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The Challenges In Implementing Cash Waqf In Malaysia

Nurwajihah Ajlaa Ali^{1*}, Ruzian Markom²

¹Faculty of Law, Universiti Kebangsaan Malaysia
43600 Bangi, Selangor

*Corresponding Author
nurwajihahajlaaali@gmail.com

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ABSTRACT

Cash waqf is one of the contemporary instrument for Islamic Social Finance (ISF). It has the potential to address social issues in promoting and enhancing the economic, educational, health, religious, and social development of the Muslim communities. Recently, the use of cash waqf is continually evolving and improving in many Muslim countries due to its flexibility and accuracy. However, the implementation of cash waqf in Malaysia faces a few issues and challenges such as inadequacy of comprehensive legislation and regulatory framework, lack of management skills among related entities, lack of a regulatory mechanism to ensure the collections of cash waqf are transparent and complete as well as lack of transparency in channelling the funds to the specified beneficiaries. The study analyzed the meaning and concept of cash waqf by identifying its characteristics and development in Malaysia. Besides, the study explores challenges in implementing cash waqf within the system. This study utilized the doctrinal research method with content analysis. The systematic review on the topic will be undertaken with emphasis on understanding issues, challenges, laws, policy and methods for waqf. The gap of current practices and issues facing by State Islamic Religious Council (SIRCs) and other related entities will also be identified. The content analysis aids



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learning from past research and documented evidence on different issues and challenges within the cash waqf institution. Data collection from the library consisting of primary and secondary sources such as statutes, books, and articles. Findings of the study showed that there is a need for proper waqf legislation, sound management policies, sustainable governance framework well as technological innovation to enhance cash waqf collection and development in Malaysia.

Keywords: *Cash Waqf, Inadequate, Legislation, Regulatory, Management Skill, Social Finance.*

INTRODUCTION

Historically, there is apparent evidence that waqf had played a significant role throughout Islamic history. It is a well-established concept practised during Prophet Muhammad S.A.W. time. Over the years the tradition has continued, and waqf has significantly contributed to the development of Islamic society. Apart from religious purposes as building the mosque, cemeteries, or Islamic schools, waqf has become one of the instruments accepted by the Muslims to fulfil crucial needs in various sector namely education, health care, agriculture, and infrastructure. There is no doubt that waqf remains pertinent today, and it can play an important role to develop a more dynamic, progressive, and inclusive economy, while at the same time fulfilling its socio-economic objectives. Besides, in addition to the conventional type of waqf, cash waqf also played an important role during the times of the Prophet Muhammad S.A.W, his companions and during the Ottoman Empire (1299-1922). The concept of cash waqf is often related to the Ottoman Empire where the Ottoman court gave its approval of cash endowments between the 15th and 16th centuries, and cash waqf is seen as being channelled to microfinance initiatives. During that time, some generous resource surplus people establish charitable cash endowments which were lent to various borrowers. After a specified time, generally one year, the waqf principle will be a return to the fund with certain extra amount, known as *istiqlal* (Mohd Mokhtar et. al, 2015). Thus, cash waqf has succeeded in deflecting government's spending in providing public service facilities such as education, health, infrastructure, public welfare and so on (Md Nurdin, 2015). In recent times, it is evidenced in Selangor

and Johor where cash waqf increases the access to quality of education and healthcare (Norizan et.al, 2018). Cash waqf as a contemporary measure is a waqf of a liquid asset that yields returns that can be used to meet the intended objectives under the waqf charter (Bank Negara Malaysia, 2018). It is evident in several Muslim countries; cash waqf is widely used as an effective tool for social finance and welfare programs, such as for the educational scholarships and health care facilities. A study showed that in Malaysia it was estimated that cash waqf collection might hit a total of RM4.3 billion per year if each Malaysian Muslim (full-grown) contributed at least RM1 per day or RM30 per month to waqf fund cash. (B Saiti et. al., 2019).

