

EDITORIAL FOREWORD

EXPANDING HORIZONS IN SYARIAH AND LAW SCHOLARSHIP: INSIGHTS FROM THE MALAYSIAN JOURNAL OF SYARIAH AND LAW

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ABSTRACT

Volume 11, Issue 1 (2023) of the Malaysian Journal of Syariah and Law (MJSL) showcases a diverse collection of articles and case studies that make significant contributions to the international scholarly community. The articles delve into crucial topics such as the treatment of uncontrollable children, offering a comparative analysis of international and Malaysian legal frameworks. Another article examines cultured meat through the lenses of fiqh and Sufism, providing valuable insights into its compatibility with Islamic principles. The study on punitive labor in Oman analyzes its application within the Omani legal system, considering its alignment with international standards. Additionally, the volume addresses the challenges of controlling territorial borders during the COVID-19 pandemic, focusing on maritime areas. The use of gelatin in halal pharmaceutical products is explored, ensuring compliance with Islamic dietary regulations. This issue also includes studies on the application of non-ratified international treaties, offering new perspectives on their judicial implementation. Furthermore, the contextualization of Maqasid al-Shariah according to the objectives of the individual, family, society, and humanity is thoroughly examined. A comparative analysis of social solidarity in Islam and contemporary economic systems contributes to the discourse on economic justice. The case studies within this volume provide insights into the constitutional position of the continental shelf in Malaysia, shedding light on the legal provisions and implications surrounding its resources. Additionally, protocols for validating the status of illegitimate children in Syariah law are presented, offering valuable guidance in teaching and learning approaches for this area of study. Lastly, an intellectual dialogue with an esteemed professor in peace and conflict studies enriches the scholarly discourses. A book review on advancing the legal status of women in Islamic law provides critical insights into this significant subject in specific to the written literature. The contributions within this volume deepen our understanding of these topics, stimulate further scholarly exploration, and foster the advancement of knowledge in the field of Syariah and Law.

Keywords: *Uncontrollable Children, Cultured Meat, Punitive Labor, Territorial Borders, Halal Pharmaceuticals, International Treaties, Maqasid al-Shariah, Continental Shelf, Illegitimate Children, Intellectual Dialogue, Women's Legal Status, MJSL.*

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Dear esteemed readers,

We are pleased to present Volume 11, Number 1 of the Malaysian Journal of Syariah and Law (MJSL) for 2023, which features a collection of articles that explore various aspects of Syariah and Law. This compilation highlights rigorous research and insightful contributions, enhancing the scholarly discourse in these fields and broadening the boundaries of knowledge. Thirteen papers were submitted, originated from 16 different countries around the globe by authors from different affiliation: Malaysia, Algeria, Republic of Indonesia, Kingdom of Saudi Arabia, Nigeria, The Republic of Singapore, Sultanate of Oman, Iraq, The Russian Federation, Kingdom of Thailand, The United Arab Emirates, Federative Republic of Brazil, Republic of Costa Rica, Islamic Republic of Pakistan, The United States of America, The Hashemite Kingdom of Jordan and The United Kingdom.

We commence this volume with an article by Manaf (2023) entitled "Comparative Analysis of International and Malaysian Legal Frameworks on the Treatment of Uncontrollable Children: Is There Any Inconsistency?" This study critically examines the treatment of uncontrollable children from both international and Malaysian legal perspectives, shedding light on potential inconsistencies and providing valuable recommendations for achieving harmonization.

Continuing our exploration, we delve into the intriguing realm of cultured meat in the article Burhanuddin, Shukri, Bakar, Sahid, and Adam (2023). This scholarly review explores the perspectives of eminent Muslim scholars in the disciplines of Fiqh (Islamic jurisprudence) and Sufism (Islamic mysticism) regarding the permissibility and ethical considerations surrounding the consumption of cultured meat. By analyzing these perspectives, the authors provide a thought-provoking appraisal of this emerging field.

Furthermore, we present an article in Arabic titled " العمل العقابي كأحد أساليب المعاملة العقابية في سلطنة عُمان في ضوء القانون العماني / Punitive Work as One of the Methods of Punitive Treatment in the Sultanate of Oman According to Omani Law". This study by al-Badi, Mamat, and Ahmad (2023) sheds light on the implementation and legal framework of punitive labour as a form of punishment in the Omani legal system, thereby enhancing our understanding of the practise and its conformity with Omani law.

In response to the challenges posed by the COVID-19 pandemic, we include an article titled "COVID-19: Mengawal Kawasan Perairan dan Wilayah Perbatasan Negara Daripada Pencerobohan Pendatang Asing Tanpa Izin/ COVID-19: Safeguarding Malaysian Waters and Its Frontiers from Encroachments of Illegal Migrants" by Rusli, Tajudin, Hassan, Meesanthan, and Dremluiga (2023). During the pandemic, this study examines the measures implemented to control unauthorised border crossings and the entry of undocumented immigrants via maritime areas. This research contributes to the ongoing discourse on protecting national borders during times of crisis by analysing Malaysia's legal frameworks and addressing the country's challenges.

