

ALIAS AZHAR

CONTEMPORARY *FIQH* LEARNING MODULE AT MOSQUES IN MALAYSIA

ABSTRACT: This paper focuses on the module development model for “*tafaqquh*” at the mosque. The “*tafaqquh*” programme has been systematically conducted jointly by Malaysia Islamic Development Department, the State Islamic Affairs Department and mosques’ management committees. The programme has been made successful and effective by the contribution and cooperation of “*takmir*” teachers who have been appointed and trained intensively. These “*takmir*” teachers play very significant roles in the realisation of the aspiration and the scheme in developing knowledgeable society through the involvement of the mosque. To get the holistic view of the theme and subject of the study, focus is made on several key elements: the history of the development of Islamic studies module in the societies of the Muslim civilization; Islamic education theory which correlates to the National Philosophy of Islamic Education; “*fiqh*” learning method from the current methodology and pedagogy; and finally the presentation of the current “*tafaqquh*” module of alternative Islam in Malaysia. The learning of “*fiqh*” must be viewed from a broad context and it should be able to have an influence on the life of human beings from all living aspects. The philosophy of Islamic education, which is based on Al-Qur’an and Al-Sunnah, should be able to be implemented realistically. The modification and upgrade of the “*fiqh*” learning syllabus in mosques require a drastic approach, besides practical module construction. Through these, it is hoped that the learning of “*fiqh*” through the “*tafaqquh*” program in mosques will progress on par with modernisation and current “*urf*” awareness in the society.

KEY WORDS: “*Tafaqquh*” programme, “*fiqh*” learning, Islamic education, national philosophy, Muslim society, and mosques in Malaysia.

INTRODUCTION

Institutions of mosques and colleges are the primary basis and a catalyst towards the establishment of the Islamic education system and the drafting of a more systematic, such as *madrasahs* and universities in the Islamic world (Latif Hamindong, 1993). In the beginning, observatories and hospitals is also a form of practical education institutions have relationships with universities and *madrasahs*. Its offer lectures about the theoretical nature of medical science and astronomy, while the observatory and the hospital became a place of professors and students practice the theories (Ma’ruf, 1969; and Ishak, 1995).

The main aim of ensuring dynamic *fiqh* learning is through the enrichment of *tafaqquh* programme module in mosques. It is clear that *fiqh* learning requires a dynamic teaching and learning mechanism. It is obvious that this focus is the most significant aspect

which should not be ignored, to ensure that *fiqh* learning is on par with the modern technological and scientific advancement nowadays. At present, *tafaqquh* programme is based on contemporary *fiqh* learning modules and it is the foundation for practising and implementing effective *tafaqquh* programme. This approach is more realistic in improving the function and contribution of *fiqh* learning in facing the changing system of lifestyle now.

Even as the emphasis given by Dr Ali Sami al-Nasyar (1962), the whole debate in the philosophy of knowledge of Islamic culture is based on arguments of the Al-Qur’an. These great resources, repeatedly urged people to observe carefully all cases of creation of Allah SWT (*Subhanahu Wa-Ta’ala*). Next, he asserted that the method of *qiyas* and research methodology has been triggered since the first generation of Islam (Sami al-Nasyar, 1962). Positive phenomenon is a source of

inspiration and motivation for Muslims to study, investigate, and explore various methods and test procedures and observations in the development of their knowledge (Nasution, 1989; and Halim el-Muhammady, 1992).

In addition, the Islamic civilization scholarly resources contained in the great teachings of Islam, at the same time also to apply the process of adaptation and assimilation of foreign civilization that does not conflict with the teachings. Seyyed Hossein Nasr (1988) has asserted that the source of Islamic civilization catalyst consists of: (1) Strength of the teachings of Islam sources revelation itself are Al-Qur'an and Al-Sunnah of the Prophet Muhammad; and (2) Civilizations that developed in tandem with the development of Islam in the same time it does not conflict with Islamic principles.

Nature of cultural openness that exists in the Islamic civilization and knowledge is the internal factors that encourage the mastery of science and glorious excellence, and applications and implications of science also become more realistic and not just mystical. In that deals, with the development of science in Islamic civilization, is the result of the interaction and integration between sound great source of Islamic teachings and adaptation of foreign sources of knowledge. Dr. C.A. Qadir (1988:9) have concluded that the distribution of knowledge that refers to resources in history and Islamic civilization is as follows: (1) Knowledge arising from sources revelation, Al-Qur'an and Al-Sunnah; (2) Knowledge born of wisdom or resources referred *laduni* or intuition knowledge; and (3) Knowledge called science intellectual.

From the historical perspective of the Muslim realm, we can see that the Muslim society has understood and has totally practised this symbiotic paradigm. Based on the analysis of Muslim intellectuals, the development of the *fiqh* learning module in the Muslim domain can be seen from several main theories (Syaukani, 1999:67-86). In conclusion, we can identify the fact that the Islamic studies module, which had developed in the Muslim society for decades, is dynamic, flexible, and very influential on the Muslim culture; and is regarded as the ultimate force which can have an effect on the Islamic government.

THE NATIONAL ISLAMIC EDUCATION PHILOSOPHY

The Islamic education institutions in Malaysia has gone through a long period; at the initial stage, learning was institutionalised in the houses of the religious teachers (Langgulung, 1997:48). Later, when the houses were not able to accomodate the growing number of students, the learning shifted to mosques which created lodgings of the students in the vicinity which eventually developed into *pondok*, a learning system whereby students live in dormitories provided by the teacher (Ishak, 1994:161).

