ICRIL 09
INTERNATIONAL CONFERENCE
ON RESEARCH IN ISLAMIC LAWS

"Exploring Challenges & prospects in the 21st Century"

Department of Syariah & Law, Academy of Islamic Studies
University of Malaya, Kuala Lumpur MALAYSIA
15th - 16th July, 2009
FIRST DAY: 15th JULY 2009 (WEDNESDAY)

OPENING CEREMONY
(MAIN HALL ACADEMY OF ISLAMIC STUDIES, UNIVERSITY OF MALAYA)

8.00am - 9.00am : Registration
9.00am - 10.00am :
: Opening Ceremony
: Welcoming Address by Chairman
: Recitation of Doa

: Address by:
Dr Siti Zubaidah Ismail
Director ICRIL09

: Opening Address by:
Tan Sri Dato' Ibrahim Lembut
Director General/Chief Syarie Judge Shariah Judiciary
Department of Malaysia

10.00am -11.00am : Keynote Address 1
Culturalising Research and Development in Islamic Law:
Challenges Forward
Prof Dr Ahmad Hidayat Buang
Director Academy of Islamic Studies

11.00am-11.30am : Tea Break
11.30am-1.00pm : Parallel Session I
1.00pm-2.30pm : Lunch and Zuhr Prayer
2.30pm -5.00pm : Parallel Session II
7.45pm-9.30pm : Welcoming Dinner
Main Hall, 11 Residential College (Ungku Aziz College),
University of Malaya

SECOND DAY: 16th JULY 2009 (THURSDAY)

9.00am - 9.30am : Keynote Address 2
Kepentingan Penyelidikan Perundangan Islam Tradisional
dan Kontemporeri
Prof Datuk Dr Abdul Monir Yaacob
Senior Research Fellow, Department of Syariah and Law,
Academy of Islamic Studies, University of Malaya
Venue: Balai Ilmu
PARALLEL SESSION

Day 1 : 15th July 2009 (Wednesday)

PARALLEL SESSION I (6 PAPERS)
Venue : Balai Ilmu
Methodology of Research in Islamic Law

11.30am-11.45am : *Formation Of The Concept Of Istihsan In Islamic Law*
Dr. Saim Kayadibi
University of Malaya

11.45am-12.00pm : *Towards the Adoption of the Objectives of Shari’ah as a Research Method in Islamic Jurisprudence and its Principles*
Prof. Dr. Salih Qadir al-Zanki
Qatar University

12.00pm-12.15pm : *Axiological and Deontological Approach in Contemporary Fiqh*
M. Zuhdi Marsuki
University of Wales, Lampeter

12.15pm-12.30pm : *The Importance of Recognising Textual Assumptions in the Qur’anic Text in the Development of a Qur’anic Hermeneutic and Islamic Legal Theory*
Adis Duderija
University of Western Australia, Perth

12.30pm-12.45pm : منهج القرآن فيما يسمى بالتكرار
سجبا قاريوق مشوح
جامعة مالايا

12.45pm-1.00pm : *Strategic Analysis for Academic Thesis*
Majed Fawzi Abu-Ghazalah
University of Malaya

1.00pm-2.30pm : Lunch & Zuhr Prayer
Formation of The Concept of Iṣtiḥsān in Islamic Law
:: Dr. Saim Kayadibi ::

The concept of istiḥsān played a crucial role in intellectual heritage of the history of Islamic law and developed Islamic legal reasoning through putting human’s contribution into judgments based on primary principles of securing ease and avoiding hardship: “Allah desires ease for you; and He desires not hardship for you”. In the very early period of Islamic legislation the sources of Islamic law were confined to the Qur’an, the Sunnah and the use of personal opinion (ra’y) by the consent of the Prophet (pbuh) who is the mere authority of legislation. In the process of formation of Iṣtiḥsān, the concept of analogy was the main factor. When the result of qiyas would cause hardship to the people, the concept of Iṣtiḥsān was applied giving preference to unconsidered evidence which may eradicate hardships. No technical definition of Iṣtiḥsān have reached us from the very early Islamic legal history, despite the notion of Iṣtiḥsān has been used throughout the history of formation of Islamic law. This paper intends to investigate the historical journey of Iṣtiḥsān that was applied, researching its traces throughout the history of Islamic legal reasoning and critically discuss their applications in Islamic law giving special emphasis on relationship with the concept of qiyas.

Towards the Adoption of the Objectives of Shari’ah as a Research Method in Islamic Jurisprudence and Its Principles
:: Prof. Dr. Salih Qadir al-Zanki ::

The objectives of Shari’ah has long been perceived as a breakthrough in the Islamic legal discourse. While tracing its development, the doctrine of maqasid has moved from a simple concept to a well-grounded theory that continues to shape the Islamic legal theory. Since the debate on maqasid started to ground itself in the Islamic legal discourse, Muslim scholars’ views on the issue vacillated between those who saw in maqasid philosophical framework for Shari’ah and those who predicted a more structured discipline that would impact the promulgation of Islamic rulings. This paper tries to improve the Islamic jurisprudence and its principles research and rescue him from the doctrinal dispute to the research that will be acceptable to all Muslims through adoption the objectives of the Shari’ah as a machine and method of research. This paper deals with the efforts of Muslim scholars in this field, lists the rules that do this job, and explain all these rules with examples. Some of these rules are: groups of evidences will be examined to extrapolation Islamic legislation, re-reading some of the laws in the principles of Islamic jurisprudence, and new provisions for the understanding of reality and to understand the text.

Axiological and Deontological Approach in Contemporary Fiqh
:: M. Zuhdi Marsuki ::

The recent ethical issues have attracted so many figures from various disciplines to contribute, which inevitably will cause variety of perspectives. On the Islamic side, Muslim scholars strive to propose Islamic perspective especially al-hukm al-shar’i for every modern issue especially pertaining to science and technology. However, the contemporary Muslim jurists usually perceive such issues based on the existing methods in Islamic principles of legal theory (Uṣūl al-Fiqh). In fact, studying issues of science and technology today will inevitably involves ethical perspective, thus Ethics become one of the most common discipline viewed by scholars when they discuss such issues. Because of the importance of Ethics in modern academia, this paper will discuss the role of Ethics especially Axiology and Deontology in contemporary Fiqh, which actually intends to suggest a new approach of studying Fiqh. In this regard, the paper proposes the assimilation of contemporary philosophical approach into Islamic principles of Jurisprudence.
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ICRIL 2009
DEPARTMENT OF SYARIAH AND LAW

The Department of Syariah and Law was established during the formation of a new Academy of Islamic Studies in 1996. The core area of the department is on Islamic laws and judiciary, with similar emphasis on Malaysian and English law. Gradually, we also ventured into Islamic transaction and administration of Muslim property law and asset planning management. There are eight academic staff with various expertise in this legal fields and there continuously active in research groups with other academic and government institutions.

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