

# AL-SHAJARAH

JOURNAL OF ISLAMIC THOUGHT AND CIVILIZATION

OF

THE INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA (IIUM)

SPECIAL ISSUE: SHARIAH AND LAW AS CATALYSTS FOR GLOBAL PEACE

# AL-SHAJARAH

EDITOR-IN-CHIEF
ABDELAZIZ BERGHOUT, IIUM, Malaysia

GUEST EDITOR
AHMAD SYUKRAN BAHARUDDIN, USIM, Malaysia

EDITORIAL BOARD
THAMEEM USHAMA, IIUM, Malaysia
MOHAMED ASLAM BIN MOHAMED HANEEF, IIUM, Malaysia
AWANG SARIYAN, IIUM, Malaysia
HAZIZAN MD NOON, IIUM, Malaysia
HAFIZ ZAKARIYA, IIUM, Malaysia
DANIAL MOHD YUSOF, IIUM, Malaysia

ACADEMIC COMMITTEE

MD SALLEH YAAPAR, USM, Malaysia
MOHAMMAD ABDUL QUAYUM, IIUM, Malaysia
RAHMAH AHMAD H OSMAN, IIUM, Malaysia
RASHID MOTEN, IIUM, Malaysia
SPAHIC OMER, IIUM, Malaysia

INTERNATIONAL ADVISORY BOARD
SYED ARABI IDID (Malaysia)
OSMAN BAKAR (Malaysia/Brunei)
ANNABELLE TEH GALLOP (UK)
SERDAR DEMIREL (Turkey)
AZYUMARDI AZRA (Indonesia)
WAEL B. HALLAQ (USA)
AFIFI AL-AKITI (Malaysia/UK)
IBRAHIM ZEIN (Qatar)

Al-Shajarah is a refereed international journal that publishes original scholarly articles in the area of Islamic thought, Islamic civilization, Islamic science, and Malay world issues. The journal is especially interested in studies that elaborate scientific and epistemological problems encountered by Muslims in the present age, scholarly works that provide fresh and insightful Islamic responses to the intellectual and cultural challenges of the modern world. Al-Shajarah will also consider articles written on various religions, schools of thought, ideologies and subjects that can contribute towards the formulation of an Islamic philosophy of science. Critical studies of translation of major works of major writers of the past and present. Original works on the subjects of Islamic architecture and art are welcomed. Book reviews and notes are also accepted.

The journal is published twice a year, June-July and November-December. Manuscripts and all correspondence should be sent to the Editor-in-Chief, *Al-Shajarah*, F4 Building, Research and Publication Unit, International Institute of Islamic Civilisation and Malay World (ISTAC), International Islamic University Malaysia (IIUM), No. 24, Persiaran Tuanku Syed Sirajuddin, Taman Duta, 50480 Kuala Lumpur, Malaysia. All enquiries on publications may also be e-mailed to alshajarah@iium.edu.my. For subscriptions, please address all queries to the postal or email address above.

Contributions: Submissions must be at least 5,500 words long. All submissions must be in English or Malay and be original work which has not been published elsewhere in any form (abridged or otherwise). In matters of style, *Al-Shajarah* uses the *University of Chicago Manual of Style* and follows the transliteration system shown on the inside back cover of the journal. The Editor-in-Chief reserves the right to return accepted manuscripts to the author for stylistic changes. Manuscripts must be submitted to the Editor-in-Chief in Microsoft Word. The font must be Times New Roman and its size 12. IIUM retains copyright to all published materials, but contributors may republish their articles elsewhere with due acknowledgement to *Al-Shajarah*.

©International Islamic University Malaysia (IIUM) ISSN 1394-6870





# BUILDING CIVILISED FAMILY RELATIONS: TOWARDS A NEW DISCOURSE OF FAMILY FIQH IN THE MILLENNIAL ERA

#### Yusdani

## Abstract

In the context of the complex family life in the millennial era today, a fresh Islamic family legal discourse (family figh) is necessary in laying the foundation for civilised and just family relations that uphold humanity values. One stream of contemporary Islamic thought that strongly argues for this new discourse of family fiah is progressive Islam. This school of thought firmly believes that all human beings are equal and must receive fair treatment at all levels of life, including in family relations. This paper seeks to examine how progressive Islam proposes this new discourse of family figh that reflects and accommodates the values of equality, justice and humanity. It will be argued that in this view of progressive Islam, there is a need for transformation towards a new family figh which upholds human values and equality whilst delivering Islamic thought acceptable to all circles and compatible with family life demands in the millennial era. The paper will also shed some light on the importance of premarital education based on this new discourse of family figh.