On the other hand, in Indonesia, it is estimated that cash waqf collection is expected to reach IDR 188 trillion (around USD 13 billion) per year with the participation of 15 Islamic banks registered as official Islamic Financial Institution Recipients of Cash Waqf (IFI-RCW). (Report of World Bank, INCEIF and ISRA, 2019). Accordingly, cash waqf has potential as a platform for Islamic Social Finance and has generating income for the benefit of society. Nevertheless, there were difficulties and challenges in its implementation. Critical issues affecting cash waqf implementation such as inadequacy of comprehensive legislation and regulatory framework, lack of management skills among related entities, no regulatory mechanism to ensure the collections of cash waqf are transparent and complete as well as lack of transparency in channelling the funds to the specified beneficiaries must be addressed if cash waqf is to completely take on its meaningful role in meeting the socio-economic needs of Muslim societies. The objectives of this paper are to define cash waqf by identifying its characteristics and development. Then it explores the issues and challenges in implementing cash waqf in Malaysia. Doctrinal research method with content analysis is applied in understanding issues; challenges, laws Data collection involves library research from primary and secondary data consisting of statutes, articles, books, and internet sources.

LITERATURE REVIEW

The Meaning and Concept of Cash Waqf

The word waqf connotes detention, derived from the Arabic word Waqafa which means ‘causing a thing to stop and stand still’ (Wizarah al Awqaf, 2006). It is a form of transfer of property where the property is held in trust, and only the proceeds (product or income) from the property are used for general or specific charitable purposes. (Ismail et. al., 2014). Waqf can also be described as holding property of an individual for the benefit (manfa’ah) of others and is recognized as an inalienable charitable endowment under Islamic law, typically involving the donation of buildings, land plots or other properties for religious or charitable purposes without the intention of reclaiming the assets (Abdul Rahman & Awang, 2018). The asset (awqaf) that used to establish a waqf must be valid objects to a contract and must be not unlawful objects and should not already be in the public domain.

The four eminent Islamic scholars i.e. Imam al-Hanafi, Imam al-Maliki, Imam al-Shafie and Imam al-Hanbali, have given the different meaning of waqf or Islamic endowment. However, they accept that a waqf will maintain the origin of wealth and uses its profit from the charity to support the needy and the poor. (Abbasi, M., 2012). In Malaysia, according to Section 2 of Selangor Waqf Enactment 2015 (Interpretation) waqf means (a) to surrender the title of any property from which its benefit and interest may be enjoyed; (b) to surrender the benefit or interest which may be enjoyed from any property, or (c) to contribute the expertise and services from which its benefit or interest may be enjoyed; whether as general waqf or specific waqf under Hukum Syarak, but does not include a trust defined under the Trustee Act 1949 [Act 208]. Malaysian law separates the concept of waqf and trust especially in relation to immoveable property. Under Section 5 of National Land Code for example, gives a general definition of ‘trust’ which emphasises that the word ‘trust’ does not include a waqf created in accordance with the principles of Muslim law. The corresponding assumptions is that both the public and the waqf managers and the administrators must recognize that waqf does not come into existence by branding and claiming that it is the act of making waqf, but its existence must be based on the principles of Islam. (Sharifah Zubaidah & Nor Asiah, 2014). Therefore, if a building

is used for activities contrary to the principles of Islam and is subsequently provided in waqf, it can not be taken as property of waqf but may fall under the scope of trust under the Trustee Act 1949 [Act 208]. In brief, waqf is a kind of social finance for the development of ummah.

The waqf asset evolves from landed property to cash following the need of the society. According to Section 2 of Selangor Waqf Enactment 2015, the definition of cash waqf means any cash contribution, gold value or those like that from any person for any purpose of waqf. It was also defined as the donation of some money from one's possessions and the creation of a waqf based on that sum of money, and the distribution of it to the public or the use of it by other segments of the community (Saifuddin et. al., 2014). It is a form of endowment that is limited to cash and contains the usufruct or benefits of certain forms of waqf, such as cash as rental benefits. (Abdul Rahman & Awang, 2018). It appears in the form of pooling funds (Norzilan et.al, 2018). It mobilizes donor funds on a perpetual basis and invests them in productive assets that provide individuals or groups either with usufruct (manfa'ah) or possible revenue/profit usage conforming with the donor policies and guidelines (Mohd Mokhtar et. al, 2015). Nowadays, cash waqf appears to be one of the most favoured instruments of waqf because it is liquid, manageable, practical, flexible, accurate and remains viable to generate more funds as well as the method is possible for the development of a community. (Fauzi et. al., 2019). Hence, cash waqf is a genuine Islamic formula that reflects the relationship between the values of faith and the values of development in Islam.

