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**NSCF
2020**

9 DECEMBER 2020



PROGRAM BOOK

THE 2nd NATIONAL SEMINAR ON CONTEMPORARY FIQH

**Family Fiqh in Malaysia:
Towards Promoting Insan Sejahtera**

**THE 2nd NATIONAL SEMINAR ON
CONTEMPORARY *FIQH* 2020**

**Family *Fiqh* in Malaysia: Towards Promoting
Insan Sejahtera**

WEDNESDAY, 9 DECEMBER 2020

PROGRAM BOOK

ORGANISED BY:

CONTEMPORARY *FIQH* RESEARCH UNIT (CFRU)

IN COLLABORATION WITH:

AHMAD IBRAHIM KULLIYAH OF LAWS (AIKOL)

IIUM INSTITUTE OF ISLAMIC BANKING AND FINANCE (IiIBF)

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PROGRAMME AGENDA

NATIONAL SEMINAR IN CONTEMPORARY *FIQH* (NSCF) 2020
Wednesday, 9 December 2020 (Malaysia time GMT+8)

Time	Session	Venue
8.00am-8.30 am	Arrival of Guest	
8.30am-8.40 am	Opening remarks by MC MC: Asst. Prof. Dr. Raudlotul Firdaus Fatah Yasin	
8.40am-8.50 am	Qur'anic Recitation	
8.50am-9.00am	Welcoming Remarks Assoc. Prof. Dr. Mek Wok Mahmud, Chairman of NSCF 2020	
9.00am-9.15am	Officiating Speech Professor Emeritus Tan Sri Dato' Dzulkifli Abdul Razak IIUM Rector	
9.15am-10.15am	Keynote Address: Professor Emeritus Dato' Dr Mahmood Zuhdi Hj Abd. Majid Chairman, Majlis Dakwah Negara (MDN)	
10.30am-12.45pm	Paper Presentation Parallel Session 1 (Online) Group 1: Arabic Presentation Group 2: English Presentation Group 3: English Presentation Group 4: Malay Presentation Group 5: Malay Presentation	
1.00pm - 2.00 pm	Lunch and Zuhr Prayer	
2.00pm- 5.00pm	Paper Presentation Parallel Session 2 (Online) Group 1: Arabic Presentation Group 2: English Presentation Group 3: English Presentation Group 4: English & Malay Presentation Group 5: English & Malay Presentation	
5.00pm	Closing remarks Assoc. Prof. Dr. Miszairi Sitoris, MC: Asst. Prof. Dr Mohd Abbas Abdul Razak	

PARALLEL SESSION SCHEDULE

THE 2ND NATIONAL SEMINAR IN CONTEMPORARY FIQH (NSCF 2020)

