



Editor-in-Chief's Note

كلمة رئيس التحرير

بسم الله الرحمن الرحيم

All praise be to Allah (SWT) and His mercy and blessings be upon his beloved Prophet Muhammad and his family members. I am grateful to Allah (SWT) to help me complete the final revision of the special issue of the International Journal of Fiqh and Usul al-Fiqh Studies (IJFUS). This special issue is the output of the Scholarship Advancement Program (SAP) of the years 2023 and 2024, organized by the Department of Fiqh and Usul al-Fiqh, Abdul Hamid Abu Sulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences (AHAS KIRKHS), International Islamic University Malaysia (IIUM). This issue comprises of eleven research papers, six of which are in Arabic and five in English, written by the lecturers of this department on several interesting and beneficial topics of *Fiqh* and *Usul al-Fiqh*. Synopses of these papers are as follows:

The first Arabic paper is أخلاقيات الحروب في الإسلام في ضوء العلاقات الدولية المعاصرة: دراسة فقهية تطبيقية (The Ethics of War in Islam in Light of Contemporary International Relations: An Applied Jurisprudential Study). In this paper, the authors highlight that wars, from the Islamic perspective, are an inevitable evil in order to establish security, spread peace, and prevent corruption and the destruction of a country and its people. However, adhering to Muslim morals and strictly enforcing them is a religious duty and a means of drawing closer to Allah (SWT). Foremost among these morals are showing compassion and care to prisoners, providing them with food, clothing, medicine and shelter, respecting treaties and agreements, treating civilians well, and avoiding targeting places of worship, vital facilities and infrastructure. Unjust wars do not respect these values and morals, and there is abundant evidence of this in our contemporary world.

The second Arabic paper is الأسس الفقهية والثواب الشرعية في فتاوى الإمام القرضاوي المتعلقة بالقضية الفلسطينية (The Jurisprudential Foundations and Sharī'ah Constants in Imam al-Qaraḍāwī's Fatawa Related to the Palestinian Issue). Based on the opinions of al-Qaraḍāwī, the findings of this paper highlight several key conclusions: the foremost among them is that sound awareness and principled intellectual grounding are prerequisites for any engagement with the Palestinian issue. The study affirms that Palestine is an Arab and Islamic land to which Jews hold no legitimate claim, and that Zionist occupation remains the root cause of the conflict. It emphasizes the religious character of the Palestinian cause as an integral part of Islamic faith, carrying significant legal implications—such as the obligation of jihad, the prohibition of migration from its lands, the impermissibility of visiting it under occupation, and the unlawfulness of peace treaties or normalization with Israel. Abandoning the claim of Jerusalem, or of even a fraction of its land, whether through negotiation or compensation, is considered an act of betrayal against Allah (SWT), His Messenger (SAW), and the believers. The study further underlines the duty to boycott the occupier in all forms and the prohibition of collaboration with adversaries. Ultimately, it concludes that a just resolution to this issue can only be achieved through adherence to Islam, its principles, and the obligations it enjoins concerning Palestine.

The third Arabic paper is entitled الطلاق المعلق في قانون الأسرة الإسلامية بولاية سلانجور: دراسة فقهية مقاصدية (Al-Ṭalāq al-Mu'allaq (Suspended Divorce) in the Islamic Family Law of Selangor: A Juristic and Maqasidic Study). This research paper focuses specifically on the implementation of suspended divorce in Malaysia, investigating its legal and *Shariah* dimensions and how it is practically applied. The study concludes that formal

suspension serves the best interests of the wife by protecting her rights and safeguarding her physical and mental well-being, in line with essential *maqāsid* (objectives) of *Shariah*. It also benefits the husband by ensuring his religious responsibility in upholding his marital obligations. Furthermore, the general *maqāsid* of allowing suspended divorce revolve around preserving the rights and well-being of both spouses, ensuring their interests while considering the five essential objectives of *Shariah* in its execution: protection of religion, life, intellect, lineage, and wealth.

In the fourth Arabic paper حكم استخدام الذكاء الاصطناعي في التعليم والتعلم: برامج المحادثة الآلية نموذجاً (Islamic Ruling on Using Artificial Intelligence in Teaching and Learning: AI Chatbots as a Case Study), the study concludes that using AI chatbots in education is permissible with specific conditions, primarily: verifying information accuracy, comparing with recognized scholarly opinions, and considering them as assistive tools rather than the replacement of the teacher. The study also identifies six risk domains: information accuracy, teaching methodology, understanding and interpretation, educational aspects, identity and values, and practical implementation.

The title of the fifth Arabic paper is ضوابط التأويل في فكر أبي حامد الغزالي: دراسة أصولية (Regulatory Principles of Interpretation in the Intellectual Thought of Abu Hamid al-Ghazali; an *Uṣūlī* Study). This research article identifies the concept of interpretation and its *dawābiṭ* according to al-Ghazali. He demonstrates that it is the conversion of a word from its apparent meaning to a meaning supported by evidence. He also emphasizes that interpretation is not permissible in definitive, decisive texts. He also emphasized that the interpretation of linguistic phenomena must conform to the speaker's custom and be subject to precise *dawābiṭ* and conditions. The correct meaning can only be arrived at through strict adherence to the standards of language and Islamic texts, in order to avoid falling into unsound interpretation.