Legitimacy of Cash Waqf

The legitimacy of waqf is not directly mentioned in the al Quran. However, Allah SWT encouraged charitable donation (Sadaqa), expenditure for good causes (Infaq), and other charitable acts such as in Surah al-Baqarah: 261; Surah al-Baqarah: 215, Surah al-Baqarah: 267, Surah al-Imran: 92; and Surah al-Hadid: 18. (Farhana& Asmak, 2017). The act of waqf was implemented by the Prophet Muhammad (PBUH). Narrated by Abu Hurairah, the Prophet Muhammad (PBUH) said:

“When the son of Adam dies, no further reward is recorded for his actions, with three exceptions: a charity whose benefit

is continuous, knowledge from which benefit continues to be reaped or the supplication of a righteous son (for him or her)". (Sahih Muslim, Hadith No. 1631)

This hadith highlighted that this act would continue to reward until the judgment day, which is one of the reasons for creating this Sadaqah Jariah i.e. the cash waqf. Another evidence is the report of Ibn Umar as follows:

Umar acquired a land at Khaibar. He came to Allah's Apostle (ﷺ) and sought his advice concerning it. He said: Allah's Messenger, I have acquired land in Khaibar. I have never acquired property more valuable for me than this, so what do you command me to do with it? Thereupon he (Allah's Apostle) said: If you like, you may keep the corpus intact and give its produce as Sadaqa. So 'Umar gave it as Sadaqa declaring that property must not be sold or inherited or given away as a gift. And Umar devoted it to the poor, to the nearest kin, and to the emancipation of slaves, aired in the way of Allah and guests. There is no sin for one, who administers it if he eats something from it in a reasonable manner, or if he feeds his friends and does not hoard up goods (for himself). He (the narrator) said: I narrated this hadith to Muhammad, but as I reached the (words)" without hoarding (for himself) out of it." he (Muhammad' said:" without storing the property to become rich." Ibn 'Aun said: He who read this book (about Waqf) informed me that in it (the words are)" without storing the property to become rich." (Sahih Muslim No. 1632)

In Malaysia, the 77th Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia which convened on 10-12 April 2007 in Kuala Terengganu decided that waqf in cash is permissible in Islam. Accordingly, the 5th Selangor State Fatwa Committee Meeting / 2017 which convened on the 17 October 2017 equivalent to 26 Muharram 1439H decided that cash waqf as waqf asset must conform with the following conditions:

1. The original value of the endowed money should always be expanded and increased;

2. Any purchase of assets must comply with Islamic law; and
3. Other conditions set from time to time by Wakaf Selangor Corporation.

The above discussions revealed that cash waqf is acceptable and legitimate to be implemented in Malaysia.

Development of Cash Waqf in Malaysia

In 2004, the Malaysian government established the Department of Awqaf, Zakat, and Hajj (known as JAWHAR) as a national institution to standardize cash waqf management. Among the role of JAWHAR are to recommend standard practices and initiatives to be adopted by the State Islamic Religious Council (after this known named as SIRC), monitoring waqf projects in Malaysia and establish a relationship between the SIRC and the Federal Government (Mohd Mokhtar et. al., 2015). In July 2008, a waqf foundation was established known as Yayasan Waqaf Malaysia (after this named as YWM) under the Trustees Incorporation Act 1952. The functions of YWM include collecting waqf funds, developing existing and new waqf properties, implementing welfare and social programs in respect of waqf donors' intentions, conducting investment projects to support waqf beneficiaries' disbursements and promoting the activities of YWM. (Report of World Bank, INCEIF and ISRA, 2019). In continuance with these developments, many cash waqf schemes and projects were initiated by YWM, local banks, SIRC as well as public higher education institutions. For example, the Waqf Fund initiative was introduced by the Association of Islamic Banks in Malaysia (AIBIM), in which six Islamic banks collaborated with the State Islamic Religious Council of ten states to provide more structured and systematic channels for cash waqf collection and management. Besides that, in 2012, Bank Muamalat Malaysia Berhad (BMMB), in collaboration with Selangor Waqf Corporation, introduced a cash waqf system.