TENTATIVE PARALLEL SESSION

		Br. Al Ghoul Ghaza	Br. Muhammad Tabib	Sr. Aulia Arifatu D	Br. Ahmad Akram	Sr. Zahra Nabila
Session 1	Time	G1 Arabic paper Chairperson: Assoc. Prof. Dr. Abdul Majid	G2 English paper Chairperson: Assoc. Prof. Dr. Salina Kassim	G3: English paper Chairperson: Assoc. Prof. Dr. Norliah Ibrahim	G4Malay Paper Chairperson: Asst. Prof. Dr. Roudlotul Firdaus	G5Malay Paper Chairperson: Assoc. Prof. Dr. Abdul Bari bin Awang
TIME 10:30- 12:45	10:30- 10:50	1 أثر العدول عن الخطبة في القانون الماليزي والشريعة الإسلامية	1- Achieving Financial Inclusion: A Comparative Discourse between Islamic and Conventional Finances approach	1- Harta Sepencarian in Business Interest: An Analysis of Malaysian Courts Approaches	1 Isu Nafkah untuk Ibu Tunggal dan Anak Yatim Menurut Syarak	1 Nikah Khitbah: Alternatif Penyelesaian Kes Anak Tak Sah Taraf
	10:55- 11:15	2 اقتصاديات الأسرة دراسة تحليلية وفق مقاصد الشريعة الإسلامية	2- Is Malaysia in the Middle-Income Trap? Symptoms, Challenges and Remedies	2- Overview of The Practice of Hibah Amanah by the Islamic Banking and Financial Institution in Malaysia and Its Compliance With the Existing Legal System	2 Teori Masalih Mursalah Berdasarkan Pandangan Imam as-Syatibiy dan al-Ghazzali Terhadap Pengabaian Hak-Hak Wanita dalam Isu Lafaz Cerai Taklik Lisan	2 Konsep Pusat Asuhan Patuh Syariah dan Peranannya Dalam Menjaga Kemaslahatan Kanak-Kanak
	11:20- 11:40	3 دور الفقه المقارن في تقنين الفقه الإسلامي، ونماذج التطبيقية في قانون الوقف والأسرة والميراث	3- The Intention of Muslim Young Adults to Participate in Family Takaful Scheme	3- The role of Wasi in the administration of minor's property under provisions of Islamic law inn Malaysia	3 Antara Kewajipan Dan Keinginan Nafsu Berpoligami Dalam Membentuk Keluarga Bahagia	3 Zakat Menyantuni Kanak-Kanak Gelandangan: Satu Sorotan
	11:45- 12:05	4 تقسيم أموال الوالدين قبل وفاتهما بين الأولاد في ضوء مقاصد الشريعة	4- Family financial management: a conceptual framework based on Maqasid al-Shariah for its enhancement	4- The Execution of Muslim's Will (Wassiyah) in Malaysia: A Way to Evade Islamic Inheritance (Faraid)?	4 Kahwin Lari Tanpa Izin Wali Bagi Anak Dara Yang Masih Mempunyai Wali Nasab: Satu Analisis Ke Atas Fatwa Negeri Perlis	4 Aplikasi Fiqh al-Mizan Dalam Sunnah Kekeluargaan

2nd NATIONAL SEMINAR ON CONTEMPORARY FIQH 2020

	12:10-12:30	5 حقيقة الوصية الواجبة في ولاية سلانجور ماليزيا: دراسة تحليلية قانونية	5- A Conceptual Study on Investment-Linked Takaful Product: Protecting Life and Wealth for Family Institution	5- The Significant of Financial Literacy for Family Financial Management: A Critical Study from Maqasid Perspective	5 Nilai Dan Kepentingan Adat Perkahwinan Melayu Dalam Melahirkan Institusi Keluarga Yang Sejahtera	5 Autisme Sebagai Mitigasi Dalam Sistem Kehakiman
	12:35-12:45	6 زواج المسيار بين المصالح والمفاسد في الواقع المعاصر : دراسة تقييمية لدولة ماليزية أنموذجا				