**Keywords:** Family *fiqh*, Progressive Islam, Progressive Muslims, Humanity values, Premarital education.

#### Introduction

Islamic jurisprudence (*fiqh*) is the backbone of the birth and development of religious thoughts and social movements in the Muslim community. Based on the *fiqh* principles, Muslim society conducts religious activities, supports democracy, nationalism and statehood as well as governs family life. So strong is the *fiqh* influence on Muslim society that solutions for various social problems can be found with reference to the books of *fiqh*, especially those produced by classical Muslim scholars (known as *kitab kuning* in Indonesia).

The problem, however, is that reference to classical *fiqh* discourse has been dominated by a rigid and textual approach. As a result, it is not uncommon to take legal decisions that overlooks the sense of justice and real needs of contemporary society. The legal maxim that states 'the law goes according to '*illat* (reason behind law) becomes paralysed in the face of a very rigid understanding of the texts.

In response to various contemporary family issues, a fresh critical look at Islamic jurisprudence on family *fiqh* is necessary in the context of family life dynamics. This new approach shifts from considering *fiqh* as a paradigm of orthodoxy to a paradigm of social meaning. The emancipatory nature of family *fiqh* needs to be developed as the key to successfully empowering and building family life that upholds values of equality and dignity. The new discourse of family *fiqh* thus serves as a bridge between the normative *fiqh* texts and various contemporary problems, especially in the family field. In other words, the essence of the emancipated discourse of family *fiqh* is an attempt to put *fiqh* back into its natural habitat, not merely as a legal product or tool of social engineering, but rather as a means of emancipative liberation.

Some important questions remain: Are the books of *fiqh* produced in the classical and middle eras still responsive to issues of contemporary Muslim family problems? How can we link family law in the Muslim world with efforts to meet the demands of global

-

<sup>&</sup>lt;sup>1</sup> JasserAuda, *Maqasid al-Syariah as Philosophy of Islamic Law*: A Systems *Approach* (London: IIIT, 2008), 177-179.

ethics, gender equality, human rights and the new culture in today's Muslim family life?

To answer these family issues, it is necessary to discuss the problems of Muslim families, especially in the context of the socio-economic changes that are taking place very rapidly today. In addition, the development of contemporary family law today also needs a different perspective<sup>2</sup> to make it more accommodative to human values such as universal justice, human rights, democracy, gender equality and others. In this respect, *fiqh* is better understood as a foundation of social ethics rather than the mainstream process of standardisation and integration of Islamic law into a rigid legal system. In line with this, in order to strengthen civil society, social *fiqh* should be presented as an instrument for the empowerment and development of civilised communities in family life and relations in the millennial era.

In what follows, this paper will first discuss progressive Islam as one of the Islamic thoughts that seeks to offer a new discourse on family *fiqh*, more relevant with and responsive to the real issues and problems faced by Muslims families in the millennial era. The paper will then elaborate on certain fundamental Islamic values proposed by progressive Islam as the basis of civilised family life and relations. Finally, as an important step towards building a civilised family life and relations, the paper will also shed some lights on the importance of premarital education based on this new discourse of family *fiqh*.

# Progressive Islam and Building the Family Foundation in the Millennial Era

The need to formulate alternative solutions to the problems facing Muslim families in today's world has produced a variety of Islamic schools of thought such as conservative, liberal, moderate and others. One of the trends of thought that emerged in the contemporary era is progressive *ijtihādists*<sup>3</sup> or liberal or rational reformism,<sup>4</sup> namely

<sup>&</sup>lt;sup>2</sup> Yusdani, *Menuju Fiqh Keluarga Progresif* (Yogyakarta: Kaukaba, 2015), 1-2.

<sup>&</sup>lt;sup>3</sup> Abdullah Saeed, *Islamic Thought: An Introduction* (London and New York: Routledge, 2006), 142-150.

<sup>&</sup>lt;sup>4</sup> Tariq Ramadan, *Western Muslims and the Future of Islam* (New York: Oxford University Press, 2004), 24-28.