The *pondok* system was dominated by the non-elites of the society (Azra, 1999:87). The palace of the Sultans too became early Islamic education institution but was reserved for the elites (Rahman Abdullah, 1989:145). The *madrasah* institution was introduced successfully to compete with secular learning system (Abu Bakar, 1990:7); giving an alternative to the *pondok* system. The first higher level Islamic education institution was established in Kelantan (Wan Omar, 1983:100).

Referring specifically to the learning of *fiqh*, especially in Malaysia, the main reference was the Sect of Al-Shafi'i's *Turath* (KPM, 2005:20-26); which became the main factor for *taqlid* widespread in *fiqh* thoughts. History has proven that a society which shuns matters other than its sectarian beliefs or having a traditionalist view will be less critical and creative (Supena, 2002:93-96) as they are made to fear religious and political authority. Idea generation, determination, and the courage to challenge dominancy of other religion's status quo will also be reduced.

National Islamic Education Philosophy in Malaysia is a superior platform in the holistic development of *fiqh* learning. However, a philosophy will remain a philosophy if it is not applied accordingly. The following is an excerpt of the National Islamic Education Philosophy in Malaysia.

Islamic education is a continuous effort to impart knowledge, skills, and appreciation of Islam based on Al-Qur'an dan Al-Sunnah to develop attitude, skills, personality, and life's perspective as a servant of Allah; with the responsibility to develop one self, the society, the

environment, and the nation for the betterment of life in the world and eternal prosperity in the world beyond (KPM, 2002:ii).

Realistically, Al-Qur'an is not translated only on its textual characteristics but also on contextuality (reality). Guidance from Allah is not without essence; the Holy Al-Qur'an forms an individual's character so as to ensure he is able to manage himself and the system in the context of pure faith. In the Al-Qur'an, there are nearly 200 verses on science (Yahya, 2003). The ability of Muslim scientists to conduct *tadabbur* and *tafakkur* (Majid an-Najjar, 2002:43-45; dan Azaruddin Husni, 2004:181-183) has enabled Islamic scientific tradition to rise gloriously.

In Islamic scientific tradition, technology in any form is considered as a tool. Technology simplifies and shortens means, but it is not the final goal. Technology develops, its product is creative and innovative because research tradition progresses forward. New inputs in technology development enables it to permeate into every sector of life; its impact on consumers is overwhelming.

In the education world, the importance of tool and goal go hand in hand. In relation to this, Ibn Khaldun (1968:422) opines that the goals of education are: (1) to prepare an individual religiously; (2) to complement man's moral values; (3) to complement man's social values; (4) to complement an individuals vocational and career; and (5) to increase thinking ability.

It is obvious that the content of the National Islamic Education Philosophy is relevant to the actual aim of education. However, the integrative value of science in the curriculum has to be formulated intelligently, creatively, and comprehensively. This approach is important to generate human resource that can contribute effectively in the nation's development process. Besides, from the context of education and training, integrative knowledge is significant in forming a holistic personality which encompasses the mind, spiritual, and physical aspects.

The development and progress of a country depends on the character and charisma of the people born through its

education system. The education system in Malaysia cannot avoid change, especially after its independence (Ahmad, 1993:51-56). Education involves individual development process (Hashim, 1999). From Western's point of view, education is related to the process of information transfer, credibility, and experience from teacher to pupils or from lecturer to students (Wan Daud, 1991:10-30).

Education from Islamic perspective takes into consideration individual and system development factors. Because dynamic system changes, curriculum type and methodology must also undergo change (Mohd Hashim, 1999:262-263). However, the change in the education system maintains its fundamental basis to ensure the nature of knowledge develops and able to adapt itself to time. The national Islamic education philosophy is in tandem with the national education philosophy (KPM, 2005:6); which focuses on the development of a balanced individual, integrative, and harmonious.

Nevertheless a philosophy will only be a slogan if the curriculum applied is not concurrent with its philosophical statement. Curriculum is a tangible plan (Mohd Said, 1992:24). It is concrete in interpreting intention, needs, philosophy, and educational goals. Curriculum is also a *blueprint*, a guide to accomplish a plan or programme (Hashim, 1999:259-264). Therefore, the success of the implementation of new perspectives in the context of *fiqh* learning module requires a very detail and meticulous plan.

The curriculum reformation of *fiqh* learning in Malaysia is prepared to realize the aspiration and objective of Islamic education which is in tandem with the national education policy and national development policy. The statement made in the national Islamic education philosophy which stresses on the dissemination of knowledge, skills, and religious appreciation based on Al-Qur'an and Al-Sunnah should be insightfully composed. One of the fields that is *immediate* or close to education is the development of human resource, which is based on a curriculum that is condusive and effective. Therefore, the process of rearrangement and readaptation of the *fiqh* learning system must be done systematically.

FIQH LEARNING METHODOLOGY: CURRENT METHODOLOGICAL AND PEDAGOGICAL PERSPECTIVES

It is obvious that Muslims had practised higher level knowledge culture during the Islamic era superiority (Mohamad Zain, 2005). Among the factors that contribute to the excellent knowledge culture are open attitude and being selective on the type of knowledge and method of learning, besides controlled Islamisation process on the epistemological aspect of the knowledge. The next factor is critical analytical thinking on the knowledge without being fanatical on a certain teacher. What is significant here, based on this legacy, is to study the effectiveness in facing the current demand and the modernisation in Malaysia. This awareness should lead to the reconstruction of *fiqh* learning through modern knowledge application approach, especially on science to ensure the relevance of the past knowledge culture.