2nd NATIONAL SEMINAR ON CONTEMPORARY FIQH 2020

Session 2 TIME	Time	G1 Arabic paper Chairperson: Assoc. Prof. Dr. Bouhedda Ghalia	G2 English paper Chairperson: Asst. Prof. Dr. Nur Farhah Mahadi	G3: English paper Chairperson: Prof. Dr. Nora Abdul Hak	G4 English & Malay Paper Chairperson: Assoc. Prof. Dr. Saupi Man	G5 English & Malay Paper Chairperson: Prof. Dr. Najibah Mohd Zin
02:00- 4.55	02:00-2.20	6 تمكين المرأة في منظومة الأسرة الماليزية والمواثيق الدولية: دراسة تحليلية في المنظور الإسلامي	6- The Role of Virtual Marriage in Enhancing Economic Empowerment of Individuals as Aligned with Maqashid Al-Shari'Ah	6- Reconciliation Process of Muslim Marriage under the Islamic Family Law of Malaysia	6 Hukuman Ke atas Pesalah Muda di dalam kes-kes Jenayah Syariah di Malaysia: Satu Kajian Kes di Negeri Selangor	6 Hak-Hak Seorang Isteri Dalam Menuntut Harta Sepencarian Sebelum Pembahagian Harta Kepada Ahli Waris Dalam Konteks Malaysia
	2:25-2:45	7 تسيير صندوق الزكاة الجزائري ومجالاته الاجتماعية (دراسة فقهية تطبيقية)	7- Work-Family Balance from Policy and Religion Perspectives in Malaysia	7- Safeguarding the Best Interest of the Child in Adoption Process in Malaysia: Whether Kafala is An Alternative Option?	7 Modul Memahami Bacaan Dalam Ibadah Solat Ke Arah Membentuk Keluarga Bahagia (Mawaddah)	7 PENJANAAN EKONOMI UMMAH MENURUT PARAMETER AL-QUR'AN
	2.50- 3.10	8 الوساطة القضائية في القضايا الأسرية: تحديات التطبيق، وآفاق التطوير	8- Legislative Significance of Custom in Developing Local Fiqh of Family: An Analysis of its Conceptual Framework	8- Resolution of Child Custody Dispute: Legislative Foundation Application of Sulh in the Syariah Court of Malaysia and Contemporary	8 Istinbat Ulama Fiqh di Indonesia dalam Membentuk Insan Sejahtera "Kajian Fatwa Pembiayaan Syariah Ultra Mikro"	8- Family Islamic Education and Social Media: Challenges and Opportunities
	3:15-3:25	9 ظاهرة زواج ملايوية بصيني في ماليزيا: مشكلاتها وحلولها في إطار مقاصد الشريعة	9- Juridical Impact of `Urf on Family Law: An Applied Fiqhi Framework for Local Fiqh	9- The Role of Custom in Managing Child Custody: A Juridico-Psychological Analysis in Local Context	9 Kepentingan Hibah dalam Membantu Kesejahteraan Institusi Kekeluargaan	9 Talaq through Electronic Medium under Islamic and Malaysian Law: The Impact on 'Iddah and Ruju'
	3:30-3:50	10 الولاية في الزواج: مقاصدها في الشريعة وتحدياتها معاصرة	10- Local Family Fiqh in Malaysia : An Analysis of `Urfi Methodological Framework	10- The Role of Private Sector in Providing Foster Care Service for Children without Parental Care in Malaysia	10 Maqāsid Al-'Adl (Keadilan) Dalam Isu Tuntutan Harta Sepencarian Di Malaysia	10- Reform of Unilateral Divorce in The Malaysian Syariah Family Law

2nd NATIONAL SEMINAR ON CONTEMPORARY FIQH 2020

	3:55-4:15	11 تعدد الزوجات في قانون الأسرة الإندونيسي؛ دراسة تحليلية مقاصدية	11- The Wisdom of Polygamy in Managing Woman's Social Problems in Singapore	11- The Concept of Rahmatan Lil Alamin for HIV Screening Test in Malaysia (11- Vaccination Practices and Preferences among Muslim Parents of Young Children: Trends and Misunderstandings (G4)	11- Offences relating to Matrimony: The Application in the Syariah Courts of Malaysia
	4:20-4:30	12 ظاهرة الطالق المبكر في ماليزيا: دراسة فقهية				
	4.35- 4.55	13 اشتراط انقضاء عدة الزانية لجواز نكاحها في الفقه الإسلامي بالنظر المقاصدي: نحو الأسرة السعيدة				
5.00	5.00	CLOSING CEREMONY				

