

# **SELECTED LEGAL ISSUES IN ISLAMIC FAMILY LAW, WAQF, INHERITANCE, HALAL AND ISLAMIC FINANCE**

**EXTENDED ABSTRACTS & COMPILATION  
OF SLIDES**

**IN CONJUNCTION WITH THE INTERNATIONAL CONFERENCE ON  
ISLAMIC LAW: MALAYSIA & ALGERIA & ROUND TABLE  
DISCUSSION ON ISLAMIC SOCIAL FINANCE, HALAL & WAQF**

17th-19th. February 2025  
18-20 REJAB 1446



**MOSQUE OF ALGIERS  
UNIVERSITY OF ALGIERS 1  
INTERNATIONAL ISLAMIC  
UNIVERSITY MALAYSIA  
INTERNATIONAL WAQF ACTION COUNCIL  
(iWAQF)**

Editor: Nor Asiah Mohamad

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MALAYSIA & ALGERIA & ROUND TABLE DISCUSSION (RTD) ON  
ISLAMIC SOCIAL FINANCE & WAQF

EDITED BY: NOR ASIAH MOHAMAD

2025

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SELECTED LEGAL ISSUES IN ISLAMIC FAMILY LAW, WAQF, INHERITANCE,  
HALAL AND ISLAMIC FINANCE

Extended Abstracts & Compilation of Slides

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Bismillahirrahmanirrahim

In the name of Allah SWT, the Most Gracious & the Most Merciful

In memory of an educational visit to the largest country in Africa, ALGERIA, home to the Sahara desert, the largest desert in the world. Algeria is rich in Islamic cultural heritage, with influences from Arab, Berber, and French cultures.

In this land, we build connections, strengthen *the ukhuwwah*, as well as exchange knowledge and expertise

### **Special Acknowledgement**

Dean, Ahmad Ibrahim Kulliyah of Laws, IIUM  
Dean, Law Faculty, University of Algiers 1  
Director, Great Mosque of Algiers

Head, Islamic Law Department, Ahmad Ibrahim Kulliyah of  
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## PREFACE

In the name of Allah, the Most Gracious the Most Merciful  
*Assalamu'alaikum warahmatullahi wabarakaatuh*. Greetings to all.

The International Conference on Islamic Law: Malaysia and Algeria, which takes place from the 17th to the 19th of February 2025, marks the beginning of a strategic collaboration between two law institutions from Southeast Asia and North Africa. By the grace of Allah SWT, the flight journey, which takes no less than 12 hours, is a clear testament to the commitment that knowledge transcends ocean borders and land limitations. This commitment reflects the desire to learn from each other and to appreciate the blessings in both the similarities and diversities of legal systems. Above all, justice and humanity prevail.

Our theme, “Issues and Challenges in Managing Family Economy and the Laws,” was chosen based on common challenges faced by both jurisdictions. Thus, there are many opportunities for mutual learning, insha Allah.

The Round Table Discussion on Islamic Finance and Waqf is the first collaborative effort between the Mosque of Algiers, IIUM, and iWAQF, serving as a platform to stimulate discussions on Islamic Social Finance, particularly Waqf. It seeks to connect academics, researchers, and practitioners to provide a framework for managing Waqf. The initiative also aims to establish a global platform, exploring and sharing information on how Waqf can be created, managed, and developed to achieve its sustainability goals.

This event marks the beginning of a strategic initiative between the two countries. Through bilingual approaches, we hope this event will inspire more informative and effective resolutions, paving the way for strategic programs in the future. While IIUM will offer its expertise, the Great Mosque will lead practical approaches to creating and managing Waqf, and iWAQF will play its role in connecting Waqf institutions, practitioners, and authorities with society by promoting impactful and innovative Waqf projects or products. This event will also share the legal frameworks surrounding various modes of wealth and property management in Islam. The initiative, involving two jurisdictions, is significant from both legal and Shariah perspectives.

As the event explores ways, areas and medium to share knowledge and expertise on other aspects of wealth management, the foundation may be strengthened through planning for future cooperation, while Memorandums of Understanding (MOU) may be signed as legal documents to be witnessed by the successors of the three institutions. Furthermore, to stamp the collaboration, this book is published to commemorate the beautiful memories in achieving the goals. In this book, we record our appreciations, thanks, memories, thoughts and prayers.