The authors of the sixth Arabic paper titled قاعدة "التأسيس أولى من التأكيد" في القرآن الكريم: دراسة تأصيلية تطبيقية (The Maxim of "Ta'sīs (Foundation of a New Meaning) is Better than Ta'kid (Affirmation of a Previous Meaning)" in the Holy Qur'ān: An Applied Ta'sīli (Foundational) Study) reached several results, the most important of which is that the maxim of "Ta'sīs (Foundation of a New Meaning) is Better than Ta'kid (Affirmation of a Previous Meaning)" is important in interpreting legal texts and understanding their meanings and objectives. Therefore, this maxim of preference is used by scholars of the principles of jurisprudence, jurists, Qur'anic commentators, and *hadith* scholars as evidence to prefer one statement over another. The study recommends that those concerned with the science of *usul al-fiqh* pay more attention to the *usul al-fiqh* maxims to clarify their impact and extract their applications from the verses of the Holy Qur'an, because in this way, the real foundational examples of the *usul al-fiqh* maxims will be identified, and the legal texts will be understood correctly, and they will be applied - later - to new developments and events in a sound manner.

The first English papers is "Integrating *Maqasid al-Shariah* and Governance Principles: A Framework for SME Financial Compliance." This research aligns five key objectives (*maqāsid*) in financial transactions (safeguarding wealth, transparency, circulation of wealth, economic stability, and justice) with contemporary governance principles to propose a practical, tiered implementation framework tailored to different SME categories—micro, small, and medium enterprises. Findings demonstrate that this integration enhances *Shariah*-compliance while offering SMEs pragmatic tools to navigate ethical and operational demands. The study highlights the role of digital technologies in streamlining implementation, particularly for resource-

constrained businesses. It addresses a critical gap between theoretical Islamic finance principles and their practical SME implementation, advocating for standardised frameworks and collaborative stakeholders' efforts to support *Shariah*-compliant SME growth. The research contributes to existing literature by providing actionable governance guidelines for enterprises with limited resources and demonstrating that *Shariah* compliance and good governance can mutually reinforce business performance and ethical integrity.

“Maqāṣid al-Sharī‘ah-Based Measuring Instruments in the Halal Economy: A Preliminary Review” is the second English paper. In this paper, the researchers emphasize that given the rising research interest and sectoral growth in Islamic finance and *halal* markets, a systematic review of existing literature is necessary to establish *maqāṣid*-based indicators for evaluating products, services, and overall sector performance within the *halal* economy. The research explores the *maqāṣid al-Shariah*-based framework to measure ethical compliance and performance in the *halal* economy, supporting informed decision-making, consumer protection, and sustainability. This study conducts a thematic review of the *maqāṣid*-based criteria for *halal* economy measurement using qualitative methods and SWOT analysis to explore thematic conceptualisation towards a comprehensive preliminary review for future research directions. This study finds that integrating *maqāṣid al-Shariah*-based metrics into the *halal* economy is significant for ethical alignment and standardization but faces challenges like abstract measurement, stakeholders' resistance, and metric standardization needs.

In the third English paper “Investigating the Role of Microfinance in Islamic Finance for Poverty Alleviation,” key findings highlight the significant contributions of Islamic microfinance in addressing financial exclusion, particularly among marginalized communities and women entrepreneurs. By avoiding interest-based transactions and promoting risk-sharing, it aligns financial activities with the broader objectives of social justice and equitable wealth distribution, as enshrined in Islamic teachings. The findings provide practical recommendations for policymakers, microfinance institutions, and *Shariah* scholars to foster collaboration and innovation. By integrating Islamic finance principles with microfinance practices, this study demonstrates significance for creating a more inclusive, ethical, and equitable financial system that offers sustainable pathways out of poverty for underserved populations.

The fourth English paper entitled “Application of the Islamic Legal Maxim “Hardship Begets Ease” to Mitigate Hardship in the Religious Practices of the Elderly Muslims” investigates how this legal maxim is applied in key areas of worship—*ṭahārah* (purification), *ṣalāh* (prayer), *ṣawm* (fasting), and *ḥajj* (pilgrimage)—to accommodate the specific physical and cognitive challenges faced by elderly Muslims. One important finding reveals that Islamic jurisprudence is both compassionate and adaptable, offering specific rulings and allowances that cater to the diverse needs of elderly Muslims. The significance of this study lies in enhancing the understanding and application of Islamic jurisprudence in addressing the practical religious needs of the elderly Muslims, ensuring they can fulfil their obligations with dignity and ease.

The fifth and the last English paper “The Theory of Nice Moment (*Laḥẓah Laṭīfah*) in Islamic Jurisprudence: Analysis, Regulatory Principles and Application” highlights that some classical jurists of Shafi'i School of law utilized nice moment to restore hope on rulings that are unfriendly in their applications. Hence, this study aims to unveil how strict adherence to some Islamic rulings on financial transactions could be lessened. The study analyses the relevance of nice moment in modern Islamic financial transactions. The study also explores the rationale that may prompt the change of legal rulings and application of nice moment as adopted

by the Shafi'i School of Law. To achieve the research objective, it employs an extrapolation approach of the qualitative method to extend classical interpretations to broader contexts while maintaining the focus and objective of the contextual rule. This method was used to trace potential applications of nice moment to contemporary Islamic financial transactions. The study concludes that the adoption of nice moment in modern Islamic financial transactions must be accompanied by rules, controls, limitations, reasons, and guidelines.

I would like to thank all lecturers who contributed to accomplishing this special issue. I also would like to thank Assoc. Prof. Dr. Sayyed Mohamed Muhsin, the Head of the Department of Fiqh and Usul Fiqh as the assistant editor, Dr. Mustafa Mat Jubri @ Shamsuddin as the editor and Dr. Belal Salhab as the editor of Arabic papers of this issue, and the brothers and sisters who helped to edit English papers, for their tireless efforts to complete this issue. May Allah (SWT) bless all editors and authors with His endless blessings and mercy. *Amin.*

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