LIST OF CONFERENCE PAPERS

Arabic Papers

No	Language	Author	Title
1	Arabic	Assoc. Prof. Dr. Muhammad Laeba Asst. Prof. Dr. Mohamed Ibrahim Negasi, Assoc. Prof. Dr. Roslina Che Soh @ Yusoff	أثر العدول عن الخطبة في القانون الماليزي والشريعة الإسلامية
2	Arabic	Asst. Prof. Dr. Abdulmajid Obaid Hasan Saleh, Asst. Prof. Dr. Habeebullah Zakariyah	اقتصاديات الأسرة دراسة تحليلية وفق مقاصد الشريعة الإسلامية
3	Arabic	Missoun Kouadri, Mobaraka Oumari, Prof. D. Arif Ali Arif Asist. Prof. Dr. Asma Akli Soualhi, Assoc. Prof. Dr. Abdul Bari Awang	دور الفقه المقارن في تقنين الفقه الإسلامي، ونماذجه التطبيقية في قانون الوقف والأسرة والميراث
4	Arabic	Adam Pulle Mohamed Abbas, Assoc. Prof. Dr. Ghalia Bouhedda	تقسيم أموال الوالدين قبل وفاتهما بين الأولاد في ضوء مقاصد الشريعة
5	Arabic	Asst. Prof. Dr. Fatimah Binti Karim, Assoc. Prof. Dr. Abdul Bari Bin Awang	حقيقة الوصية الواجبة في ولاية سلانجور ماليزيا: دراسة تحليلية قانونية
6	Arabic	Lina Muhamad Abduh and Asst. Prof. Dr. Anwar Hasan Abdullah Usman	تمكين المرأة في منظومة الأسرة الماليزية والمواثيق الدولية: دراسة تحليلية في المنظور الإسلامي
7	Arabic	Missoun kouadri, Prof. Dr. Arif Ali Arif, Assoc. Prof. Dr. Azman Bin Mohd Noor, Dr. Hassan Ben Ibrahim Hendaoui, Assoc. Prof. Dr. Radwan Jamal Yusef Elatrash	تسيير صندوق الزكاة الجزائري ومجالاته الاجتماعية (دراسة فقهية تطبيقية)
8	Arabic	Asst. Prof. Dr. Hassan Suleiman	ظاهرة الطالق المبكر في ماليزيا: دراسة فقهية
9	Arabic	Bello Sani Yahuza	زواج المسيار بين المصالح والمفاسد في الواقع المعاصر: دراسة تقويمية لدولة ماليزيا أنموذجا
10	Arabic	Asst. Prof. Dr. Halimah Boukerroucha	الوساطة القضائية في القضايا الأسرية: تحديات التطبيق، وأفاق التطوير
11	Arabic	Dr Awang Mamat, Asst, Prof. Dr. Habeebullah Hassan Bature, Dr. Habeebullah Zakariyah.	ظاهرة زواج ملايوية بصيني في ماليزيا: مشكلاتها وحلولها في إطار مقاصد الشريعة
12		Assoc. Prof. Dr. Bouhedda Ghalia, Assoc. Prof. Dr. Miszairi Sitisir, Sana' Bin Sayih	الولاية في الزواج: مقاصدها في الشريعة وتحدياتها معاصرة
13	Arabic	Muhammad Taufiq, Masyithah Mardhatillah	تعدد الزوجات في قانون الأسرة الإندونيسي؛ دراسة تحليلية مقاصدية
14	Arabic	Mohamad Firdaus Bin Mohamad Sabari ,	اشتراط انقضاء عدة الزانية لجواز نكاحها في الفقه الإسلامي بالنظر المقاصدي: نحو الأسرة السعيدة

		Assoc. Prof. Dr. Mek Wok Mahmud	
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Malay Papers