The rationale is to see that large and influential institution should possess a solid identity of its own. The learning of *fiqh* in Malaysia should have an authoritative methodology before moving further. Due to this factor and also the current situation, we should place several important foundations in developing the current *fiqh* learning system.

Because the learning of *fiqh* is dynamic, its scope and methodology should also develop in tandem with the needs of the society and the learning itself. Focus on the general syllabus will be of God's revelations (*wahyu*) and *fuqaha's ijtihad*. Knowledge legacy is codified into a variety of writing forms, including *fiqh* manuscripts (Zuhdi, 1988:12-14). Generally, this legacy is the product of *fuqaha's* understanding on the demands of the *syariah* which is characterized by *wahyu*. The understanding based on *fuqaha's* thoughts is something that always develops according to situations, intellectual capabilities, and the reality of life.

The fact that there are no short cuts in *fiqh* learning has made it more dynamic and multi-functional in this era. The learning methods which should be implemented are: inculcating all knowledge elements in the *fiqh* legacy in the syllabus; analysis all current issues; and

synthesising all forms of science methodology by positive selection. It is hoped that through this methodology, *syariah* principles in Al-Qur'an and Al-Sunnah can be implemented integratively with contemporary intellectual values.

To achieve this discourse, parallel thinking pattern has to be established (Abdullah Hassan, 1997:48-49). This is to differentiate between *syariah* principle as basic thoughts in solving edicts and *fiqh* legacy which is the product of assimilation between *syariah* principles with a certain intellectual person. This approach has to be produced simultaneously with critical and creative thinking elements. Both elements of thoughts are combined to assess a new finding; thus forming a pattern of concept which is more holistic. Besides, there will be a prospect to generate scholars who prioritize intellectual freedom.

In *fiqh* learning, the focus is to assist students to know, understand, practise, appreciate (analysis, synthesis, assessment, alive), and inculcate (growth) concept, process, principle, skill, procedure, rules, belief, values, moral, and courtesy. The strength of *fiqh* learning is a concept which can be used to identify several skills and abilities, nurtured by students. In addition, several knowledge characteristics possessed by students can be categorized as follow: (1) Based on constructs thought by students and not found from the physical environment students' background knowledge. Knowledge of *syariah* from this basis may be flawed; and (2) Generated from activities based on students' background knowledge or from daily needs (Nik Pa, 2007:4-5).

Both characteristics mentioned above can involve misunderstandings as well as misinterpretations. They are, however, open to enrichment. Students' thoughts are like generators waiting to be activated. Brainstorming technique can be used to generate strategies which can be applied in *fiqh* learning methodology. This is important for strengthening and enriching students' way of thinking.

In the meantime, the instillation of reflective thinking elements is very relevant to

be coordinated in *fiqh* learning methodology based on students' knowledge construction as discussed earlier. This process can motivate students to think in sequence, quick in decision making, critical in assessment, and encourages students to think openly. These ability and skill play a role in constructing solutions to advanced problems.

This is the part where *fiqh* plays its role. This is due to the fact that Islamic *syariah* prepares general principles of politics, economy, social, and so forth. Thus, it becomes the responsibility of *syariah* scholars to deal with current issues by applying principles, methods, and *fiqh* legacies besides efforts in analysing elements of culture, social, and implications of science and technology.

It is not proper at all to deny the role of legacy sources because without these sources, scholars in the modern era will not possess anything. Comparative analysis must be applied systematically and based on inductive methodology. This will provide the students with thinking ability that utilizes facts and general principles. Besides, this approach is very related to the culture of inquiry, whereby students are not given direct solutions to a problem but assisted to get the best answer. The knowledge that the students get will be more meaningful and they are trained to seek information other than the contents of their text books.

Briefly, it can be concluded that the application and methodology of the elements of scientific way of thinking in the learning of *fiqh* must emphasize on the aspect of generating students' way of thinking. Hence, enabling the creation of students with proper methods of thinking: rational, meticulous, and objective.

Other than this, students will be provided with the ability to derive and analyze: increasing *ijtihad*. *Ijtihad* capability should have the foundation of *istinbat* and *istidlal*, by referring to modern and legacy sources with authority (Mohamad, 2000:48). Students ought to have scientific skills, a product of the application of scientific way of thinking. This skill, among others enables them, to explore new phenomena based on their background knowledge. Further, the students will master

the ability to experiment, investigate, and understand the relationship between theory, concept, and general principles which are contained in the learning of *fiqh*. Generally, the main objective of implementing Islamic education system is to provide skills, knowledge, and develop an individual so that they can portray *taqwa* to Allah Almighty. The role of the teacher, especially Islamic education nowadays, is more focused on the development of scholars with the main intention of progressing the Muslim society to become the main pillar of the other societies in Malaysia. Therefore, the duty of teachers in *fiqh* learning is not restricted to information transfer, but is also connected to the formation of *syariah* scholars who possess contemporary intellectual values.