Muslim thought that attempts to reinterpret religious teachings (Islam) to answer the needs of Muslim families today.

Although the substance is not much different from other terms as inclusive Islam, transformative Islam and liberal Islam, progressive Islam is a new term in the study of contemporary Islam, used by academics and activists in recent years as a label in understanding the actions of Muslims who fight to uphold humanist values, democracy, justice, gender equality and defense of women's rights both in the domestic and public spheres.<sup>5</sup>

On the one hand, progressive Islam is a continuation and extension of the liberal Islamic movement that emerged from approximately one hundred and fifty years ago. On the other hand, it emerged as an expression of dissatisfaction with the liberal Islamic movement which emphasised internal criticisms of the views and behavior of Muslims who were not in accordance with humanist values, including in the domestic space. Meanwhile, criticism of modernity, colonialism and imperialism does not get enough attention from the liberal Islamic movement.<sup>6</sup>

This reality inspired the emergence of understanding and action of progressive Islam, which provides a balanced attention towards internal and external criticism. The internal criticism of the traditional Muslim thinking that does not focus on aspects of humanist life positions the progressive Islamic initiative on the modernist movement, but at the same time, it is also a post-modernist or neo-modernist movement because it is critical of modernity which is contrary to the values of true justice and humanity. In addition, critical perspectives and actions of progressive Islam are oriented towards progress and for this reason, it is considered progressive.<sup>7</sup>

Some important characteristics possessed by progressive

4

<sup>&</sup>lt;sup>5</sup> Syamsuddin, Sahiron, "Islam Progresif dan Upaya Membumikannya di Indonesia" http://nahdliyinbelanda.wordpress.com/2007/09/29/islam-progresif-dan -upaya-membumikannya-di-indonesia/ accessed 7 July 2017.

<sup>&</sup>lt;sup>6</sup> Omid Safi, "What is Progressive Islam?" in www.muslimwakeup.com/main/archieves/2005/04/what\_is\_progres\_1.php accessed 7 July 2014.

<sup>&</sup>lt;sup>7</sup> Farish A. Noor, *Islam Progresif: Peluang, Tantangan, dan Masa Depannya di Asia Tenggara*, translated by Moch. Nur Ichwan and Imron Rosyadi. (Yogyakarta: SAMHA, 2006), 23.

Muslims include: (1) they adopted the view that some traditional Islamic norms require change and substantial reform in order to conform with the needs of Muslim families today; (2) they tend to support the need for a fresh *ijtihād* and a new methodology in *ijtihād* to answer the problems of contemporary families; (3) some of them also combine or creatively integrate traditional Islamic scholarship with modern Western thought in family life; (4) they are fully optimistic and firmly believe that the dynamics and social changes in the intellectual, moral, legal, economic or technological spheres, can be reflected in the Islamic family; (5) they do not feel bound towards dogmatism or their own schools and theologies in their study approaches; (6) they put more emphasis on their thoughts on various issues of social justice, gender justice, human rights and harmonious relations at all levels of Muslim life including in the family sector.<sup>8</sup>

Furthermore, several more technical criteria that distinguish progressive Muslims from other trends include: (1) a sense of comfort when reinterpreting or reapplying Islam by referring to the basic principles of Islam in family life; (2) a view that gender justice in the family is established in Islam; (3) a firm belief that all humans belong to equal family relations; (4) an understanding that beauty is an inherent part of the Islamic tradition that are found in art, architecture, poetry and music; (5) support for freedom of speech, belief and association; (6) affection for all beings; (7) respect for the rights of "others"; (8) moderate and anti-violence approach in resolving the problem of the community; and (9) great enthusiasm for issues relating to the role of religion in public life.

The values of justice, goodness and beauty in the family are universal values of Islam. Therefore, all provisions and status of traditional Islamic law that is not in favour of these values must be abandoned and replaced by provisions of the law, using a fresh approach in accordance with the universal principles of Islam. In this way, Islam is able to exist and survive in the world, whilst addressing contemporary family issues such as human rights and so on. It is important to note, however, that this model of Islamic thinking does

<sup>8</sup> Ibid. 150-151.

<sup>&</sup>lt;sup>9</sup> Omid Safi, "What is Progressive Islam,", 10.

not aim to create a new religion (Islam) or teaching but rather seeks to interpret the traditional religious foundations.