1	Malay	Dr. Mohammad Dhiya'ul Hafidh bin Fatah Yasin, Asst. Prof. Dr. Raudlotul Firdaus binti Fatah Yasin	Isu Nafkah untuk Ibu Tunggal dan Anak Yatim Menurut Syarak
2	Malay	Mohd Izzuddin Mohd Noor, Fatimah Nadirah Mohd Noor, Farrah Yazmin Aziz, Badriah Nordin	Konsep Pusat Asuhan Patuh Syariah dan Peranannya Dalam Menjaga Kemaslahatan Kanak-Kanak
3	Malay	Liana binti Ab Latif	Teori Masalih Mursalah Berdasarkan Pandangan Imam as-Syatibiy dan al-Ghazzali Terhadap Pengabaian Hak-Hak Wanita dalam Isu Lafaz Cerai Taklik Lisan
4	Malay	Muhamad Nadrattuzaman Hosen, Harisah	Istinbat Ulama <i>Fiqh</i> di Indonesia dalam Membentuk Insan Sejahtera "Kajian Fatwa Pembiayaan Syariah Ultra Mikro"
5	Malay	Muhammad Muthi'ul Haqq bin Fatah Yasin, Dr. Mohammad Dhiya'ul Hafidh bin Fatah Yasin	Aplikasi <i>Fiqh</i> al-Mizan Dalam Sunnah Kekeluargaan
6	Malay	Wan Zahidatul Nuha Wan Mohamad Rosdi, Assoc. Prof. Dr. Mekwok Mahmud	Kepentingan Hibah dalam Membantu Kesejahteraan Institusi Kekeluargaan
7	Malay	Nabila Farhana Yahya, Assoc. Prof. Dr. Mek Wok Mahmud	Antara Kewajipan Dan Keinginan Nafsu Berpoligami Dalam Membentuk Keluarga Bahagia
8	Malay	Ahmad Akram Mahmud Robbi, Assoc. Prof. Dr. Mek Wok Mahmud	Maqāsid Al-'Adl (Keadilan) Dalam Isu Tuntutan Harta Sepencarian Di Malaysia
9	Malay	Atiqah Hazman , Dr. Bahiyah Ahmad Dr. Norhidayah Pauzi	Kahwin Lari Tanpa Izin Wali Bagi Anak Dara Yang Masih Mempunyai Wali Nasab: Satu Analisis Ke Atas Fatwa Negeri Perlis
10	Malay	Fatin Naasihah bt Jamal Abd Nasir, Assoc. Prof. Dr. Mek Wok Mahmud	Nilai Dan Kepentingan Adat Perkahwinan Melayu Dalam Melahirkan Institusi Keluarga Yang Sejahtera
11	Malay	Mohd Amirul Hakim Bin Zainol, Dr. Nurul Ilyana Bt Muhd Adnan	Zakat Menyantuni Kanak-Kanak Gelandangan: Satu Sorotan
12	Malay	Assoc. Prof. Dr. Abdul Bari Awang, Siti Nurhidayah Md Tahir, Assoc. Prof. Dr. Miszairi Satiris	Hak-Hak Seorang Isteri Dalam Menuntut Harta Sepencarian Sebelum Pembahagian Harta Kepada Ahli Waris Dalam Konteks Malaysia
13	Malay	Assoc. Prof. Dr. Zuliza Mohd Kusrin Assoc. Prof. Dr. Mohd Al-Adib Samuri	Autisme Sebagai Mitigasi Dalam Sistem Kehakiman

14	Malay	Assoc. Prof. Dr. Ramizah wan Muhammad	Hukuman Ke atas Pesalah Muda di dalam kes-kes Jenayah Syariah di Malaysia: Satu Kajian Kes di Negeri Selangor
15	Malay	Assoc. Prof. Dr. Abdul Bari bin Awang, Muhamad Mu'izz Bin Abdullah, Muhammad Saiful Adlie Bin Misnan	Nikah Khitbah: Alternatif Penyelesaian Kes Anak Tak Sah Taraf
16	Malay	Assoc. Prof. Dr. Saupi Man	Modul Memahami Bacaan Dalam Ibadah Solat Ke Arah Membentuk Keluarga Bahagia (Mawaddah)
17	Malay	Assoc. Prof. Dr. Azman Bin Mohd. Noor, Asst. Prof. Dr. Nor Razinah Binti Mohd. Zain	PENJANAAN EKONOMI UMMAH MENURUT PARAMETER AL-QUR'AN