Additionally, Maybank Islamic also announced the establishment of an RM20 Million waqf fund in collaboration with the Islamic Religious Council of the Federal Territory (SIRC). Among the cash waqf project that using the allocation of cash waqf amounting to RM2.5 million from the 2010 budget is the Terengganu Culinary Academy, which was established

on a land owned by the Majlis Agama Islam dan Adat Melayu Terengganu in collaboration with YWM and GIAT MARA. Similarly, in Johor, the purchase of four units of double storey shophouses in Nusajaya is among the project using cash waqf fund. Other projects funded by cash waqf are the establishment of Hotel Grand Puteri, Kuala Terengganu, Hotel the Regency Seri Wawasan Taiping, Perak, and Hotel Pantai Puteri, Melaka.

Simultaneously, another initiative in developing waqf is waqf Sukuk. Waqf Sukuk (bond) is a modern innovation for raising waqf finance. After the maturity period, the completed projects would be declared a waqf asset, and waqf beneficiaries will enjoy their future benefit in perpetuity. This waqf Sukuk has proved a success in countries like Singapore and Saudi Arabia and these countries issued Sukuk to raise capital for waqf land development, which resulted in the revitalization of an old mosque and the modernization of rundown shop (Report by World Bank, INCEIF & ISRA, 2019). Waqf Sukuk also raises the fund for public sector projects such as roads, hospitals, and schools. For example, a toll highway, require construction funding in a Build-Operate-Transfer (BOT) structure. The project would have paid the initial funding required in full at the time of transfer (usually back to the government) along with an annual or semi-annual return. Though the initial structure is Sukuk, the highway is transformed into a waqf for the benefit of the public at the time handover. Highway income can continue and can be used to help or extend the waqf. This can be considered as an innovative project both from the economic and Shariah perspectives. (Abd Rahman & Awang, 2018). The above discussion revealed the critical role of waqf as social finance instrument in enhancing the development of both public and private projects.

RESULT AND DISCUSSION; ISSUES AND CHALLENGES IN IMPLEMENTING CASH WAQF

Despite the significant progress in waqf management and development, cash waqf still faces a few issues and challenges in its implementation. The previous study showed the issues in cash waqf involves waqf asset, management and SIRC as sole trustee of waqf asset (Ismail et.al., 2014). If these issues adequately managed and utilized, cash waqf's potential can be improved to create sustainable and perpetual benefits for all. These issues and challenges will be discussed in the subtopics, which are as follows:

Inadequacy of Comprehensive Legislation

One of the main issues that hinder the development of waqf in Malaysia is the inadequacy of comprehensive legislation for waqf. In Malaysia, the legality of waqf is under List II, State List, Ninth Schedule, Federal Constitution of Malaysia. Regarding this provision, Section 74 (2) provides power to each state to make law or any regulations regarding matters enumerated in the State List (Second List set out in the Ninth Schedule). In other words, in Malaysia, separate enactments have been allowed to govern waqf in each of the states. Thirteen of the states govern their waqf institutions independently under their respective state enactments. Out of the thirteen states, five have passed specific waqf legislation such as Johor, Selangor, Negeri Sembilan, Terengganu, and Malacca through State Assembly and the remaining states and the federal territories have enacted provisions on waqf in their general administrative legislation.

The need for comprehensive waqf legislation to address the increasing need for effective waqf management and solve issues found in the state's waqf management is essential. This is because there are different types of the waqf asset, ranging from immovable to movable property such as cash, shares and bonds are well accepted as waqf, legislation is needed to better recognize their validity and regulate their handling by waqf managers. (Zati Ilham A.M. et. al., 2019). In contrast, the Administration of Religion of Islam Enactment Johor 2003 did not define the term cash waqf in specific. This is followed by other states which provide only the definition of general waqf and special waqf. (Sharifah Zubaidah, 2016). State of Negeri Sembilan, Malacca and Terengganu for example, are among the state which did not define the term cash waqf in specific, same as state of Johor and provide only the definition of general waqf and special waqf under their own jurisdiction. The above studies showed a clear definition of cash waqf is vital to be inserted in the statutes for its effective implementation. This is to accommodate the growing needs for effective waqf management and to resolve issues which have been identified in the management of waqf in the state. Also, the inconsistencies of laws related to waqf in every state in Malaysia has caused many interpretations, understanding and procedures (Md Nurdin, 2015). This concern has caused to the number of different set of enactments and to standardize the law of waqf would be difficult due to the power given to each state to make law or any regulations regarding matters enumerated in the State List of Federal Constitution.

