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And Human Sciences**

**IIUM**

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## Editorial

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Dear readers,

السلام عليكم ورحمة الله وبركاته

First and foremost, I praise and thank Allah SWT for His greatness and for giving me the strength and courage to complete this issue. May Allah's blessings be upon His Final Prophet Muhammad (peace be up on him), his family and his companions.

Second, I would like to take this opportunity to welcome you to the second issue of *Al Risalah: Journal of Islamic Revealed Knowledge and Human Sciences (ARJIHS)*. We are delighted that you are joining us as readers and hope you will also join us as contributors. *ARJIHS* is a peer-reviewed online journal, published biannually in June and December by AbdulHamid AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences (AHAS KIRKHS), International Islamic University Malaysia. The Journal's aim is to promote the talent and diverse research interests of KIRKHS postgraduate students by providing a platform for them to publish both independent research and research undertaken in collaboration with academics. The scope of *ARJIHS* encompasses the various disciplines related to Islamic revealed knowledge and human sciences with the aim of Islamizing human sciences and relevantizing Islamic revealed knowledge to the modern context.

This June issue 2024 comprises eleven articles, nine in Arabic and two in English. They are as follows:

**Promoting Interfaith Harmony: Examining Problems and Misunderstandings between Muslims and Non-Muslims in India within the Framework of Maqāsid al-Qur'an** by Syed Alaudeen Seyed Ibrahim and Thameem Ushama. This study examines the issues and misunderstandings between Muslims and non-Muslims in India, focusing on the teachings of Maqāsid al-Qur'an. It emphasizes tolerance, peaceful coexistence, and the ban on coercive conversion. The paper also discusses the myth of jihad as a "holy war" and the importance of justice and fairness. The essay concludes with suggestions for fostering harmony, including community-building activities, political leadership, and acceptance.

**Marital Dissolution Due to Sexual Disability in Selangor Shariah Court: A Legal Juristic Study** by Nurul Hanan Bt Che Harun and Fatimah Karim. This study examines marital dissolution due to sexual disability among married couples in Selangor. The research highlights juristic opinions on fasakh, or uyub, in fiqh perspectives and discusses the legal point of view adopted by the Shariah Court in Selangor. The study also discusses the proceedings of the Selangor Shariah Court in hearing cases resulting from sexual disability. The findings suggest that asking for fasakh due to sexual disability is permissible in Islam and Islamic Law perspectives. However, the study emphasizes the need to address the issue of sexual disability to prevent further marital dissolution.

**The Juristic Adaptation (Takyif Fiqhi) of Electronic Sales and Related Contracts** by Mazharuddin Faaiez and Mohd Fuad Sawari. This study explores the jurisprudential adaptation of electronic sales contracts, including social media platforms, auctions, bargaining, and shopping. They also cover other contracts related to electronic sales, such as leasing, manufacturing contracts, and loans. The study concludes that e-commerce platforms can be jurisprudentially adapted to valid sales in Islamic jurisprudence, making them permissible transactions under Shariah laws. The study aims to regulate modern electronic financial transactions in accordance with Shariah rules.

**Polysemy: An Applied Usul al-Fiqh Study** by Muhammad Said bin Khalil AlMujahed and Majid bin Mohammed bin Salem Al Kindi. This study explores the significance of polysemy, a crucial linguistic issue with numerous jurisprudential branches. It explores its meaning, scholars' opinions, usage, regulations, and shared terms. The study uses inductive and analytical methods, revealing that shared terms have multiple meanings but a single expression, and their use in both meanings is permissible if possible. The research also identifies shared terms in nouns, verbs, and particles, with different coexistence and context-dependent meanings.

**The Burden of Proof in the Presumption of Electronic Publishing under Islamic and Malaysian Law** by Mohammed R. M. Elshobake and Taha Mariam Bahaeldin Abdalla. This study explores the burden of proof in electronic publishing cases under Malaysian and Islamic law. It argues that Malaysian law, through Article (114/A) concerning electronic publication, contradicts common understanding in the law of evidence in criminal and civil cases. The burden of proof in electronic publication cases falls on the defendant in civil cases and on the accused in criminal cases, contradicting Shariah and law principles that place the burden of proof on the plaintiff in civil cases and public prosecution in criminal cases.