In connection with the *ijtihād* exercise carried out by progressive Muslims in dealing with family life and relationships, there are three models which have profound influences throughout Islamic history: First is the text-based ijtihād, namely the method of thought (ijtihād) commonly practiced by classical and middle era Muslim thinkers which still has a lot of influence among traditionalist thinkers. This model of thinking (ijtihād) is a textual-oriented approach, be it the Our'an, Hadith or the opinions of previous scholars, both in the form of ijmā' or qiyās. Second is the eclectic iitihād which is the effort to choose the texts or opinions of the previous Muslim scholars ('ulamā) that best support the opinion and position that they believe. In this connection, there is an attempt to justify the search for truth. Third is the context-based ijtihād (Magāsid al-Sharī'ah-based ijtihād), a new approach that seeks to understand the problems of Islam and the family within historical and contemporary contexts. In general, opinions will eventually refer to the general benefits as *Maqāṣid al-Sharī'ah*. 10

Of the three *ijtihād* models presented above, the third model is the choice for *progressive ijtihādists*. While the classical and middle eras usually solved Islamic and family problems by referring to Qur'anic texts, understanding what the texts say about the problem, then linking them with their socio-historical context, *progressive ijtihādists* attempt to further relate the texts to contemporary conditions so they remain relevant and can be applied. This model has been used by Muslim thinkers in the field of gender and contemporary issues, including Fazlur Rahman, Tariq Ramadan, Khaled Abou el Fadl, Muqtader Khan, Bassam Tibi, Farid Esack, Ebrahim Moosa, Aminah Wadud, and many others.<sup>11</sup>

In reinterpreting the Qur'anic texts, progressive *ijtihādists* adopt seven main approaches: (1) paying attention to socio-historical

\_

<sup>&</sup>lt;sup>10</sup> Abdullah Saeed, *Islamic Thought: An Introduction* (London and New York: Routledge, 2006), 55.

<sup>&</sup>lt;sup>11</sup> Abdul Hamid A. Sulayman, Towards an Islamic Theory of International Relations: New Direction for Methodology and Thought (Herdon, Virginia: IIIT, 1993), 87-94.

contexts and dynamics; (2) realising that there were several topics not covered by the Qur'ān because the time was before the Qur'ān was revealed; (3) realising that every reading of the scriptures must be guided by the principles of compassion, justice and fairness; (4) knowing that the Qur'ān identifies the hierarchy of values and principles; (5) knowing that at times we may move from one concrete example to a generalisation or vice versa; (6) care must be taken when using other texts from classical traditions, especially those relating to authenticity; and (7) the main focus is on the needs of contemporary Muslim families.<sup>12</sup>

Challenges or obstacles for progressive Islam include the assumption that there is only one single Islam that can be accepted as a single truth and any other is considered wrong. This tendency towards the truth claim is still dominant among Muslims. In other words, as suggested by Ali Ashgar, the key obstacle lies in the internal community, namely the loss of freedom and lack of democracy. In this respect, Chandra Muzaffar further mentions four obstacles in the spread of progressive Islamic ideas in the family field, namely: (1) challenges from conservative Muslim groups who spread their ideas; (2) the work of Muslim intellectuals who claim to care for the future of the Islamic family but what they do is to wrap up old ideas in new fashion; (3) the repressive behavior or actions of the nation-state; and (4) the global system of power that does not provide opportunities for dissenting opinions in discussing socio-economic issues.<sup>13</sup>

Apart from these obstacles, the ideas of progressive Islam in the family sphere continue to create equilibrium of Islamic thought. In fact, the idea of progress in family is not only infused with universal values such as justice and freedom, but also integrated into areas of Islamic law. The emergence of progressive *ijtihādists* paves the way for the reinterpretation of legal texts and a reframing of the method of determining the law so that the flexibility and elasticity of Islamic law, the nature of which is proclaimed by the past *mujtahids* is not only

\_

<sup>&</sup>lt;sup>12</sup> IDSS, *Progressive Islam and the State in Contemporary Muslim Societies* (Singapore: IDDS, 2006), 4.

<sup>13</sup> Seminar report, Civil and Political Rights (Fundamental Liberties), MIEHRI, Hilton Hotel, Malaysia, 16 May 2006, 74.

recorded and written in the book, but become a daily reality.