*Alhamdulillah.*

Editor

Professor To' Puan Dr Nor Asiah binti Mohamad

Ahmad Ibrahim Kulliyah of Laws , IIUM,

Vice President

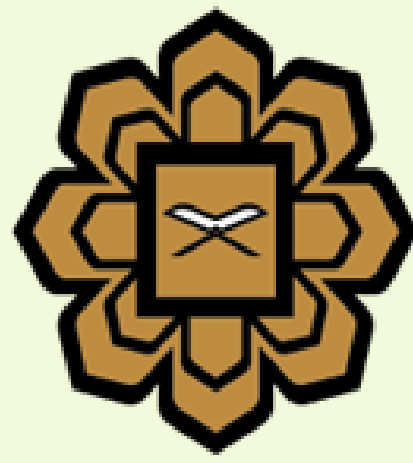
International Waqf Action Council 2022- 2026 (iWAQF)

“Indeed, in so far as man is concerned, justice begins and ends with the self ”

(Royal Laureate Professor)

Syed Muhammad Naquib al-Attas

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الجامعة الإسلامية العالمية ماليزيا  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA  
يُونُسِيَّتِيْ اِسْلَامٌ اِنْتَارَا اِنْعَسَابًا مِّلِيْسِيَا  
Garden of Knowledge and Virtue



# INTERNATIONAL SEMINAR ON ISLAMIC LAW

ORGANISED BY: LAW FACULTY, UNIVERSITY OF  
ALGIERS 1, ALGERIA AND AHMAD IBRAHIM KULLIYAH  
OF LAWS, IIUM, MALAYSIA

**18TH FEB 2025**

THEME: ISSUES AND CHALLENGES IN MANAGING  
FAMILY ECONOMY AND THE LAWS



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LAW, UNIVERSITY of  
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# MALAYSIA CONTRIBUTIONS TO STRENGTHENING THE FAMILY INSTITUTION THROUGH PRE-MARITAL COURSES AND THEIR CHALLENGES

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إسهامات ماليزيا في تعزيز مؤسسات الأسرة من خلال دورات التربية قبل الزواج  
وتحدياتها

## الملخص

إن أحد أهم الطرق لخلق أسرة سعيدة والحد من الطلاق هو التعليم والتدريب قبل الزواج. لذلك قامت دول مثل إندونيسيا وماليزيا بتنظيم وتشريع تلك الدورات في بلادهما. وفي ظل التغيرات الاجتماعية والثقافية السريعة، شهدت ماليزيا زيادة ملحوظة في معدلات الزواج والطلاق، حيث ارتفعت حالات الطلاق بسبب عوامل مثل التنافر بين الزوجين والتدخل الأسري. لمواجهة هذه التحديات، أصبح من الضروري إعداد الزوجين لدخول الحياة الزوجية عبر دورات ما قبل الزواج، التي تهدف إلى تعزيز المعرفة والمهارات اللازمة لبناء أسرة قوية وتقليل النزاعات.

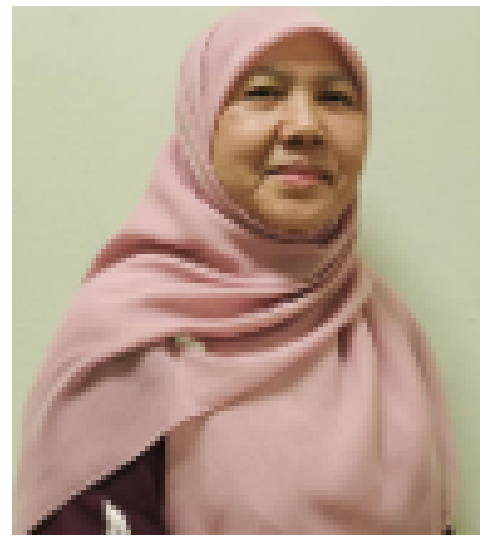
دورة ما قبل الزواج في ماليزيا هي برنامج إلزامي للزوجين الراغبين في الزواج، باستثناء ولاية ساراواك. بدأت هذه المبادرة في عام 1996 وأصبحت إلزامية منذ 1997، حيث تُقدّم من قبل إدارة التنمية الإسلامية الماليزية (جاكيم) وتستمر لمدة يومين أو ما يعادل 13 ساعة. تتضمن الدورة ثلاثة أجزاء: الأول يتعلق بالعقيدة والعبادة والأخلاق وإجراءات الزواج، الثاني يتناول مشاكل الاتصال والأسرة والصحة والإدارة المالية، والثالث يركز على حل النزاعات وإدارة الصراعات وخدمات الاستشارة. تُعتبر الشهادة التي يحصل عليها الأزواج بعد إتمام الدورة ضرورية لتسجيل الزواج. يُستثنى من حضور الدورة الأزواج الذين تزيد أعمارهم عن 45 عامًا للرجال و40 عامًا للنساء، بالإضافة إلى الأشخاص ذوي الإعاقة والأجانب المتزوجين في ماليزيا.