The pedagogy of *fiqh* learning refers to the teaching and learning in the *fiqh* learning system. Teaching means the method used by teachers to impart knowledge to students. Teaching is considered successful if the objective and goal of the lesson are achieved. Ab. Halim Tamuri (2007:178) mentions that teaching is an art because in the process of teaching, teacher needs to be creative. A creative teacher will make his teaching more interesting and effective. In the learning of *fiqh*, the method should be made more interesting by relating contents to current issues and integrating thinking skills. Methods and techniques suggested are problem solving, lecture, recitals, demonstration, and discussion.

Based on Dr. Wan Salim Wan Mohd Nor (1990:1-12) analysis, local institutions of higher learning which are involved with Islamic studies are regarded as backward in their teaching and learning process of the course as compared to other courses that they offer. In teaching Islamic studies, these institutions are still adhering to a traditional way. The course, especially *fiqh* studies, not only inherits knowledge from the past era but is supposed to be able to build a culture integrated with current reality. The negative implication which crops up from the implementation of traditional teaching and learning is that they will produce leaders who are weak, narrow-minded, good in memorizing but not able to think. From here, *syariah* scholars will be

passive, accepting views without being critical, prefers *taqlid* and unable to *ijtihad* and not creative.

At the foundation level, the main pedagogical characteristic which is based on the application of scientific elements not only provide information contained in the *fiqh* treasury, but in fact nurture thinking skills which can produce students with critical and creative minds. The effect is that the students will have the ability to think practically and scholarly (de Bono, 2001:1-10); and eliminate the frozen syndrome, *jumud*, and *taqlid*. These syndromes worry Islamic scholars because it gives an impact to the appreciation of holistic concept and *syariah* principles (al-Qadir 'Audah, 1951:29).

There are a lot of thinking skills which can be applied in the Teaching and Learning (T&L) of *fiqh* studies. The role of the teachers in this context is to become facilitators and guides to the students. Nurturing the culture of thinking analogy and abductive can be applied in T&L, so as to give understanding of concepts to execute complex theory analysis.

This element is important to be applied in the teaching of *masaleh al-mursalah* concept and *maqasid* methods which requires evaluation process and is contextual in nature (Mokhtar, 2007:89-114). Next, it is synthesised by *al-qiyas* to match to the current academic product. Students should be exposed to a global outlook so that they are familiar with global thinking. This is very realistic as it can be seen from *syariah* principles which contains universal elements ('*alamiah*). Scientific method which is instilled in them enables the teacher to stimulate and encourage students to be involved more actively in lessons, especially in discussion activities.

Pedagogic method which is suggested in the learning of *fiqh* is not much different from the method applied in science education. This is most probably due to science itself, whereby science is a part of religion. For example, both field of studies suggest the integration of thinking skills. Other than inquiry method that is to be applied in the learning of *fiqh*, as well as in science education, demonstrative method can also be employed in the T&L of *fiqh* learning. Thinking aids, such as statistics

application and graphic management, are very suitable method to be applied.

Demonstration through the use of statistics and graphics can increase students interest and understanding on the subject taught. *Talaqi* method in T&L or based on text or books may create a passive and boring learning environment. *Fiqh* learning should be based on practical approach, not merely theoretical.

T&L skills is important for a teacher to become effective. Among the teaching skills which should be mastered by teachers are to start a lesson by posing a question/problem, giving concrete examples and exposing students to issues related to their environment. The creativity of teachers in conducting T&L is significant in creating conducive and effective learning environment. Current issues in the orientation of scientific development should be made systematic.

The element of systematic method in the pedagogy of *fiqh* learning will ensure teaching and analysis achieve their goals and minimize errors. Application can be realized in the discussion of rules which are based on *talfiq*, *takhayyur*, and *tarjih*. Discussion should end with fortification and enrichment activities. Through systematic method, students are stimulated to be actively involved in T&L activities. Multi-way communication will be displayed from the process and this makes T&L more interesting and effective.

As a conclusion here, *fiqh* learning pedagogy must be reinforced on par with the current modernization. T&L practise which can be considered successful and effective will be able to change students' negative perception and perspective towards the learning. Previously, *fiqh* is seen as a study that is static and dogmatic; and ironically, the study of *syariah* is seen as the study of history. The benefit of the inclusion of scientific thinking element in *fiqh* learning will produce students who are more competitive and innovative. Through innovative thinking, new ideas can be triggered and students are able to design and create problem solving method which are idealistic and realistic. All problems can be solved easily when human beings develop their dynamic thinking and willing to embrace change for the betterment of their lives.

ALTERNATIVE TAFUQUH PROGRAMME MODULE IN MOSQUES

The result of the critical and futuristic analysis on an amount of data and research samples for *tafaquh* programme in mosques shows that the most suitable module must be suggested. On this factor, several matters are suggested:

First, the current *tafaquh* programme module that is most suitable for Malaysia's society must be based upon the sect of Shafi'i selectively. In contrast, to people who have negative perceptions on sectarian practises, we should adopt positive and selective attitude. On the outside, sectarian principles are thinking paradigms of the Muslim society based on world-view and *syariah* method that had been established by certain *fuqahas*. It was founded on Islamic traditional basis; it was not from a certain foreign influences like what was claimed by Western orientalist (De Boer, 1994:28-29 and 309). It is the peak of a very long world-view development process.