One prominent proponent of progressive Islam is Abdullah Saeed, a scholar with an educational background in Arabic language and literature, and in Middle Eastern studies. The combination of the educational institutions he attended, namely in Saudi Arabia and Australia, renders him a competent person to assess the two worlds of East and West objectively. Abdullah Saeed is very concerned about the contemporary Islamic world and has been striving to present Islamic teachings that are relevant in all times and places (sāliḥ fī kulli zamān wa makān). For him, the main spirit of progressive Islam is to reactivate the progressive dimension of Islam which at a certain period of time was suspended by the domination of the text. This method of thinking used by progressive Muslims is what he terms as progressive ijtihād.

Abdullah Saeed acknowledges that progressive *ijtihadists* still face many obstacles. The biggest obstacle is internal constraints such as the lack of space in the Muslim world for dissenting opinions along with their pleasures on *takfir* culture that originated from the *truth claim*. Quite a few Muslim scholars have been looked at cynically or even considered as deviating from genuine Islam.

In fact, according to Abdullah Saeed, progressive Islam is a continuing development of the modernist trend, which developed into neo-modernist and later became progressive. As a trend, progressive Islam accommodates all groups that have alignments with the universal values of Islam so that it can answer the needs of modern society. Omid Safi mentions several important issues that must be answered by progressive Muslims, including gender inequality, discrimination against minority groups both religious and ethnic, human rights violations, lack of freedom of speech, unequal distribution of wealth, and authoritarian government.<sup>14</sup>

<sup>&</sup>lt;sup>14</sup> Omid Safi, "What is Progressive Islam?", 48.

# Islam as the Basis of Civilised Family

Based on the earlier discussion, it is reasonable to say that the decline experienced by Muslims today as strongly suspected, is caused by the lack of relevance of the theoretical tools of Islamic studies (more specifically *figh*) in solving contemporary problems. In the course of historical studies, Islamic studies are more patterned-deductive theology or literalistic paradigm in the sense of the dominance of the texts discussion, and tends to ignore discussion of the basic (substantive-ethical) purpose of the revelation behind the literal texts. 15 The literalistic paradigm lasted for approximately five centuries (from the 2<sup>nd</sup> century to the 7<sup>th</sup> century of *Hijrah*) and only improved with the emergence of Al-Shatibi in the 8<sup>th</sup> century which added the Magāsid al-Sharī'ah theory in referring to the purpose of the most basic Lawgiver). Six centuries later, Al-Shatibi's thoughts were revitalised by modern thinkers such as Muhammad Abduh, 16 Rashid Rida, Abdul Wahhab Khallaf, 'Allal al- Fasi, and Hasan Turabi

However, since it only revitalised the principle of public interest (maṣlaḥah) offered by Al-Shatibi through its maqāṣid theory instead of offering a new theory, this group is referred to as adherents of utilitarianism. Meanwhile, the question of how the sacred texts can be understood and carried out in the context of the modern world which is certainly no longer the same as the context of the Prophet's era still remains a big agenda for Muslims today. These kind of questions, according to some experts such as Muhammad Iqbal, Muhammad Taha, Abdullahi Ahmed Na'im, Muhammad Said Ashmawi, Fazlur Rahman and Muhammad Syahrur, could not be solved based on the classical principle of maṣlaḥah above.

The scholars above assume that the principle of public interest (maṣlaḥah) developed so far is no longer sufficient to make Islam capable of living in the modern world. By taking the example of three thinkers (Muhammad Abied al-Jabiri, Fazlur Rahman and Shahrur), this group is considered as religious liberalism

<sup>15</sup> M. Amin Abdullah, "*Al-Ta'wil al-'Ilmi*: Ke Arah Perubahan Paradigma Penafsiran Kitab Suci," *Al-Jami'ah* 39, no. 2. (2001), 359-391.

<sup>&</sup>lt;sup>16</sup> Muhammad Imarah, (ed). *Al-'Amal al-Kamilah li al-Imam Muhammad 'Abduh*. (Beirut: Al-Mu'assasah al-'Arabiyah li ad-Dirasah wa an-Nashr, 1972), 4.

(phenomenological liberalism) because their style is liberal and tends to throw out old theories. The reforms offered by this group are considered more promising and more persuasive, including in the family and family relations.