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4	English	Nur insyirah ismail, Asst. Prof. Dr. Nurul Jannah Zainan Nazri, Asst. Prof. Dr. Raudlotul Firdaus Fatah Yasin	The Wisdom of Polygamy in Managing Woman's Social Problems in Singapore
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6	English	Omar Luqman Safuani, Prof Dr. Rusni Hassan	The Intention of Muslim Young Adults to Participate in Family Takaful Scheme
7	English	Asst. Prof. Dr. Nur Farhah Mahadi, Asst. Prof. Dr. Saidatolakma Mohd Yunus	The Role of Marriage In Enhancing Economic Empowerment Of Individuals In Line With Maqasid Al-Shari`Ah
8	English	Assoc. Prof. Dr. Noraini Md Hashim, Prof. Dr. Nora Abdul Hak, Assoc. Prof. Dr. Roslina Che Soh@Yusoff, Dr. Muhamad Helmi Md Said, Ahmad Mukhlis Mansor	The Concept of Rahmatan Lil Alamin for HIV Screening Test in Malaysia
9	English	Mohammad Shihan Asst. Prof. Dr. Abdul Hamid Mohamed	Family financial management: a conceptual framework based on Maqasid al-Shariah for its enhancement

10	English	Assoc. Prof. Dr. Sharifah Hayaati Syed Ismail al-Qudsy	Work-Family Balance Policies and elements of religiosity: Evidence from Malaysia.
11	English	Assoc. Prof. Dr. Roslina Che Soh Assoc. Prof. Dr. Azizah Mohd, Prof. Dr. Nora Abdul Hak, Assoc. Prof. Dr. Noraini Mohd Hashim & Dr. Mohd Helmi Mohd Said	Safeguarding the Best Interest Of The Child In Adoption Process In Malaysia: Whether Kafala Is An Alternative Option?
12	English	Asst. Prof. Dr. Shinta Maharani Asst. Prof. Dr. Miftahul Ulum Assoc. Prof. Dr. Agus Purnomo	Family Islamic Education and Social Media: Challenges and Opportunities
13	English	Assoc. Prof. Dr. Nurazzura Mohamad Diah Asst. Prof. Dr. Suhaiza Samsudin Asst. Prof. Dr. Nerawi Sedu	Vaccination Practices and Preferences among Muslim Parents of Young Children: Trends and Challenges
14	English	Prof. Dr. Sayed Sikandar Shah Haneef, Asst. Prof. Dr. Raudlotul Firdaus Binti Fatah Yasin, Rabia Ijaz	Legislative Significance of Custom in Developing Local <i>Fiqh</i> of Family: An Analysis of its Conceptual Framework
15	English	Prof. Dr. Sayed Sikandar Shah Haneef, Asst. Prof. Dr. Mohd Abbas Abdul Razak, Asst. Prof. Dr. Hayatullah Laluddin	Juridical Impact of `Urf on Family Law: An Applied <i>Fiqhi</i> Framework for Local <i>Fiqh</i>
16	English	Prof. Dr. Nora Abdul Hak, Prof. Dr. Najibah Mohd Zin and Sarafuddin Abdul Syahid Sowell	Reconciliation Process of Muslim Marriage under the Islamic Family Law of Malaysia
17	English	Assoc. Prof. Dr. Salina Kassim Norizan Satar Asst. Prof. Dr. Habeebullah Zakariyyah	Is Malaysia in the Middle-Income Trap? Symptoms, Challenges and Remedies
18	English	Prof. Dr. Najibah Mohd Zin	Reform of Unilateral Divorce in The Malaysian Syariah Family Law
19	English	Assoc. Prof. Dr. Norliah Ibrahim, Zuhairah Ariff Abd Ghadas , Alhassane Sekou Sacko and	Harta Sepencarian In Business Interest: An Analysis of Malaysian Courts Approaches
20	English	Nor Azdilah Mohd Zaizi, Prof Dr. Rusni Hassan	Overview of The Practice of Hibah Amanah by the Islamic Banking and Financial Institution in Malaysia and Its Compliance with the Existing Legal System.
21	English	Mariam Abdul Aziz Asst. Prof. Dr. Nur Harena Redzuan Asst. Prof. Dr Habeebullah Zakariyah	A Conceptual Study on Investment-Linked Takaful Product: Protecting Life and Wealth for Family Institution
22	English	Prof. Dr. Nora Abdul Hak, Ahmad Mukhlis Mansor, Assoc. Prof. Dr. Roslina Che Soh, Assoc. Prof. Dr. Noraini Md Hashim, Dr. Muhamad Helmi Md. Said	Mediation in Resolving Child Custody Disputes: Legislative Foundation and Contemporary Application of Sulh at the Malaysian Syariah Court
23	English	Prof. Dr. Sayed Sikandar Shah Haneef,	Local Family <i>Fiqh</i> in Malaysia: An Analysis of `Urfi Methodological Framework

