

PROCEEDINGS

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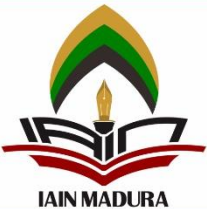
المؤتمر العالمي الأول في القانون الإسلامي والحضارة

ICILAC

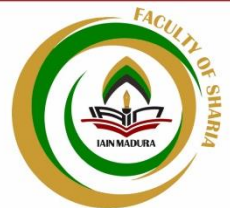
1st International Conference on Islamic Law & Civilization

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Book Abstract



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Introduction

Thank to Allah who has given His bless to the committee for finishing the book abstract 1st International Conference on Islamic Law and Civilization (ICILAC 2020) Organized by Faculty of Sharia, State Islamic Institute of Madura (IAIN Madura).

I Would like to thank Dr. Mohammad Kosim, M.Ag. Rector of IAIN Madura and Dr. Maimun, M.H.I. Dean of Sharia Faculty IAIN Madura.

I Would like to thank to all key note speakers, Prof. Dr. Khoiruddin Nasution, MA.(UIN Sunan Kalijaga Yogyakarta), Prof. Dr. Alwi Hamed ben Shihab (Seiyun University, Hadramawt Yemen), Prof. Dr. Muyesser el-Mekki (Islamic University of Minnesota Istanbul-Turkey), Asst. Prof. Dr. Muhammad Ayman Al-Akiti

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I Would like to thank to all presenters and participants.

This book is a collection of the best abstracts, there are 34 abstracts that we received from ICILAC 2020. Hopefully this activity will be useful scientifically and academically in order to develop knowledge of Islamic law and Islamic civilization.

Finally, I apologize for all the mistakes and shortcomings that have occurred at ICILAC 2020. Thank you to all of you.

Best regards.

Sincerely,



Muhammad Taufiq, Lc., M.Sy.
Conference Chair

The Closure of Mosques to Curtail the Spread of Covid-19: An Analytical Study in the Light of Maqasid al-Shari'ah

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Countries of the world were exposed to dangers as a result of the Corona Virus pandemic. Also known as Covi-19, the pandemic affected the entire globe health-wise, economically, politically, and religiously. As a measure to curb the spread of the Covid-19, many Muslim countries directed that mosques should be closed down due to the fact that social gathering is regarded as a high probable factor for the infection. This research therefore seeks to discuss different opinions of some contemporary scholars and their arguments concerning the issue of the closure of mosques. This shall be done from the Maqasidi perspective. Thus, the analytical research method shall be employed to explain various opinions of some contemporary scholars. Based on this, the protection of life and religion, as objectives of the Islamic law, shall be discussed. According to the findings of this research, contemporary scholars can be divided into two groups with respect to their opinions on the issue. The first group of scholars permits the closure of mosques because it ensures the realization of the divine objective with regard to the protection of life from danger. The second group opines that the closure of mosques amounts to suspension of the congregational prayer which is one of essential exterior rites in Islam.

Also, the findings illustrate that the protection of life constitutes a necessary benefit; as such, to endanger life is a serious harm which cannot be remedied. The protection of life is even more important than the objective behind the congregational prayer which only complements the necessary objective of protection of religion. It should be noted that the suspension of congregational prayer is just a momentary legal permit due to a necessity which is to be considered on its merit. More so, the congregational prayer is only needed to ensure the regular observance of the prayer as well as its promotion in the society because it defines the identity of the Muslim community. In essence, the congregational prayer is a complementary benefit for the protection of the religion. In view of the conflict between two different objectives with varying degrees of importance, the more important of the two objectives, namely protection of life against the pandemic, shall be given a priority over what complements the protection of the religion. Hence, the legal opinion that permits the closure of mosques is the most preponderant view given the context of the case; so far, about 4505 deaths have been recorded due to Covid-19. Therefore, necessary measures should be put in place to protect the sanctity of life against harm so that objectives of the Law-Giver can be realized, because any means to achieving what is compulsory also becomes compulsory accordingly. The research recommends that religious institutes should sensitize the people on the need to take all measures to curb the spread of Covid-19 pandemic.

Keyword: The Closure of Mosques - Covid-19- Maqasid al-Shari'ah

Polygamy or Monogamy? Measuring the Contested *Maṣlahah*

Muhammad Abdul Aziz

This paper's aim is to measure how far the application of *maqāṣid al-sharī'ah*, with its *maṣlahah* as the driving axis of the dynamics of Islamic law, has been conducted. Begun with a historical exposition of the interplay and contestation of *maṣlahah* in the Indonesian context, the researcher observed such a measurement by way of exemplifying polygamy and monogamy to eventually conclude which is of both closer to *maṣlahah*. Data that contains books and interviews are collected and conceived with content analysis style and then presented in the modes of descriptive and explanatory research. The paper concluded that the dispute among liberal and moderate Muslims over polygamous marriage lies on the ground of their distinct perspective of *maṣlahah* where this contestation has genealogically found its precedent in the dynamic legal exchange between Hasbi al-Shiddiqy and Ahmad Hassan. It has been also identified that polygamy is closer to *maṣlahah* rather than monogamy based on, *firstly*, its inclination to the Letter's Objective (*Maqāṣid al-Khitāb al-Shar'īyy*). This is given it is first mentioned before monogamy in the al-Nisa' 3 which denotes its taking precedence. This justification is strengthened with the absence of the verse's verbatim prohibition although widely considered as polygamy prohibiting verse. The requirement and fulfillment of justice exactly imply, *secondly*, that committed polygamist is ranked higher than monogamist. In the meantime,



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