerzitetima u Evropi, Sjedinjenim Američkim Državama, Republici Turskoj, Maleziji i drugdje, a blizu pedeset puta učestvovao je na eminentnim svjetskim simpozijima o šerijatskom pravu i njegovoj reformi u savremenim društvima. Veliki je doprinos profesora Fikreta Karčića u profiliranju dijaloga među naučnicima i naukovnim disciplinama kad je posrijedi pravna komparativistika. Također, nekoliko je visokih vladinih institucija u Evropi tražilo naučnu pomoć i mišljenje profesora dr. Fikreta Karčića u pogledu savremenih pristupa u izučavanju i tumačenju šerijatskog prava.

Profesor Fikret Karčić odazivao se i pozivima institucija Islamske zajednice i svoja znanja i stručne sposobnosti spremno stavljao na raspolaganje. U dva mandata bio je predsjednik Ustavnog suda Islamske zajednice (2002–2008. i 2014–2020); također, u jednom kraćem periodu bio je i predsjednik Sabora Islamske zajednice u BiH, Hrvatskoj i Sloveniji (1989–1990). Zapažen je i period u časopisu *Glasnik Islamske zajednice* u kojem je profesor Karčić bio njegov urednik (1990–1992), kad je ovaj službeni i zvanični časopis Islamske zajednice dobio svoju novu i svježiju fizionomiju. U Institutu za islamsku tradiciju Bošnjaka bio je predsjednik Naučnog vijeća (2013–2021).

Islamski teološki fakultet, odnosno Fakultet islamskih nauka u Sarajevu, ostaće trajno dužan prof. dr. Fikretu Karčiću na savremenom utemeljenju i savremenom profiliranju vjersko-pravnih studija. Preko naučnog ugleda i reputacije profesora Fikreta Karčića, Fakultet islamskih nauka umnogome je postao poznat u Evropi i svijetu. Također, na Fakultetu islamskih nauka profesor Karčić je krajem 2002. i tokom 2003. godine bio predsjednik Komisije za reformu plana i programa te naše visokoškolske institucije. U vremenima koja dolaze, djelo i djelovanje prof. dr. Fikreta Karčića oslovljavaće nas svojom naukovnom utemeljenošću, veličinom, ozbiljnošću i osvjedočeno plodnim i bogatim učinkom na planovima mnogih tumačenja i reinterpretiranja klasičnih pravnih sistema, u prvom redu šerijatskih i fikhskih, sve to najčešće u kontekstima savremenih potreba i okolnosti. Gotovo devedeset posto naučnog i stručnog opusa Fikreta Karčića usredotočeno je na izučavanje šerijatskog prava i drugih pravnih sistema, na historiju prava i na uporedna izučavanja pravnih tradicija svijeta. Profesora Karčića može se smatrati važnim inicijatorom pravne komparativistike u našoj savremenosti.

Veliki broj knjiga, studija i radova profesor Fikret Karčić ostavio je u naše trajno nasljeđe. Ovdje ćemo spomenuti njegove najvažnije knjige: *Šerijatski sudovi u Jugoslaviji: 1918–1941*, Sarajevo, 1986; *Istorija šerijatskog prava*, Sarajevo, 1987; *Društveno pravni aspekt islamskog reformizma*, Sarajevo, 1990; *Islam u jugoistočnoj Aziji: muslimanske zajednice i institucije*, Sarajevo, 1991; *Studije o šerijatskom pravu*, Zenica, 1997; *The Bosniaks and the Challenges of Modernity: Late Ottoman and Hapsburg Times*, Sarajevo, 1999; *Moderne pravne kodifikacije: predavanja i zakonski tekstovi*, Sarajevo, 2006; *Komparativna pravna historija: predavanja i pravni tekstovi*, Sarajevo, 2007; *Religija i pravo: vrlo kratak uvod*, Sarajevo, 2011; *Metodi istraživanja u islamskim naukama: kratak uvod*, Sarajevo, 2013; *Pravno-historijske studije*, Sarajevo, 2016.

Profesor dr. Fikret Karčić objavljivao je svoje knjige, studije, eseje i radove na bosanskom, engleskom i arapskom jeziku. Veliki broj njegovih knjiga, studija, eseja i radova preveden je i objavljen na engleskom, turskom, arapskom, albanskom, njemačkom i drugim jezicima.