Therefore, a specific waqf law must be enacted that deals with all waqf institutions in a country. (Mohd Izzat Amsyar, 2019). The law must be comprehensive, neither ambiguous nor restrictive, and must cover all aspects of waqf governance, from the conditions of establishing waqf to the mode of dispute resolution. The formulation of a particular law is capable of being a comprehensive legal mechanism to regulate and administer all activities related to waqf as opposed to existing legal provisions. A specific provision for every requirement of waqf activities is established in a specific law of waqf. At present, JAKIM's effort to formulate the waqf act to regulate waqf activities especially in the Federal Territory should be welcomed and supported by all parties to ensure that the implementation of waqf is kept up to date in meeting the current needs.

Among the challenge in handling waqf, disputes are the conflict jurisdiction of the courts, either Shariah or civil courts. Although Article 121 (1A) of the Federal Constitution provides the civil courts shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts, the situation is still debatable. This is because civil courts have continued to pursue waqf proceedings and the claims put forth by these civil courts are that the Shariah courts have no jurisdiction to grant relief, such as damages, injunctions, or estoppels, as these are the powers that the Civil High Court that was granted by law. Previously there were cases found to be within the Shariah court's jurisdiction, yet they were dealt with by the civil court. For example, in the case of *Commissioners for Religious Affairs Terengganu & Ors v, Tengku Mariam* [1970] 1 MLJ 222 where the parties had consulted with the Mufti to decide whether Tengku Chik's waqf was lawful for his family and these waqfs had been approved by the Mufti. Nevertheless, the learned judge declined to recognize such fatwa in that case but followed the decision of the Privy Council in *Abdul Fatah Mohamed Ishak v Rasamaya Dhur Chowdhury* [1894] L.R. 221A 76 and *Fatimah binti Mohamad v Salim Bahshuwen* [1952] A.C. (Syed Abdul Kader & Md Dahlan, 2009).

Lack of Transparent and Accountable Governance

Another issue and challenge in implementing cash waqf is the lack of a transparent and accountable regulatory framework. Among the causes are the diversity of laws, poor management, location of waqf land,

which is less strategic, small size and scattered position, as well as lack of professional human resources in waqf management. (Nor Asiah Mohamed, 2018). Studies on the accountability of waqf institutions showed that there are three fundamental issues arise in the development and sustainability of waqf institutions, to be specific: the authoritative document of waqf which confined the waqf funders' conditions, a method for the board, and speculation. Second is the issue of corruption in waqf institutions, and the third hindrance is government meddling in overseeing waqf among the contributor on the effectiveness in managing the fund. (Kamarubahrin, A. F. et.al, 2019). Issues such as incompetent mutawalli (waqf manager) who has a lack of experience must be tackled to avoid inefficient and unsystematic management of waqf. In Malaysia, all activities related to waqf, including cash waqf shall be under SIRC who acts as a sole trustee. Hence, all waqf assets (movable and immovable) will be registered under the name of the respective SIRC.

Therefore, waqf management must be entrusted to experienced and experts with the highest integrity, people with the right calibre, the right skill, and the right character.

SRIC has taken the effort to corporatize the waqf management such as Selangor Waqf Corporation and Negeri Sembilan Waqf Corporation. These Corporations collaborate with experts from the private sector to market and monetize waqf asset. The success story of cooperation is the successful collaboration between Majlis Agama Islam Wilayah Persekutuan and Lembaga Tabung Haji in developing Kuala Lumpur's RM151 million Menara Bank Islam project (Bank Negara Malaysia, 2018).

Lack of Regulatory or Mechanism to Ensure the Collection and Distribution of the Cash Waqf

Another pertinent issue is there is no regulatory framework or mechanism to ensure transparency and integrity of collections and distribution of the cash waqf. This is because the trustees should make the cash waqf operations more transparent. In Malaysia, there are a few numbers of entities entrusted to collect a cash waqf such as YWM and selected Islamic banks that provide a production facility for the collection of cash waqf through a deposit scheme, for example, Bank Islam Malaysia

