

P-333 Muslims' Attitude Towards Divorce :the problem of fiqhĒ postulates

Mek Wok Mahmud

*Fiqh and Usul al-Fiqh, Kulliyah of Islamic Revealed Knowledge and Human Sciences
International Islamic University Malaysia*

Divorce in its variant forms whether initiated by a husband or a wife ideally should be controlled within the minimum limit as anticipated by the socio-religious requirements of Islam .The reason being that the Prophet has vociferously condemned its wanton use by both women and men. Nevertheless, in our age marriage break- ups ending in divorces have become a worrying phenomenon the world over, including Malaysia. . To remedy the situation, legislative reforms of the Muslim laws have been a regular exercise. However, in our view, for such reforms to succeed ,we need to address the basic jurisprudential postulates that have shaped its laws and orientated public outlook/attitude towards practicing it. The bottom line, therefore is as to how Muslims perceive divorce and its procedures ,as formulated by the dominant schools of legal thought.The most widely held opinion among people is that they can practice divorce even if it contradicts the set procedures of the Qur'an .Simply because a certain school of legal thought validates it.This kind of naïve approach to Islamic law as articulated by many law books on divorce ,being a replica of the larger problem of taqlid, has seriously hampered the success of reform attempts in our time .Accordingly, in this paper , we try to take the readers ``back to basics`` with the prime aim of enlightening them about some pertinent jurisprudential postulates that surround the dissolution of marriage .To this end ,the paper covers a brief overview of divorce ,then it proceeds to address its jurisprudential postulates in terms of Shari`ah value and its procedure so as to identify the most Shari`ah consistent view from among the variety of juristic interpretation.

P-334 Gated Community, Theory and Implementation in Landscape and Housing Area of Malaysia

Nurhayati Abdul Malek, Mansor bin Ibrahim

*Department of Landscape Architecture
International Islamic University Malaysia*

The interpretation of gated community in Malaysia often been regarded as a residential community area equipped with human or electronic security surveillance. However, the true meaning is a community area enclosed by walls and fences, most of the time having controlled over the entrances especially for automobiles and pedestrians. It is an issue where the concept was only used for profit gaining and not looking at the holistic approach towards overall community planning and the landscape environment. This research will review the current practice of community planning in Malaysia and seek to establish any significant developments pertaining to planning implication and community landscape in the approaches used. The paper will appraise international and local case studies to compare the true meaning, theory and implementation of the term gated community. This research aims to contribute to emerging guidelines for gated community development in Malaysian.

P-340 A Contextual Approach on The Views of Muslim Feminist Interpreters of The Qur'ón Regarding Women and their Rights in the Society

Md Yousuf Ali

*Department of General Studies, Kulliyah of Islamic Revealed Knowledge and Human Sciences
International Islamic University Malaysia*

The interpretation of the texts of the Qur'Ēn regarding the rights, role, and status of women is a challenge and much debatable subject. The Qur'Ēn is seen by almost all Muslims as the literal words of Allah (swt). The majority Muslim exegetes interpreted the verses of the Qur'Ēn by applying a method of literal reading. In modern context, regarding women's rights, Muslim feminist interpreters of the Qur'Ēn have applied a contextual approach with regard to the historical, social, and political context in which the verses were revealed in order to disclose an underlying liberal intent, which may liberate Muslims from a

literal reading of the Qur'Ēn. However, feminists face a particular challenge and accusation from traditional Muslim exegetes. The accusation is that feminist scholarship is not loyal to the teachings of Islam and its heritage, but produces liberal Islam and liberal Shar'Ēnah, influenced by the Western values and imposed upon Islam.

The article focuses on how the method of contextualization is applied to some contentious verses in the Qur'Ēn, which are related to the rights, role and status of women in Islam. These verses represent the arguments at which feminists face a great challenge. Two questions on the basis of those verses will be examined; one is the question of men's authority over women and the other is woman's leadership in modern context. For instances, the contentious verse 4:34 recognizes man's authority and superiority over woman for certain tasks and the verse 9:71 also recognizes the sovereign power of women '*al-WilĒyah al-Mutlaqah*' equally in participating nation-building. We examine how two contemporary feminists Muslim thinkers; Fatima Mernissi, a Moroccan sociologist and Aminah Wadud Muhsin, an African-American professor of Islamic Studies use the hermeneutical method of contextual reading to interpret the texts of the Qur'Ēn. The article evaluates the theoretical and practical challenges faced by them from traditional exegetes and argues that whether such a methodology strengthens their arguments and a fuller discussion of the issues that it raises regarding woman's rights? It is also argued that through the interpretation of the contextualization one may find difference with the previous interpretation of the Qur'Ēn, which is central to feminists exegesis.

**P-345 Accommodating Religion into Culture and vice versa:
The Case of Adat Perpatih**

Fadzilah Din

*Usul Al-Din and Comparative Religion, Kulliyah of Islamic Revealed Knowledge and Human Sciences
International Islamic University Malaysia*

Certain circles in the Islamic community consider a culture which does not follow the exact dictates of the Qur'an as unIslamic and must not be followed. This is the case with Adat Perpatih, the origin of which was said to be ancient Hindu-Buddhist culture of the the place presently known as Minangkabau area, West Sumatra, Indonesia. This culture is based on a matrilineal system, where the lineage of a person is traced to the tribe of his/her mother. There are a few examples which seem to cause men hardship especially when this custom is abused. One example is the law of inheritance which designates immovable property to women. Scholars have argued that this is a violation against a specific injunction within the orthodox Islamic tradition which is patriarchal. In contrast to this popular misconception, we find that the people of Adat Perpatih are among the staunchest of Muslims. The Islamic scholars of Adat Perpatih have justifications of the "Islamicity" of their culture based on Islamic sources and how this opinion becomes acceptable. The result is an Islamization of a culture and a compromise between culture and religion which benefit the people. Thus we see a development of the culture which is influenced by Islam and Islam which accommodates a culture. This indicates the flexibility, accommodative nature and dynamism of Islam as a religion as well as to the ingenuity of a people who are considered staunch Muslims yet able to find peaceful balance within religion and culture.

P-347 Legal and Ethical Duties of Corporate Managers

Md. Abdul Jalil

*Business Administration, Kulliyah of Economics and Management Sciences
International Islamic University Malaysia*

The Companies Act 1965 (Malaysia) provides certain duties to corporate managers which must be followed and complied with. These duties are imposed by law to ensure excellent performance and high productivity in the corporation. These duties also can ensure outstanding project management in the corporation. Those duties are: i) To be honest and speak the truth about the quality of products, ability to perform work etc. at all times; ii) To use reasonable diligence, skill and care; iii) Not to misuse inside information of the corporation; iv) Acting bona fide in the interest of the company; v) Disclosing personal interest in any transaction with the company; vi) Not to make secret profit by using manager position; vii) Avoiding conflict of interest with the company and so on. It is not the only duty of corporate managers to