Podsjećamo da su gotovo sva djela profesora Karčića posebna svjedočanstva o njemu kao intelektualcu i alimu koji je ne samo pravne nauke, ali njih prije svega, posmatrao u razvoju i posred života. Mi u Bosni i Hercegovini smo naučnim posredovanjem profesora Fikreta Karčića saznali kako su mnoga muslimanska društva, zajednice i elite, sve od bitke na Kulikovu polju 1380. godine, svoje pravne sisteme i tradicije morale tumačiti sa znatnim prilagođavanjem, pa i odmakom od ustaljenih klasičnih tumačenja u prostorima i vremenima „Darul-islama”.

Fikret Karčić otkrio je mnoge dokumente, ličnosti, djela... i pisao o njima. Naprimjer, otkrio je fetvu Muhammeda Rešida Ridaa (1865–1935) o neobaveznosti hidžre (iseljavanja) za Bošnjake u Osmansku Imperiju na prelazu iz XIX u XX stoljeće. S druge strane, Fikret Karčić otkrio je i protumačio raspravu Bosnani Hilmi-babe Taslidžalija o obligatnosti te hidžre itd. Desetke i desetke pravnih rasprava Fikret Karčić je objavio o onom pojasu planete Zemlje gdje su tradicionalne muslimanske zajednice bile izložene življenju u savremenosti koju one nisu kreirale i pod koju su potpale. Pravne studije Fikreta Karčića govore ne samo o preživljavanju tih zajednica već često i o kreativnim prinosima samom razvoju njihovih vlastitih pravnih tradicija i rješenja.

U svojim djelima profesor Fikret Karčić – u pravničkom metajeziku visokoga stila i umijeća – uspješno je odgonetnuo hermetičnost davnih klasičnih pravnih sistema, e da bi ih predstavio u našoj savremenosti jasnim i nama savremenim jezikom i razumljivim naučnim i sveučilišnim akademskim idiomom. I tu je jedan od razloga što su predavanja profesora Fikreta Karčića imala dobrodošlicu ne samo kod nas već i diljem Evrope, potom u modernoj Turskoj, u Maleziji, u SAD.

Posve na kraju, rekao bih da je velika zasluga profesora Fikreta Karčića naročito u tome što je u velikom broju svojih tekstova i predavanja pokazao da muslimani u šerijatskom pravu danas mogu, na moralan način, raskriti trajne ćudoredne vrijednosti Deset zapovijedi koje, uostalom, i Kur'an i Biblija spominju, baštine i promoviraju. Taj i drugi prinosi profesora Fikreta Karčića, koje smo ovdje spomenuli, ostaju naše živo nasljeđe.

Redakcija *Anal a Gazi Husrev-begove biblioteke* ostala je bez jednog od svojih najvrednijih i najiskusnijih članova. Ali, profesor Karčić je otišao, a njegova vrijedna djela su ostala da se izučavaju, tumače i prenose.

Rahmetullahi ‘alejhi rahmeten vasi‘aten.

Enes Karić

In memoriam:

Prof. Dr. Fikret Karčić (1955–2022)

Professor Dr. Fikret Karčić passed away on the 13th of Sha‘ban 1443/ the 16th of March 2022. The funeral prayer for him was performed on the 17th of March 2022 after the asr prayer in the courtyard of Gazi Husrev-beg’s Mosque in the presence of a great number of people, his relatives, friends, acquaintances and students. He was buried in the courtyard of the Ćurčića Mosque in Sarajevo.

When Prof. Dr. Fikret Karčić passed away, the Islamic Community in Bosnia and Herzegovina, as well as our scientific, university and academic community, both Bosnian-Herzegovinian and European, lost the best expert in the field of legal and Sharia law sciences, as well as in the field of legal comparative studies and the history of law. In these disciplines and also in those related to them, Professor Fikret Karčić was a brilliant scientist and researcher who belonged to a circle of authorities whom people gladly referred to and whose lectures people gladly attended and listened to.