## إسهامات ماليزيا في تعزيز مؤسسات الأسرة من خلال دورات التربية قبل الزواج وتحدياتها الملخص

إن أحد أهم الطرق لخلق أسرة سعيدة والحد من الطلاق هو التعليم والتدريب قبل الزواج. لذلك قامت دول مثل إندونيسيا وماليزيا بتنظيم وتشريع تلك الدورات في بلادهما. وفي ظل التغيرات الاجتماعية والثقافية السريعة، شهدت ماليزيا زيادة ملحوظة في معدلات الزواج والطلاق، حيث ارتفعت حالات الطلاق بسبب عوامل مثل التنافر بين الزوجين والتدخل الأسري. لمواجهة هذه التحديات، أصبح من الضروري إعداد الزوجين لدخول الحياة الزوجية عبر دورات ما قبل الزواج، التي تهدف إلى تعزيز المعرفة والمهارات اللازمة لبناء أسرة قوية وتقليل النزاعات.

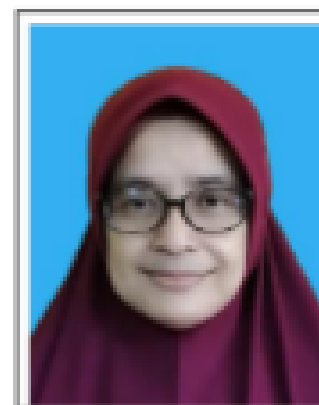
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Badruddin Hj Ibrahim is an associate professor at Islamic Law Department, Ahmad Ibrahim Kulliyah of Laws (AIKOL), International Islamic University Malaysia (IIUM). His areas of interest are: Administration of wealth under Islamic law with special reference to will of entrustment (wisoyah), will (wasiyyah), gift (hibah), *waqf* and unlawful wealth (*al-mal al-haram*); Islamic law of transaction; Islamic law on banking; Islamic jurisprudence (usul al-fiqh); Islamic legal maxims (*qawa'id al-fiqh*); and *Maqasid al-Shari'ah*.



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Dr. Nasimah Hussin, B.A. (Malaya) 1991, M.C.L. (IIUM) 1992, and PhD (Edinburgh) 1997 is Associate Professor at the Islamic Law Department of Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia. She has been serving IIUM since 1991 as a lecturer, teaching subjects like Islamic Criminal Law and Islamic Jurisprudence. The areas of her research interest are: Islamic Law, Criminal Law, Victimology, Usul al-fiqh, Women and Child issues etc. She has published several articles, some of them being Sulh as a Method of Alternative Dispute Resolution in Criminal Cases: An Islamic Perspective, Factors Which Influence the Degree of Punishment: The Practice in the Syariah Court of Malaysia, Abortion and causing miscarriage: Islamic Medical Perspective. She is a member of the IIUM Disciplinary Board. She was involved as an invited speaker for several modules of government agencies such as ILKAP and PDRM. She has written several academic papers published in legal journals. She has also presented papers on Islamic criminal law at several national and international seminars. She is also one of the members of the Shariah legal advisory panel for the Legal Aid Clinic, IIUM.



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Prof Najibah serves various governmental and non-governmental agencies as committee members. She is a member of Shariah committees in Attorney General Chamber; a committee member on Practice Direction Shariah Judiciary of Malaysia; a panel member of Disciplinary Committee, Bar Council; research committee with IKIM on harmonization of law; a panel of expert on Shariah law and Siyasah Shar'iyah at Dewan Bahasa dan Pustaka; IIUM Quad Team; Internal Audit Committee IIUM holdings and Fellow in Centre for Women Science Studies, University Islam Malaysia. She held various posts including the Deputy Dean for Academic; Deputy Dean for Postgraduate and Research, and Head, Department of Islamic law. She secured consultancy research projects on management of post-divorce issues, farmer's organization law (Pertubuhan Peladang Kebangsaan) and currently working on formulating Malaysian National Counselling Policy. Prof a member of the Council of Professors of the University in Malaysia (Majlis Profesor Negara). She involves in social activities in organizing legal literacy programmes for local community under AIKOL legal aid platform or NGOs. She is one of the advisors to AIKOL Legal Aid Clinic and a Chairman of Raudhatul Sakinah Berhad, a guiding and training centre for adolescent girl. She was a Panel Syariah Court of Appeal Judge in the State of Terengganu from 2021-2023; a member of Jawatankuasa Kehakimah Syariah Kebangsaan 2024-2026 and committee member Jawatankuasa Undang-undang MAWIP 2023-2025.



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**Tajul Aris Ahmad Bustami** is an Assistant Professor at the Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia. He has held various administrative positions at both the faculty and university levels, including Deputy Dean, Head, Coordinator, and Programme Director. His research focuses on the Islamic legal system, family law, and inheritance laws. He has authored numerous books and articles on these subjects. One of his most notable works, *Administration of Islamic Law in Malaysia: Text & Materials*, published by [Lexis Nexis](#), has been widely cited in academic research and writings.