Addressing the critical issue of Halal compliance, we feature an article titled "Gelatin in Halal Pha We feature an article by Tukiran, Anuar, and Jamaludin (2023) that addresses the crucial issue of Halal compliance. This study examines the use of gelatin derived from non-Halal sources in pharmaceutical products and highlights the need for stringent regulations to ensure Halal integrity in the pharmaceutical industry.

Moreover, we include an article in Arabic titled " الهدى والأضاحي بين الماضي والحاضر ودورها في تحقيق مقاصد الحج الكبرى / Revisiting *al-Hadyu* and *al-Udhiyyah* Sacrifice Rituals: Unveiling Their Significance in Relation to the Major Objectives of the Hajj Pilgrimage". This research by an eminent maqasid studies professor, Abdul Rahman al-Kilani (2023) examines the historical significance and contemporary relevance of sacrifices (*al-hadyu* and *al-udhiyyah*) in the context of the Hajj pilgrimage. This study provides valuable insight into the enduring traditions and practises associated with this sacred ritual by examining their roles in achieving the major objectives of the pilgrimage.

Continuing our scholarly journey, we present an article titled "التطبيق القضائي للمعاهدات الدولية غير المصادق عليها: تقنيات جديدة / Judicial Application of Unratified International Treaties: New Techniques". This study examines the innovative techniques and methodologies used in the judicial application of unratified international treaties. This study sheds light on the complex dynamics surrounding the implementation of international agreements that have not been formally ratified by examining the legal mechanisms and interpretative approaches utilised by the judiciary from Algerian legal frameworks (Abdelli, 2023).

We present an article titled "Contextualisation of Al-Maqasid Al-Kulliyat According to the Objectives of the Individual, Family, Society, and Humanity: An Analysis of Jamaluddin Athiyah's Perspectives" in an effort to comprehend the overarching goals of Syariah. This study examines critically the perspectives of Jamaluddin Athiyah, a renowned scholar of Maqasid al-Shariah (Objectives of Islamic Law), on the contextualization of these objectives (Wardi, M. C., A'la, A., and Nurhayati, S., 2023). By exploring the interplay between individual, familial, societal, and humanitarian objectives, this research offers a nuanced understanding of the application of Maqasid al-Shariah principles.

In addition, an article entitled "التكافل الاجتماعي في الإسلام: دراسة مقارنة مع الأنظمة الاقتصادية المعاصرة / *Takaful Al-Ijtima'i* in Islam: A Comparative Study with Contemporary Economic Systems" explores the concept of social solidarity in Islam. This comparative study compares the Islamic concept of social solidarity to contemporary economic systems. This research contributes to the ongoing discourse on social welfare and economic justice by highlighting the unique features and benefits of the Islamic economic framework (Shuaib, 2023).

In the Case Study section, we present an insightful article titled "The Constitutional Status of the Malaysian Continental Shelf: in the Case of the Malay States". This case study analyses the constitutional framework governing the Malaysian continental shelf, providing a comprehensive understanding of its legal status, jurisdictional aspects, and resource management implications. The authors illuminate the intricate legal complexities associated with Malaysia's continental shelf through this study (Husain, 2023).

Furthermore, we present a case study titled "Pengesahan Anak Tak Sah Taraf - Protokol Pengajaran dan Pembelajaran Perundangan Syariah Menggunakan Metode Kajian Kes/ Verification of Illegitimate Children - Syariah Law Teaching and Learning Protocol Using Case Study Method by Ab Mutalib and Sawan (2023). This study examines the protocols and teaching methods utilised in the field of Syariah to determine the legitimacy of illegitimate children. The authors provide practical insights into the legal procedures and considerations involved in determining the status of such children by employing a rigorous case study approach.

In our Intellectual Dialogue segment, we engage in a scholarly discussion with a distinguished professor emeritus of peace and conflict studies on the topic of "Resolving Conflicts Wisely - A Scholarly Dialogue with Emeritus Professor in Peace and Conflict Studies". This intellectual dialogue provides a forum for incisive discussions on conflict resolution strategies, highlighting the critical role of academics in promoting peace and fostering harmonious coexistence (Abdalla & Ali, 2023).

Finally, we present a Book Review of Mona Samadi's "Advancing the Legal Status of Women in Islamic Law." This review by Farooq and Khan (2023) offers a critical analysis of the book's examination of women's legal status in Islamic law, providing a concise overview and evaluation of its content, arguments, and contributions to the field.

We express our gratitude to the esteemed authors for their outstanding contributions to this issue of MJSJL. Their meticulous research, rigorous analyses, and scholarly endeavours have greatly enriched the fields of Syariah and Law, fostering critical dialogue and promoting academic excellence. We are equally grateful to the diligent reviewers whose expertise and guidance have ensured the quality and scholarly rigour of the published articles.

We invite our esteemed readers to immerse themselves in these thought-provoking articles, insightful case studies, engaging intellectual dialogue, and discerning book reviews. Through the pages of this

volume, we hope to pique the reader's interest, encourage further research, and contribute to a deeper understanding of Syariah and Law in the contemporary context.

Editor-in-Chief,

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