**Psychological Characteristics in the Story of Moses (peace be upon him) in Surat Al-Qasas** by Nasr Baggash Mohammed Saeed and Nashwan Abdo Khaled. The study explores the psychological characteristics of Prophet Moses, peace be upon him, based on Surat Al-Qasas. It highlights his circumstances and the good news of the end of disbelief, the demise of unbelievers, and the imminent conquest of Mecca. These characteristics can be hereditary or acquired. Chastity, wisdom, sincerity, compassion, and mercy are psychological qualities that Muslims should understand and work on. Chastity involves patience, wisdom is patience with stubbornness, sincerity is fulfilling the covenant, compassion is sacrifice for the people, and mercy is kind and rarely leads to hatred. Islamic educational scholars should focus on building these qualities through methodological and pedagogical tasks.

**Teaching the Arabic language at Al-Basira International School in Malaysia: Obstacles and solutions** by Alaa Khudhair Jasim, Asem Shehadeh Ali, Shamsul Jamili Bin Yeob. This study examines the obstacles to teaching Arabic to non-native speakers at Al-Basira International School in Malaysia. It identifies curriculum, learner, and language environment issues. The study's findings are based on interviews with experts and management. The study identifies challenges related to learners' languages, cultures, and reasons for learning, syllabus deficiencies, and the formal and informal language environment. The aim is to improve Arabic language instruction at Baseerah International School.

**Repercussions of surrogacy on members of society: A comparative study between the Western and the Islamic perspectives** by MA XIA and Abdulrahman Alosman. This study compares the Western and Islamic perspectives on surrogacy, revealing significant differences in the concept and its impact on society's moral and social levels. Despite the acknowledgment of women's rights and healthcare, there are differences in religious, economic, social, and legal aspects.

**Ijtihad, its importance and controls in contemporary financial transactions** by Abdullahi Abdi Jama and Kamarudin Bin Awang Mat. This study explores the importance of ijtihad in contemporary financial transactions. They use a descriptive analytical approach to analyze ancient and modern documents. The study concludes that vigilance in financial transactions is crucial for specialized jurists to derive legal rulings, impacting people's lives.

**Alternative Punishment for Murder in Afghan Law in Light of Islamic Shari'ah** by Mohammad Naeem Osmani, Abdulwadood Abid, and Abdul Karim Wasimi. This study explores alternative punishments for premeditated murder in Afghan law in light of Islamic Sharia. Retribution is crucial for societal stability, security, human dignity, and freedom. The research uses an inductive and analytical approach to analyze legal texts from the Holy Qur'an, Sunnah of the Prophet, and relevant sources. The findings suggest that Afghan legislation is compatible with Islamic Sharia in the death penalty in the Penal Responsibility Law, as it recognizes mitigating legal excuses and reduces penalties. However, the Afghan Penal Code only mentions imprisonment as an alternative to retaliation, and there are no definitive alternatives to retribution in the country.

**The Dissolution of Mu'allafah Qulūbuhum's Seat of Reconciliation and its Impact on the Distribution of Zakat: Malaysia as a Model** by Mahamed Fathy Eletrebi, Hassan Suleiman, Ahmad Hussein Siraji and Ustazah Masyitah Binti Zainon. This study aims to explore the purpose of the share for those whose hearts are to be reconciled, the means of implementing this fund in Malaysia, and the role of zakat institutions in activating and applying the funds to the deserving. The share was first applied by Prophet Muhammad to those whose hearts were reconciled among Arab tribes, and later by the first caliph, Umar. The research questions the reasons for the prohibition, whether it was based on Allah's legislated text or Sunnah of the Prophet (peace and blessings be upon him), and whether there was a hidden aspect. The research uses a descriptive-analytical method to provide an analytical description of the application of the Sunnah regarding the share for those whose hearts are to be reconciled.

**Possession of Marine Bills of Lading and Their Role in Disposing of Shipped goods in Yemeni maritime law, the Rotterdam Rules, and Islamic jurisprudence** by Salim Mohammed Saeed Binshomll and Mohamed Ibrahim Negsi. The study examines the possession of marine bills of lading in Yemeni maritime law, the Rotterdam Rules, and Islamic jurisprudence. It focuses on the concept of the bill of shipping, its possession, and its representation of goods transported by sea. The research concludes that the possession of the bill of shipping is analogous to the possession of goods transported by sea, granting the holder the right to dispose of them.

On behalf of the Editorial Board, I congratulate all the students whose research papers are published in this Issue of ARJIHS and express my sincere thanks to their supervisors and mentors. We thank the reviewers for their positive comments and careful review, which helped improve the

manuscripts. May Allah reward you all.

**Assoc. Prof. Dr. Kabuye Uthman Sulaiman, Editor-in-Chief**

**June 2024**