World-view is perception of the world, life, belief, and thoughts which function as a catalyst for every human behaviour (Abu Bakar, 1993:307-309). According to Hamid Fahmy Zarkasyi (2004:1-6), the world-view of Islam is: a vision of reality and truth, a unity of arsitectonic thoughts, which function as a non-observable foundation for all human behaviours, including intellectual activity and technology. Among the basic elements of Islamic world-view are the concept of God, revelations and their creations, human psychology, knowledge, religion, freedom, values, welfare, and happiness. In Islam, these elements later on will determine change, development, and progress.

The formation and development process of a sect which is centred on Islamic *world-view* framework progresses gradually, through 4 main stages, as follows:

Stage 1: Quasi-scientific, when Rasulullah himself explains that revelations of Allah are based on two stages, i.e. *Makkiah* revelations which emphasizes on the elements of *aqidah*; followed by *Madaniah* revelations which expands the *aqidah* principles in the form of judicial system and a more applicative life.

Stage 2: Pre-scientific conceptual,

revelations of Allah which contains concepts of life, the physical world, knowledge and ethics, and human beings started to be studied in detail by Islamic scholars. The conceptual terms of the revelations like: *Ilm, Iman, Usul, Kalam, Nazar, Wujud, Tafsir, Ta'wil, Fiqh, Khalq, Halal, Haram, Iradah*, and so forth have triggered thoughts and intellectual research which are very effective among Muslims.

Stage 3: Scientific scheme, through the birth of Islamic intellectual tradition, this scheme came about through three main phenomena: (1) the existence of Islamic scholars community that explores Islamic knowledge seriously; (2) Disciplinary stage, whereupon Islamic scholars who possess intellectual traditions unite to discuss the best subjects and methodology for every Islamic knowledge field. This is mainly the effort of Shafi'i who arranged *al-fiqh* principles systematically; and (3) Naming stage, a process whereby the discipline, theory, and method are given a specific name, which is usually assigned to a particular teacher. This is how the name *mazhab* Shafi'i and the like is assigned to a certain *fuqaha* personage.

Stage 4: Continuity dan Changing, a sect which is already dominant in its methodology framework will undergo a renewal process (*islah*) to strengthen its existence (Alparsan, 1996:6-7; and M. Safi, 1998:86-88).

The history of the world knowledge has noted how a certain doctrine can withstand time period if four main conditions are met: (1) validity of logic and argument; (2) attracting people to follow; (3) able to be applied on the case at hand; and (4) it has a mechanism to process old ideas without leaving aside any important tradition (Raji Faruqi, 2000:51-55). Obviously, all these four conditions are met by Shafi'i *mazhab* and other *fiqh* sects, an encouraging factor for them to remain until now.

Based on the above discussion, it can be concluded that Muslims uphold on Shafi'i *mazhab* is not a wrong practise or paradigm in Islam. It is a formula flexible in nature which outlines and guides every issue or uncertainty in the life of Muslims. Therefore the flexibility element in the reference of a *mazhab* should be widened to ensure the sustainability of the

tafaquh program throughout.

Second, by referring to the reality context in Malaysia, the practise of upholding (*taqlid*) to Shafi'i *mazhab* can still be relevant. This is due to several reasons: (1) It acts as the main interpretation/reference of Islam for Islamic scholars. This can be referred to the validity of the *taqlid* and *ijtihad* concepts. In *taqlid* concept, it is possible for the public to have a *taqlid* to a *mujtahid*, based on the inability of a lay Muslim to fully understand Islamic teachings in depth. The attitude to depend totally on *taqlid* principle has been restricted to *ijtihad* and *tajdid* concepts; (2) This approach is set not for the purpose of monopolising the effort of religious interpretations by Islamic scholars only but it is done to avoid any reckless acts from the lay public on basic fundamentals of Islam, interpreting impulsively which may damage the image of Islam; and (3) Unity and uniformity factors are needed to ensure the existence of socio-political stability in the Muslim society. This will facilitate the process of enforcement and administration of Islamic law (Halim el-Muhammady, 1992:54-55 & 57). It is a basic attempt to avoid conflicts and fanatical sectarian beliefs as those happening in other parts of the world. However, extreme emphasis on *taqlid* domination may cause unhealthy development of Islamic thoughts (Qardawi, 2004:85-88).

The *muftis* in Malaysia have realized this *taqlid* domination. Hence, there are efforts to implement reformism approach to limit overzealous *taqlid* application, especially in the methodology of *fatwa* pronouncement (Abd Rahman, 2003:183-185). Reformation and transformation in the analysis of rules and current *fiqh* should be applied in the construction of contemporary *fiqh* thoughts through *tafaquh* programme with current issues.

Third, the needs to consider the importance of the present reality in the Malaysian society in the process of fortifying *tafaquh* programme module to elevate the dynamism of today's *fiqh* learning (Zuhdi Ab Majid & Ismail, 2004). From Islamic perspective, not all traditions or old practises are stale and out of date (Wan Mohd Nor, 2001:12-17). The same goes with

objective-driven and strong commitment to adhere to traditional Islamic legacy cannot be regarded as obsessed (*ta'asub*) and fanatical (Habibi Long, 2003:114-118). Among the main causes are:

The attribute of Shafi'i *mazhab* in the form of paradigm synthesis between the views of *Ahl Ray'* and *Al-Hadist*. It is more adaptive to the local culture. Early Shafi'i missionaries practises culture-friendly attitude, which gains approval of the political masters and later is able to spread the teachings of Islam in the Malay domain (Abdul Rahim, 2006:55-80). The effect of this can be seen in the Malay Legal Digest, like *Hukum Kanun Melayu* or Malay Jurisprudence (Abdul Rahim, 2003:158-179) and the instillation of Islamic values in the Malay custom until the phrase "*Adat bersendikan Hukum, Hukum bersendikan Kitabullah*" or custom is based on *syariah*, *syariah* is based on Al-Qur'an was coined (Fadhil, 2006:142-145).