Fikret Karčić was born in Višegrad in 1955; he is the son of Hasan and Hafa, daughter of Rasim-effendi Tabaković, who once was the chief imam in Višegrad. In 1969, after completing an eight-year elementary school, Fikret Karčić enrolled in the five-year Gazi Husrev-beg’s Madrasa, which he graduated from in 1974 as class valedictorian. Having passed the entrance exams, in the academic year 1974/75, he enrolled at the Faculty of Law of the University of Sarajevo. Meeting all exam deadlines and getting the highest grades, he completed his law studies in 1978, and in the same year he was accepted as an assistant professor at the Department of Sharia Law Disciplines at the Islamic Theological Faculty in Sarajevo, under Professor Hamid Hadžibegić. Having done his military service in the Yugoslav People’s Army (1978–1979), Fikret Karčić continued his work at the Islamic Theological Faculty. He enrolled in postgraduate studies at the Faculty of Law of the University of Belgrade, where in 1985 he defended his master’s dissertation entitled „Sharia Courts in Yugoslavia 1918-1945”. At the same faculty, in 1989 he received his doctorate for his thesis entitled „The Movement for Sharia Law Reform and Its Echo in Yugoslavia in the First Half of the 20th Century”.

The very period from the academic year 1974/75, when he became a student at the Faculty of Law in Sarajevo, until 1989, when he successfully defended his doctoral thesis at the Faculty of Law of the University of Belgrade, had a considerable influence on Fikret Karčić. He therefore remained primarily engaged, with unusual personal commitment, in the thorough study of legal literature, legal traditions, sciences and disciplines. The worldliness and universal approaches in the many legal specializations of Professor Fikret Karčić can be also seen in the large number of sources he cites, especially in Arabic, English and Turkish, as well as in many other languages. Also, as an assistant to professor Hamid Hadžibegić at the Islamic Theological Faculty, in 1979 and after a short time, Fikret Karčić learned the basics of Ottoman Turkish from that famous professor, all according to relevant documents of the Ottoman Empire.

In the years 1969–1974, Fikret Karčić was an exemplary student at Gazi Husrev-beg's Madrasa, with excellent results in learning and extracurricular activities. His works and compositions published in the student magazine *Zemzem* were certainly worthy of note, and he was also the editor-in-chief of that student magazine in the period from 1972 to 1973. As a student of the fifth grade of Gazi Husrev-beg's Madrasa, in the school year 1973/74, Fikret Karčić fluently spoke Arabic and English. In 1973, at the Faculty of Philosophy of the University of Sarajevo, he passed the professional competence exam in Arabic in order to become a certified guide for Arab scientific visitors to the Western Balkans and Yugoslavia. During his student days, he secured a close collaboration with newspapers and magazines operating within the Islamic community, especially with *Preporod*.

In addition to his successful work at the Islamic Theological Faculty (later called the Faculty of Islamic Studies) in Sarajevo, Professor Fikret Karčić also made great academic contributions at the Marmara University in Istanbul (1993) and the International Islamic University in Kuala Lumpur (1993–2002). Furthermore, he occasionally taught and worked in close collaboration with the University of Oslo. He worked as a full professor at the Faculty of Islamic Studies from 2002 to 2004, and from 2004 to 2022 as a full professor at the Faculty of Law of the University of Sarajevo. His collaboration with the Faculty of Islamic Studies, to be sure, did not end; he taught several subjects at the undergraduate and postgraduate levels and was also a member of numerous scientific and professional commissions at the Faculty of Islamic Studies. His participation in symposia organized by the Faculty of Islamic Studies contributed to addressing topical issues in the field of religion in our time.

As an established professor of legal sciences, he held lectures at numerous universities in Europe, the United States of America, the Republic of Turkey,

Malaysia and elsewhere, and he participated nearly fifty times in eminent world symposia on Sharia law and its reform in contemporary societies. Professor Fikret Karčić made a major contribution to profiling the dialogue between scientists and scientific disciplines with regard to legal comparative studies. Also, several high government institutions in Europe asked for the scientific help and opinion of Prof. Dr. Fikret Karčić regarding contemporary approaches in the study and interpretation of Sharia law.

Professor Fikret Karčić also accepted the invitations from the institutions of the Islamic Community and readily agreed to make his knowledge and professional skills available. He was the president of the Constitutional Court of the Islamic Community for two terms (2002–2008 and 2014–2020); also, for a short period, he was the president of the Assembly of the Islamic Community in Bosnia and Herzegovina, Croatia and Slovenia (1989–1990). The period during which Professor Karčić was the editor-in-chief of the journal *Glasnik* published by the Islamic Community was also worthy of note (1990–1992), when this official journal of the Islamic Community got its new and fresh physiognomy. He was the president of the Scientific Council at the Institute for the Islamic Tradition of Bosniaks (2013–2021).