To establish its methodology especially in the areas of family life, this group seeks to bridge the gap between the sacred texts and the reality of the modern world that is more grounded in past attempts to capture the meaning of the text, explicitly the spirit and intent of the text. However, despite all these, the proposal of renewal by those referred to as liberals still leaves a number of controversies and debate. The proposal is still considered by the majority of *fiqh* scholars to be negative and full of suspicion. The root cause of this controversy is that their proposal does not have a strong ground in the theoretical framework of *uṣul fiqh* that had developed before. Even though the development of a science tends to be evolutionary if it always rests on the old theory, it can be revolutionary if it does not rest on theories that have existed before but offers a totally new paradigm the family field.<sup>17</sup>

The above description denotes the urgency of progressive Islam as a reference for the creation of community and family justice that upholds human values as well as the realisation of benefits for the whole of humankind. In other words, progressive Islam is a new formulation of Islam that is compatible with democratic values in the family life. According to this Islamic thought, all family members have the same position and should obtain fair treatment with their rights equally guaranteed. Thus, the formation of family according to progressive Islam should be based on the values of democracy and human rights. In other words, the family *fiqh* must accommodate and reflect equality, justice and humanity.

Based on the above explanation, it can be understood that the basic principles of Islam in building a family in the millennial era include nationalism (muwātanah), enforcement of human rights (iqāmat al-huqūq al-insāniyah), democracy (dīmuqrātiyah), benefits (maṣlahah), and gender equality (al-musāwah al-jinsiyah). The foundations of these basic principles are the Qur'ān and al-Ḥadīth,

\_

<sup>&</sup>lt;sup>17</sup> Thomas S. Khun, *The Structure of Scientific Revolutions*. (Chicago: The University of Chicago Press, 1970), 121.

public benefits, *Maqāṣid al-Sharī 'ah* and public reason.

This new discourse of family figh is different from conservative Islamic thinking in general because it links the interpretation of Qur'anic and Hadīth texts with the perspective of democracy, human rights and rewards according to the prevailing laws and regulations of the contemporary Muslim world. As a result, the proposed family figh is controversial, and may be rejected by supporters of Islamic formalisation (Sharī'ah). Following this, the rejection by supporters of Islamic formalisation in Indonesia of the family figh discourse initiated by progressive Islam is largely due to the unpreparedness of these groups in accepting the perspective of democracy and human rights<sup>18</sup> as a global ethic of contemporary family life. Despite this resistance, however, the presence of such thoughts is needed as an alternative formalisation of Islam so that Islam could be seen as compatible with democratic life and contemporary conditions. In this respect, it is also necessary to integrate this new discourse of family figh into various premarital educational programs and courses as an important step in preparing and building a more civilised family life and relations in the Muslim communities.

# Premarital Education for Civilised Family in the Millennial Era

The purpose of marriage is to form a happy family which is sakinah,  $^{19}$  mawadah,  $^{20}$  and rahmah.  $^{21}$  Moreover, marriage is not an ordinary civil contract, but a contract that contains the eternal and sacred principle  $-mith\bar{a}q\bar{a}n$   $ghal\bar{\imath}z\bar{a}$ , which means a strong promise.  $^{22}$  Thus, the prospective bride and groom need to help and complement each other so that each can develop their personality for the sake of achieving material and spiritual welfare. To realise this kind of trustworthy family, it is necessary to conduct premarital education for

<sup>&</sup>lt;sup>18</sup> Suparman Marzuki, *Tragedi Politik Hukum HAM* (Yogyakarta: PUSHAM UII dan Pustaka Pelajar, 2011), 432.

<sup>&</sup>lt;sup>19</sup> Al-Qu'ran Surah al-Rum 30:21.

<sup>&</sup>lt;sup>20</sup> Al-Qur'an Surah al-Baqarah 2:187.

<sup>&</sup>lt;sup>21</sup> Al-Our'an Surah al-Nahl 16:72.

<sup>&</sup>lt;sup>22</sup> Ismāʻil Abu al- Fida, *Rūh al-Bayān* (Beirut: Dar el-Fikr.), II:316, Ahmad bin Musthafa al- Marāghi, *Tafsir al-Marāgi* (Egypt: Musthofa al-Babi, 1946), IV: 211.

young people of marriageable age and prospective couples.