The combination of two paradigms *Sufi* and *Fiqh* (Neo-Sufism) in Shafi'i *mazhab* provides direct effect to the momentum of the Islamisation of the people in the Malay domain (John, 1961:40-41). And lastly, *fuqahas* of Shafi'i *mazhab* had established a more systematic Islamic education system in the Malay domain (Latif Hamindong, 1993:748). This refers to the introduction of *Pondok* system which contains specific physical infrastructure, the philosophy of learning, organisational structure, time table, curriculum, and systematic assessment method (Abu Bakar, 1994:104-111; Ishak, 1995:212-218; and Abdul Rahim, 2003:1-31).

Fourth, clarifies the epistemology aspect of Islamic rulings in the *tajdid* process of the research on rulings. In any intellectual analysis, there is an approach that determines the depth of the truthfulness of knowledge or the epistemology of a certain discipline (Haji Shuib, 1995:33). The matter is appropriate in defining epistemology and its scope: the origin, sources, method, and the limit of a particular knowledge (Zainiy Uthman, 2001:146-148).

In facing the bold challenges of the modern world, the research on *fiqh* must emphasise on the epistemology of Islamic rulings which will portray clearly to the Muslims and non-

Muslims that *syariah* is not based on dogmatic belief which cannot be challenged, but built on empirical and rational basis, having its sources, reasons, and detailed method before a judgement on the question of humanity is determined (Nasution, 1989:328-334). As an early conclusion, the effort on developing elements of ontology, epistemology, and axiology of *al-fiqh* based on current knowledge (Dawam, 2004:1-23).

The emphasis is on three main principles: *'urf*, *masalahah*, and social science. The frequent emphasis on the three main principles shows that the effort to strengthen the epistemology elements (source and method) is important. This can also be done through three main approaches: (1) by combining or synthesis knowledge of *al-fiqh* with other modern knowledges, like modern social science which simultaneously complement the research method on alternative Islamic rulings for the modern world. Although knowledge of the tenets of *al-fiqh* is acknowledged as the best knowledge discipline and is based totally on world-view, for modern context it cannot stand on its own, it has to be supported and combined with other scholarly disciplines; (2) developing the present Malaysian *'urf* methodology which is different from *'urf* in the Middle East from the aspects of main frame concept and application method; and (3) developing the principle and *masalahah* standard in three types, especially *daruriyyah*, *hajjiyyah*, and *tahsiniyyah* which are more suitable with the present Malaysian reality.

CONCLUSION

As the final conclusion, I can conclude several key matters. *First*, as Malaysia is a progressively modern Islamic country, it is most appropriate to create one *tafaqquh* programme module which is contemporary in nature and with Malaysian features to cater to all Islamic matters which arises in the society. This is needed as most of the Islamic *fiqh* formula utilised now are based on the discussion of past *fuqaha* from the Middle East era that is totally different from the aspects of sociology and intellectuality of the Malaysian society. The negative effect to this is the *tafaqquh* programme module currently in use

can be considered obsolete.

Second, the process of developing *tafaqquh* programme module must obtain a strong recommendation from the government, which co-incidentally inclined towards upgrading all weaknesses faced by the Islamic education in Malaysia. The practise of T&L (Teaching and Learning) of *fiqh* learning needs to fulfill and achieve *tafaqquh* programme objective and goal, i.e. providing knowledge and understanding. The aspects of thoughts and action in the T&L of *fiqh* need to be more practical and focused on current edicts.

Third, the construction of alternative *tafaqquh* programme in mosques requires a paradigm reformation that practises moderate approach, which appreciates the legacy of past *fuqaha*, to fulfil the flexibility principle in the *mazhab* reference, to understand the reality and the present development, and to increase the *fiqh* research quality with real Islamic law epistemology orientation, entirely rejecting any elements of liberalism which is against the spirit of thoughts and development of *tafaqquh* programme in the version of the Malay domain.

REFERENCES

- Abd Rahman, Naemah. (2003). "Fatwa Jemaah Ulama Kelantan Tahun 1920-an Hingga 1990-an: Satu Analisis". *Unpublished Ph.D. Thesis*. Kuala Lumpur: UM (University of Malaya).
- Abdullah Hassan, Aionon Mohd. (1997). *Memahami Pemikiran Lateral*. Kuala Lumpur: Utusan Publications.
- Abdul Rahim, Rahimin Affandi. (2003). "Pengamalan Ilmu Usul al-Fiqh di dalam Sastera Undang-Undang Melayu: Satu Analisa" in Muhammad Mokhtar Hassan [ed]. *Kesusasteraan dan Undang-Undang*. Kuala Lumpur: Penerbitan APM-UM [Akademi Pengajian Melayu, Universiti Malaya].
- Abdul Rahim, Rahimin Affandi. (2006). "Ulamak dan Paradigma Menangani Kebudayaan Melayu" in Hashim Awang, Othman Yatim & Nor Azita Che Din [eds]. *Wacana Budaya*. Kuala Lumpur: Penerbit APM-UM [Akademi Pengajian Melayu, Universiti Malaya].
- Abu Bakar, Mohd. (1990). "Dari Pusat ke Pinggiran: Masa Kini dan Masa Depan Pondok di Malaysia" in *Jurnal Pendidikan Islam*, Jld.3, Bil.1 [April]. Kuala Lumpur: ABIM [Angkatan Belia Islam Malaysia].
- Abu Bakar, Muhammad. (1993). "Pandangan Dunia, Ideologi, dan Kesarjanaan: Islam, Proses Sejarah,

