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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)

FOREWORD FROM DIRECTOR

In the name of Allah, the Most gracious and the Most Merciful



All praises be to Allah, the Most Gracious and the Most Merciful. And the supplication is due to the Prophet (p.b.u.h). I have the pleasure to welcome all of the presenters and the participants to the second National Seminar on Contemporary *Fiqh* (NSCF 2020), "Family *Fiqh* in Malaysia: Towards Promoting *Insan Sejahtera*, conducted online. I believe that this seminar which has been conceptualised with the intention of enriching family *fiqh discourse* in all its multiple dimensions will not only be beneficial for the academics and practitioners but also for the stakeholders and community at large in the country.

Just to give you a glimpse of the underlying academic philosophy of the seminar's main theme, it is to note that the emphasis on local customs encompassing indigenous cultures, customary practices and usages (*`urf/`adah*) which governed everyday matters of family, was central in the classical *fiqhi* discourse on Islamic family jurisprudence. In retrospect, classical Islamic law incorporated *`urf*, both extant and emerging, within its corpus through *de facto* juristic and judicial recognition. In consequence, through such a process of assimilation, a great deal of customary juridical rulings became *de jure* part of Islamic family jurisprudence which continues to inform any juristic discourse on family issues until today. The edifying role of such customary laws in maintaining family stability and preserving its Islamic values was largely instrumental in defending Muslim family institution against the erosive impacts of hegemonic ideological and legal intrusion of alien systems into its sphere during colonial and postcolonial eras. Now the question is: Can the history repeat itself in our time, namely the age of globalization and its ideology of postmodernism- "change of meaning", where the existing and emerging *`urf* through their Shariah legitimation once again become the source of Muslim family's moral strengths to withstand the tsunami of disintegrating forces and ideologies alien to the Islamic view of family and its central place in nation building? How do we define local custom in an era of change of family forms, changing conceptions of family and familial relationships, secularists notions of marriage, gender, women's rights, children's rights, and excessive monopolistic intrusion of temporal authorities on family sphere on top of international pressures to comply with global views of family norms/values?

Accordingly, it is against this background that this Seminar provides a forum for the scholars of diverse backgrounds and specializations to deliberate on the significance of *de facto* recognition of local factors for developing both theoretical and applied family *fiqh* so as to promote the wholesome sustainability of Muslim family in the contemporary time. And I hope that your deliberation of

numerous family issues during this Seminar would be engaging and constructive towards the above goal.

I conclude my remarks by taking this opportunity to express my profound gratitude and sincere thanks to: firstly, the Dean of the Kulliyah of Islamic Revealed Knowledge and Human Sciences for endorsing this Seminar to go ahead. Secondly, the Kulliyah Ahmed Ibrahim Laws, and International Institute of Islamic Banking and Finance, for their kind support as our collaborators. Thirdly, the organizing committee, without whose sincere commitment and dedication, throughout the various stages of the preparation this programme would not have materialised. And lastly, Yayasan Bukhary for sponsoring our research project on family *fiqh* in Malaysia.

Prof.Dr. Sayed Sikandar Shah Haneef

Director

National Seminar on Contemporary Family Fiqh

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2020

9 DECEMBER 2020

PROGRAMME AGENDA

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

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 Masalah 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 الوفاق 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

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	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				

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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

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	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				

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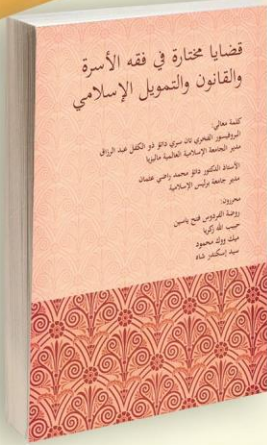
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