Premarriage education or course is a provision of knowledge, understanding and skills as well as raising awareness in young people of marriageable age and prospective couples about household and family life. Moreover, the age of marriage for Muslim men is at least 19 years and Muslim women 16 years, that is the minimum age of marriage for men and women addressed in the marriage regulations. This premarital course is also related to the legislation concerning marriage, Act Number 23 of 2002 concerning Child Protection and Act Number 23 of 2004 concerning Elimination of Domestic Violence.

There are several principles in marriage, namely that the purpose of marriage is to form a happy and everlasting family which is valid if done according to the laws of each religion and is registered. Likewise, marriage follows the principle of monogamy. The prospective husband and wife must have maturity of the soul and body to carry on a lasting marriage. Finally, the rights and position of husband and wife are balanced and equal, both in domestic life and in the community. As explained family life is like a building. For the building to be strong and resistant to shocks, marriage must be established on a strong foundation with solid, guaranteed and quality building materials.

The foundation of family mentioned above is religious teachings accompanied by the physical and mental readiness of the prospective husband and wife.<sup>23</sup> In addition, the premarital course is also the stage that must be passed by the potential partners or couple who will get married. It is expected that with this course or program, every married couple can develop a good household. In this way, moral coaching is necessary because Islam itself asserts that when the family is built on the foundation of goodness, only then will the ideals of *baiti jannati* and the vision of *sakīnah*, *mawaddah wa rahmah* be awakened.<sup>24</sup> Likewise, premarital courses can be used as a means to prepare the couples before marriage to deal with cases of

.

<sup>&</sup>lt;sup>23</sup> Muhammad Quraish Shihab, *Membumikan Al-Qur'ān*; *Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat* (Bandung: Mizan, 1994), 254.

<sup>&</sup>lt;sup>24</sup> Ahmad Rajafi, *Nalar Hukum Keluarga Islam di Indonesia* (Yogyakarta: Istana Publishing, 2015), 126.

violence and divorce.

As an effort to create a *sakīnah* family in the millennial era, it is important to provide knowledge, understanding, skills and awareness to young people who have reached marriageable age and prospective partners about to be married. The government, religious and community leaders should realise that premarital education or courses are very important and vital as provisions for both potential partners to understand substantially various aspects of family and household life. In addition, the materials in the premarital course curriculum and syllabus should have relevance to aspects of education, religion and worship, economics, sociology and biology. More importantly, the implementation of premarital courses must have relevance to the protection of the honour and dignity of humans that can be realised by referring to the purposes of marriage.

## Conclusion

Several conclusions can be drawn from the discussion above. Firstly, family relations and development in the millennial era should be based on the values of democracy and human rights. Therefore, the development of family *fiqh* today must reflect and accommodate the values of equality, justice and humanity. Secondly, in developing the religious foundations of civilised family relations, progressive Islam can play an important role in formulating a set of Islamic thoughts that can be an alternative and solution-based reference for the creation of a just society that upholds human values. Lastly, in building a happy family in the millennial era, it is necessary to carry out premarital education to provide knowledge, understanding, skills and awareness to young people who have reached marriageable age and to prospective couples. In this way, premarital education becomes very important for potential partners to understand substantially various aspects of family matters.

#### TRANSLITERATION TABLE

# **CONSONANTS**

Ar=Arabic, Pr=Persian, OT=Ottoman Turkish, Ur=Urdu

	Ar	Pr	OT	UR	2,00	Ar	Pr	OT	UR
۶	,	,	,	,	ز	Z	Z	Z	Z
ب	b	b	b	b	ڑ	-	-	-	ŗ
پ	-	p	p	p	ڑ	-	zh	j	zh
ت	t	t	t	t	س	S	S	s	s
ٹ	-	-	- //	ţ	ش	sh	sh	ş	sh
ث	th	th	th	th	ص	ș	ş	ş	ş
5	j	j	c	j	ض	ġ	ż	Ż	Ż
€	-	ch	çh	ch	ط	ţ	ţ	ţ	ţ
ح	ķ	ķ	ķ	ķ	ظ	ż	Ż	ż	ż
خ	kh	kh	kh	kh	ع	4	4	6	•
د	d	d	d	d	غ	gh	gh	ğ	gh
7	-	-	-	d	ف	f	f	f	f
ذ	dh	dh	dh	dh	ق	q	q	k	q
ر	r	r	r	r	실	k	k/g	k/ñ	k