		Assoc. Prof. Dr. Miszairi Bin Sitiris, Asst. Prof. Dr. Saidatolakma Binti Mohd Yunus	
24	English	Assoc. Prof. Dr. Akmal Hidayah Halim, Asst. Prof. Dr. Nor Azlina Mohd Noor Asst. Prof. Dr. Wan Noraini Mohd Salim	The Execution of Muslim's Will (Wassiyah) in Malaysia: A Way to Evade Islamic Inheritance (Faraid)?
25	English	Aulia Arifatu Diniyya, Asst. Prof. Dr. Roudlotul Firdaus Fatah Yasin Assoc. Prof. Dr. Mek Wok Mahmud	The Significant of Financial Literacy for Family Financial Management: A Critical Study from Maqasid Perspective
26	English	Asst. Prof. Dr. Mohd Abbas Abdul Razak, Prof. Dr. Sayed Sikandar Shah Haneef, Assoc. Prof. Dr. Mek Wok Mahmud	The Role of Custom in Managing Child Custody: A Juridico-Psychological Analysis in Local Context
27	English	Assoc. Prof. Dr. Badruddin Hj Ibrahim	The role of Wasi in the administration of minor's property under provisions of Islamic law inn Malaysia

ENGLISH ABSTRACTS

LEGISLATIVE SIGNIFICANCE OF CUSTOM IN DEVELOPING LOCAL *FIQH* OF FAMILY: AN ANALYSIS OF ITS CONCEPTUAL FRAMEWORK

Sayed Sikandar Shah Haneef¹, Raudlotul Firdaus Binti Fatah Yasin², Rabia Ijaz³

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Islamic jurisprudence though originates in divine revelation is elastic enough to assimilate local customs and social norms in accordance with its own terms and conditions to preserve its divinity (sanctity). With the advent of new trends of thought in the field of legal hermeneutics and advocacy for historical–cum-sociological approaches to study religious texts, an erroneous conclusion has been made that Islamic law is nothing but a set of rules concocted by juristic conniving to rubber stamp social realities of their times. In this context, any overemphasis on the legislative place of *urf* by Muslim legal scholars is also cited as evidences to cast more scepticisms about the revealed genre, content and structure of Islamic law. The advocacy for local *fiqh* with its pious intention needs to take notice of such dangers so as not to fall into such traps by going overboard and regarding the bulk of the *fiqh* corpus as historical and time-space bound. To avert such a folly, it is deemed to reflect back on true meaning and correct use of *urf* as a tool for local *fiqh* construction. According, this study by adopting a content analysis method argues that *urf* in the Islamic legal thought supplements revealed laws and never abdicates them.

Keywords: conceptual framework, divine sanctity, tool, *urf*.

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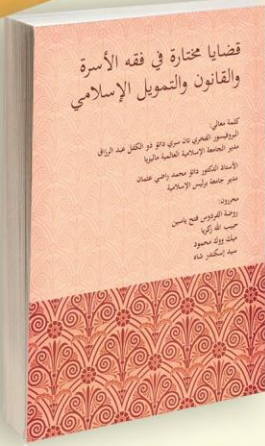
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