The Islamic Theological Faculty, i.e. the Faculty of Islamic Studies in Sarajevo, will permanently remain indebted to Prof. Dr. Fikret Karčić for the contemporary foundation and contemporary profiling of religious and legal studies. Due to the scientific reputation and fame of Professor Fikret Karčić, the Faculty of Islamic Studies has become well-known in Europe and around the world. Also, at the Faculty of Islamic Studies, towards the end of 2002 and during 2003, Professor Karčić was the president of the Commission on the reform of the curriculum of our higher education institution. In the times to come, the work of Prof. Dr. Fikret Karčić will continue to address us with its scientific foundation, greatness, seriousness and undoubtedly fruitful and rich effect on many interpretations and reinterpretations of classical legal systems, primarily Sharia and *fiqh*, and all that most often in the context of contemporary needs and circumstances. Almost ninety percent of his scientific and professional oeuvre focuses on the study of Sharia law and other legal systems, on the history of law and on comparative studies of the legal traditions of the world. Professor Karčić can be considered to be an important initiator of legal comparative studies in our time.

Professor Fikret Karčić left a large number of books, studies and works as his lasting legacy to us. Here we will mention his most significant books: *Sharia Courts in Yugoslavia: 1918–1941*, Sarajevo, 1986; *The History of Sharia Law*, Sarajevo, 1987; *Socio-legal Aspect of Islamic Reformism*, Sarajevo, 1990; *Islam in Southeast Asia: Muslim Communities and Institutions*, Sarajevo, 1991; *Studies on Sharia Law*, Zenica, 1997; *The*

Bosniaks and the Challenges of Modernity: Late Ottoman and Habsburg Times, Sarajevo, 1999; Modern Legal Codifications: lectures and legal texts, Sarajevo, 2006; Comparative Legal History: lectures and legal texts, Sarajevo, 2007; Religion and Law: a very brief introduction, Sarajevo, 2011; Research Methods in Islamic Sciences: a short introduction, Sarajevo, 2013; Legal and Historical Studies, Sarajevo, 2016.

Professor Dr. Fikret Karčić's books, studies, essays and works were published in Bosnian, English and Arabic. A large number of his books, studies, essays and works have been translated and published in English, Turkish, Arabic, Albanian, German and other languages.

We remind you that almost all of his works are special testimonies to Prof. Dr. Fikret Karčić as an intellectual and scholar who did not examine solely legal sciences, although he examined them above all, in his professional development and in the middle of his life. We in Bosnia and Herzegovina learned through the scientific mediation efforts of professor Fikret Karčić that many Muslim societies, communities and elites, ever since the battle on Kulikovo polje in 1380, had to interpret their legal systems and traditions with considerable adaptation, even a departure from ingrained classical interpretations in the spaces and times of „Daru-l-Islam”.

Fikret Karčić discovered many documents, personalities, works... and wrote about them. For example, he discovered the fatwa of Muhammed Rešid Rida (1865–1935) on the optional *hijra* (emigration) for Bosniaks in the Ottoman Empire at the turn of the 19th and 20th centuries. On the other hand, Fikret Karčić discovered and interpreted the discussion of Bosnali Hilmi-baba Taslidžali on the obligation of that *hijra*, etc. Fikret Karčić published dozens and dozens of legal discussions on that belt of the planet Earth where traditional Muslim communities were exposed to living in modern times that they did not create and under which they fell. Fikret Karčić's legal studies speak not only about the survival of these communities, but oftentimes also about the creative contributions to the very development of their own legal traditions and solutions.

In his works, Professor Fikret Karčić - in legal metalanguage of high style and skill - successfully unraveled the hermeticity of ancient classical legal systems, and in order to present them in our modern times in a clear and modern language and using an understandable scientific and university academic idiom. And therein lies one of the reasons why professor Fikret Karčić's lectures were well-received not only in our country but also throughout Europe, then in modern Turkey, Malaysia, and the United States of America.

Finally, I would say that Professor Fikret Karčić's great merit lies in the fact that in a large number of his texts and lectures he showed that Muslims in Sharia law today can, in a moral manner, reveal the permanent moral

values of the Ten Commandments, which, after all, both the Qur 'an and the Bible mention, keep as a legacy and promote. This and other contributions of Professor Fikret Karčić, which we have mentioned here, remain as our living heritage.

The editorial board of the Annals of Gazi Husrev-beg's Library has lost one of its most valuable and experienced members. However, although Professor Karčić passed away, his valuable works remain to be studied, interpreted and transmitted.

May God rest his soul and bestow His mercy upon him in abundance.

Enes Karić