_			_	_
,	1		C 1	
	_ when	not	tinal	

<sup>&</sup>lt;sup>2</sup> – at in construct state

ОТ

g

m

 $\mathbf{h}^{1}$ 

у

UR

g

m

 $h^1$ 

v/u

У

-a2

Pr

g

m

n

h

у

v/u

1 m

n

h

y

-ah

 $al^3$ 

#### VOWELS

		VOWEL	is .	
		Arabic and	Urdu	Ottoman
		Persian		Turkish
Long	1	ā	ā	ā
	Ĩ	Ā	Ā	
	و	ū	ū	ū
	ي	Ī	i	ī
Doubled	ې	iyy (final form ī)	iy (final form i)	iyy (final form i)
	ۇ	uww (final form ū) uvv (for Persian)	uv	uvv
Diphthongs	9	au or aw	au	ev
	ی	ai or ay	ay	ey
Short	<u> </u>	a	a	a or e
	<u>3</u>	u	u	u or ü
				o or ö
	-	i	i	i

## URDU ASPIRATED SOUNDS

For aspirated sounds not used in Arabic, Persian, and Turkish add h after the letter and underline both the letters e.g.  $\frac{jh}{g}$   $\frac{jh}{g}$ 

For Ottoman Turkish, modern Turkish orthography may be used.

<sup>&</sup>lt;sup>3</sup> – (article) al - or 1-

# AL-SHAJARAH Special Issue

# Contents

MODERATE ISLAM AS A SOLUTION TO PLURALISM IN THE ISLAMIC WORLD: THE EXPERIENCE OF INDONESIA Musawar, Mualimin Mochammad Sahid, Ahmad Nur Jihadi, Setiyawan Gunardi	1
BUILDING CIVILISED FAMILY RELATIONS: TOWARDS A NEW DISCOURSE OF FAMILY FIQH IN THE MILLENNIAL ERA Yusdani	25
THE HARMONIOUS RELATIONSHIP BETWEEN MINANGKABAU CUSTOM AND ISLAM IN THE DISTRIBUTION OF INHERITANCE Sidik Tono, M. Roem Syibly, Amir Mu'allim, Ahmad Nurozi, Muhammad Roy Purwanto	39
LINKING WOMEN EMPOWERMENT AND CHILDREN'S RIGHT TO EDUCATION AND THE QUEST TO REDUCE VULNERABILITIES Dina Imam Supaat, Razaana Denson	57
CATALYSING GLOBAL PEACE THROUGH THE STRENGTHENING OF FORENSIC SCIENCE APPLICATION IN SHARĪ'AH LAW Ahmad Syukran Baharuddin, Muhammad Hazim Ahmad, Wan Abdul Fattah Wan Ismail, Lukman Abdul Mutalib, Mohammad Amir Wan Harun	77
A PROPOSED MOSQUE MODEL FOR ZAKĀT GOVERNANCE TOWARDS ACHIEVING GLOBAL PEACE Azman Ab Rahman, Hussein 'Azeemi Abdullah Thaidi, Muhamad Firdaus Ab Rahman	105
IMPLEMENTATION OF HEALTHCARE WAQF: A CASE STUDY OF UNIVERSITI SAINS ISLAM MALAYSIA'S HEALTH SPECIALIST CLINIC Wan Abdul Fattah Wan Ismail, Fuadah Johari, Ahmad Syukran Baharuddin, Muhammad Hazim Ahmad, Muhammad Haji Alias	125
EXPLORING WAQF-BASED TAKAFUL FUND AS FINANCIAL AID FOR THE B40 GROUP IN MALAYSIA Mohamad Zaharuddin Zakaria, Ahmad Zaki Salleh, Mushaddad Hasbullah, Abdul Manan Ismail, Mohd Afiq Bin Ab Jalil	149
A GLOBAL ZAKĀT GAME: APPLICATION OF TECHNOLOGY IN TEACHING AND LEARNING FOR GLOBAL PEACE AGENDA Muhamad Firdaus Ab Rahman, Azman Ab Rahman, Hussein 'Azeemi Abdullah Thaidi, NorFatihah Amlin Ab Ghani	169
NOTE ON CONTRIBUTORS	191