- dan Rekonstruksi Realiti Sosial” in *Tinta Kenangan: Sumbangan Sempena Persaraan dan Perlantikan Naib Canselor, Profesor Datuk Mohd Taib Osman*. Kuala Lumpur: Penerbit UM [Universiti Malaya].
- Abu Bakar, Shafie. (1994). “Keilmuan Islam dan Tradisi Pengajian Pondok” in *Budi Kencana*. Kuala Lumpur: Penerbit UM [Universiti Malaya].
- Ahmad, Hussein. (1993). *Pendidikan dan Masyarakat: Antara Dasar, Reformasi, dan Wawasan*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Alparsan, Acikgence. (1996). “The Framework for a History of Islamic Philosophy” in *Al-Shajarah*. Kuala Lumpur, Malaysia: ISTAC Publications.
- al-Qadir ‘Audah, Abd. (1951). *Al-Islam Baina Jahli Abnaini wa ‘Ajzi ‘Ulamaihi*. Kaherah: Matba ‘ah al-Ma’had al-‘Ilmi al-Faransi li al-Athar al-Sharqiah.
- Azaruddin Husni, Nor. (2004). “Pemikiran Sains Mahathir dari Perspektif Islam” in *Jurnal Pemikir*, January – March. Kuala Lumpur: Kumpulan Utusan.
- Azra, Azyumardi. (1999). *Esei-esei Intelektual Muslim dan Pendidikan Islam*. Jakarta, Indonesia: Logos Wacana Ilmu.
- Dawam, Ainurrafiq. (2004). “Menawarkan Epistemology Jama’i sebagai Epistemology Usul al-Fiqh: Sebuah Tinjauan Filosofis” in Riyanto [ed]. *Neo Usul Fiqh: Menuju Ijtihad Kontekstual*. Yogyakarta, Indonesia: Fakultas Syariah Press.
- De Boer, T.J. (1994). *The History of Philosophy in Islam*. Richmond: Curson Press.
- de Bono, Edward. (2001). *Pemikiran Praktikal: Membincangkan Cara-cara Praktikal bagi Pemikiran yang Betul*. Kuala Lumpur: Golden Books Centre Sdn. Bhd.
- Fadhil, Siddiq. (2006). “Pertembungan Islam dengan Budaya Peribumi: Pengalaman Alam Melayu” in Md Salleh Haji Ahmad [ed]. *Hukum Islam dan Budaya Tempatan*. Kuala Lumpur: Jabatan Fiqh dan Usul API-UM.
- Fahmy Zarkasyi, Hamid. (2004). *Tantangan Sekularisasi dan Liberalisasi di Dunia Islam*. Surabaya, Indonesia: Penerbit Khairul Bayan.
- Habibi Long, Mohamad Noor. (2003). “Ekstremisme: Satu Perspektif” in *Jurnal YADIM*, 6(2).
- Haji Shuib, Fadzulullah. (1995). *Kecermelangan Ilmu dalam Sejarah dan Tamadun Islam*. Kuala Lumpur: Penerbit UM [Universiti Malaya].
- Halim el-Muhammady, Abdul. (1992). “Ikhtilaf and its Development in Malaysia” in *International Islamic University Law Journal*, 2(1).
- Halim Tamuri, Ab. (2007). “Amalan Pengajaran Guru Pendidikan Islam dalam Membangunkan Masyarakat Islam Hadhari” in Nik Azis Nik Pa [ed]. *Pendidikan Islam & Bahasa Arab Berteraskan Pendekatan Islam Hadhari*. Putrajaya: Yayasan Islam Hadhari.
- Hashim, Omar. (1999). *Pengisian Misi Pendidikan*. Kuala Lumpur: Dewan Bahasa dan Pustaka, edisi ke-2.
- Ishak, Abdullah. (1994). “Pengajian Pondok dan Kesannya terhadap Masyarakat Islam di Malaysia” in Abdul Halim el-Muhammady [ed]. *Pendidikan Islam: Peranannya dalam Pembangunan Ummah*. Kuala Lumpur: Penerbit ABIM [Angkatan Belia Islam Malaysia].
- Ishak, Abdullah. (1995). *Pendidikan Islam dan Pengaruhnya di Malaysia*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- John, A.H. (1961). “Muslim Mystics and Historical Writing” in *Historians of South-East Asia*. London: Oxford University Press.
- Khaldun, Ibn. (1968). *Al-Muqaddimah*. Kaherah: Lujnah al-Bayan al-‘Arabi.
- KPM [Kementerian Pelajaran Malaysia]. (2005). “Bahagian Kurikulum Pendidikan Islam dan Moral” in *Manual Pelaksanaan Kurikulum Pendidikan Islam KBSM Berasaskan Islam Hadhari Tahun 2005*. Putrajaya: Kementerian Pelajaran Malaysia.
- Langgulong, Hasan. (1997). *Pengenalan Tamadun Islam dalam Pendidikan*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Latif Hamindong, Abdul. (1993). “Institusi Pondok dalam Tradisi Budaya Ilmu” in *Tamadun Melayu*. Kuala Lumpur, Malaysia: Dewan Bahasa dan Pustaka.
- Majid an-Najjar, Abdul. (2002). *Kebebasan Berfikir dalam Islam*. Jakarta: Pustaka Firdaus.
- Ma’ruf, Naji. (1969). *‘Asalat al-Hadarah al- ‘Arabiah*. Baghdad: Matba ‘ah al-Tadamun.
- Mohamad, Shukeri. (2000). “Asas-asas Pembentukan Fiqh Malaysia: Satu Saranan” in Paizah Ismail & Ridzwan [eds]. *Fiqh Malaysia: Ke Arah Pembinaan Fiqh Tempatan yang Terkini*. Kuala Lumpur: Penerbit APIUM.
- Mohamad Zain, Shaharir. (2005). “Sains dan Teknologi Melayu Sebelum Dikuasai Penjajah dari Eropah” in Rogayah A. Hamid & Mariam Salim [eds]. *Kepustakaan Ilmu Tradisional*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Mohd Hashim, Omar. (1999). *Pengisian Misi Kemerdekaan*. Kuala Lumpur: Dewan Bahasa dan Pustaka, 2nd edition.
- Mohd Said, Ahmad. (1992). “Falsafah Pendidikan Tinggi Sains Negara” in Mohd Yusof Othman & Khalijah Mohd Salleh [eds]. *Pendidikan Tinggi Sains: Ke Arah Reformasi Pendidikan*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Mokhtar, Rosli. (2007). *Pengenalan Ilmu Maqasid*. Selangor: Karya Bestari.
- M. Safi, Louay. (1998). *Truth and Reform: Exploring the Pattern and Dynamics of Historical Change*. Kuala Lumpur : Open University Press.
- Nasr, Seyyed Hossein. (1988). *Knowledge and the Sacred*. Lahore: Suhail Academy.
- Nasution, Harun. (1989). *Islam Rasional: Gagasan dan Pemikiran*. Jakarta: Bulan-Bintang.
- Nik Pa, Nik Aziz [ed]. (2007). *Pendidikan Islam & Bahasa Arab Berteraskan Islam Hadhari*. Putrajaya: Yayasan Islam Hadhari.
- Qadir, C.A. (1988). *Philosophy and Science in the Islamic World*. London and New York: Croom Helm Ltd.
- Qardawi, Yusuf. (2004). *Sanggahan Salah Tafsiran Islam*. Kajang, Selangor: Synergymate Sdn. Bhd, Translated by Abdul Rahman Rukaini.
- Rahman Abdullah, Abdul. (1989). *Islam dalam Sejarah Asia Tenggara Tradisional*. Kuala Lumpur: Penerbitan Pena Sdn. Bhd.

