102352 - Copying programs, crack and serial

the question

I have a website that has programs on it. Alhamdulillah, I removed the cracks and serials of these programs. But I have a forum, and members of this forum put the cracks and serials of the programs on it. It is really tiring to keep following to delete them, I cannot do this. Will I be sinful if I leave this matter up to the members? Is it adequate to put a title saying “It is not permissible to put any cracks or serials on the forum, and he alone will be sinful who does this”?.

Detailed answer

Praise be to Allah.

The ruling on putting the cracks and serials on the web page is based on the ruling on copying the program itself. If it is permissible to copy the program then it is permissible to put its crack on the web page, and if it is forbidden to copy the program then it is forbidden to put its crack or serial on the web page.

We have discussed the ruling on copying programs in previous answers. There follows a summary of what we have said.

Firstly:

If the owners and inventors of the program have stated that it is copyrighted, and that is not permitted to make copies of it for personal or public use, then the basic principle is that this condition of theirs should be fulfilled, because the Prophet (peace and blessings of Allaah be upon him) said: “The Muslims are bound by their conditions.” And he (peace and blessings of Allaah be upon him) said: “Whoever reaches a permissible thing (that is permissible to anyone) first is more entitled to it.” This is what was quoted as evidence by Shaykh Ibn Baaz (may Allaah have mercy on him) in his fatwa with the Standing Committee. See Fataawa al-Lajnah al-Daa’imah (13/188).

This is supported by the fact that copyright of writings, inventions and products, and other tangible and intangible rights, are guaranteed and it is not permissible to transgress against them without the permission of the owners. That includes tapes, disks and books.

Undoubtedly those who produce tapes and disks have put time, effort and money into producing them, and there is nothing in sharee'ah to prevent them from taking the profit that results from this work. The one who transgresses against their rights is wronging them and consuming their wealth unlawfully.

Moreover, if it were permitted to transgress against these rights, these companies would stop producing and inventing things because it would bring them no profit, and they may end up being unable to pay their employees. Undoubtedly if this work were to cease, people would be deprived of a lot of good, so it is appropriate that the scholars have issued fatwas stating that it is haraam to transgress against these rights.

Secondly:

If there is no statement that it is not allowed to make personal copies, then it is permissible to make copies for personal use, but not for profit.

Shaykh Muhammad ibn Saalih al-'Uthaymeen said concerning this issue:

This should be dealt with according to custom. If a person wants to make a copy for himself and the one who initially wrote it did not state that it is not allowed to make personal or public copies, then I hope that there is nothing wrong with that. But if the person who initially wrote it stated that it is not permitted to make personal or public copies, then it is not permissible at all. End quote.

Thirdly:

What we have mentioned in either case is the general ruling with regard to principles. But there may be some cases in which it is permissible to make copies without permission of the owners. That applies in several cases:

1 – If it is not available in the marketplace and one needs it, and the copies are for personal use or charitable distribution, and they not going to be sold or profited from.

2 – If there is a great need for it and the owners are demanding more for it than it is worth, and they have already made enough money to cover their costs with a reasonable amount of profit, and that is something to be decided by experts. In that case it is permissible to copy it for personal use, not with the aim of selling it.

3 – If it belongs to someone who is not protected by sharee'ah, then there is nothing wrong with copying it. The one who is protected by sharee'ah is the Muslim or dhimmi (non-Muslim living under Muslim rule) or musta'min (the one who been granted safety by the Muslim ruler), in contrast to the harbi (non-Muslim who is in a state of war against Islam).

Based on that, if copying something is forbidden, then you must prevent the members of the forum from posting links to download it or download its cracks and serials; it is not sufficient to post a notice saying that it is not allowed, because it is an evil that you are able to remove or change.

And Allaah knows best.