- Raji Faruqi, Ismail. (2000). *Tauhid: Kesannya terhadap Pemikiran dan Kehidupan*. Kuala Lumpur: Unit Terjemahan Modal Perangsang Sdn. Bhd.
- Sami al-Nasyar, Ali. (1962). *Nasy' at al-Fikr al-Falasafi fi al-Islam*. Iskandariah: Mansya' al- Ma'arif.
- Supena, Ilyas. (2002). *Dekonstruksi dan Rekonstruksi Hukum Islam*. Yogyakarta, Indonesia: Gama Media.
- Syaukani, Imam. (1999). *Rekonstruksi Epistemologi Hukum Islam di Indonesia*. Jakarta: PT Raja Grafindo Persada.
- Wan Daud, Wan Mohd Nor. (1991). *Penjelasan Budaya Ilmu*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Wan Mohd Nor, Wan Salim. (1990). "Pendidikan Islam di Pusat-pusat Pengajian Tinggi: Masalah dan Penyelesaiannya" in *Jurnal pendidikan Islam*, Jld.3, Bil.2. Kuala Lumpur: Penerbit UM [Universiti Malaya].
- Wan Omar, Wan Burhanudin. (1983). "Yayasan Pengajian Tinggi Islam Kelantan (sehingga 1974)" in Nik Abdul Aziz Nik Hasan [ed]. *Islam di Kelantan*. Kuala Lumpur: Persatuan Sejarah Malaysia.
- Yahya, Harun. (2003). *Penciptaan Alam Raya*. Bandung, Indonesia: Penebit Dzikra, Terjemahan Ary Nilandari.
- Zainiy Uthman, Muhammad. (2001). "Islam, Sains, dan Pemikiran Objektif: Suatu Perbandingan Ringkas" in *Jurnal YADIM*, 5(2).
- Zuhdi Ab Majid, Mahmood & Paizah Ismail. (2004). *Pengantar Pengajian Fiqh*. Kuala Lumpur: Al-Baian Corporation Sdn. Bhd.
- Zuhdi, Mahmood. (1988). *Sejarah Pembinaan Hukum Islam*. Kuala Lumpur: Penerbitan UM [Universiti Malaya].



Muslimah in Modern Malaysian Society
(Source: www.google.com, 20/5/2013)

Generally, the main objective of implementing Islamic education system is to provide skills, knowledge, and develop an individual so that they can portray taqwa to Allah Almighty. The role of the teacher, especially Islamic education nowadays, is more focused on the development of scholars with the main intention of progressing the Muslim society to become the main pillar of the other societies in Malaysia.