Berhad, Bank Muamalat Malaysia Berhad and Maybank Islamic Berhad, which all provide a deposit service for the collection of funds to redevelop old waqf asset (Fauzi et. al., 2019). Such as Wakaf Selangor Corporation collaborate with many other financial institutions to collect cash waqf. In 2012 Bank Muamalat Malaysia Berhad (BMMB) joined Wakaf Selangor Corporation as a cash collector through various method either through the bank's counter, hibah from Wadi'ah account holders, Periodic Payment Instruction (Arahan Pembayaran Berkala), Internet Banking or cheques as well as cash deposit machine and debit cash from savings and current account for account holders through 'Auto Teller Machine (ATM) (Farhanah et. al., 2015). The distribution of cash waqf fund in Selangor mainly is distributed under a new plan called 'Rental Manfaat Distribution Policy'.

However, the issue of the multi-layer decision-making process has limited the effectiveness of cash waqf distribution in Selangor. Even though many entities are considered qualified to manage the fund, significant control is still with SIRC. The limits affecting cash waqf distribution are long documentation process, time-consuming approval process and costly administration fee. The regulatory mechanism to ensure the collection of cash waqf that are transparent and complete is still lacking. In addressing the issue, advanced technology such as blockchain is suggested to resolve the deficit of trust and transparency that affects the waqf system (Gazali, H. M., & Che Ismail, C. M. H., (2019).

Blockchain is a transparent, decentralized ledger that serves as a record of cross-party transactions in a way that is permanent through a peer-to-peer network. In other words, the blockchain concept is distributed in a peer-to-peer network where the untrusted parties can do their business without trustworthy intermediaries to check the transaction, and it provides confidence because the record cannot be altered. It can prove ownership, provide transparency in transactions as well as safeguard the contract. However, blockchain technology is still new and needs multiple deployments before it can become mainstream.

CONCLUSIONS AND RECOMMENDATIONS

Based on the above discussion, it can be concluded that, if cash waqf is to be implemented in a more meaningful way, several issues and challenges need to be re-examined/revisited to unlock the potential of waqf. There are a few suggestions that government could consider which are: a) a need for proper waqf legislation in the form of a specific waqf law; b) adopt a sound regulatory and management policy that benefit from best global practices c) waqf assets managed by highly qualified professional experts by implementing the latest, new, modern and innovative investment strategies. d) creating an environment for technological innovation such as blockchain for waqf management. A success story and good governance of other countries should be followed and used as a benchmark. Therefore, collaboration and cooperation from all relevant stakeholders are vital to making full use of the benefit of cash waqf. It is crucial to be able and willing to change and adapt the best practices and policies for better implementation to drive the development of the waqf sector in the right direction.

REFERENCES

- Abbasi, M. (2012). The classical Islamic law of waqf: a concise introduction. *Arab Law Quarterly*, 26(2), 121-154.
- Abd Rahman A.A. & Awang A.B (2018). Exploring the dynamics of cash waqf: a critical analysis of its implementation in Malaysia. *Intellectual Discourse*, Special Issue (2018) 1109–1128.
- Bank Negara Malaysia. (2018). Assistant governor's speech at the forum on an economic perspective (2018). Sasana Kijang, Kuala Lumpur. https://www.bnm.gov.my/index.php?ch=en_speech&pg=en_speech&ac=794.
- B. Saiti et al.2019). The role of cash waqf in poverty reduction: a multi country case study in E. M. Ghazali et al. (eds.), *Management of shari'ah compliant businesses, management for professionals*.
- Fauzi, Hafiz et.al. (2019).The impact of trust in cash waqf contribution: A case study of Wakaf Selangor Muamalat (WSM) Service Of Bank

- Muamalat Malaysia Berhad (BMMB), (2019). *International Journal of Business, Economics and Law*. Vol. 18, Issue 2, p.1-11. ISSN 2289-1552.
- Farhana & Asmak. (2017). Wakaf tunai dalam pembangunan ekonomi masyarakat Islam. Kuala Lumpur. Dewan Bahasa dan Pustaka.
- Gazali, H. M., & Che Ismail, C. M. H. (2019). A conceptual framework for cash waqf with blockchain in financing education for the Islamic religious school in Malaysia. *Al-Itqan: Journal of Islamic Sciences and Comparative Studies*. 3(1), 73-88.
- Ismail, Che Zuina et.al. (2014). Challenges and prospects of cash waqf development in Malaysia', *J. Basic. Appl. Sci. Res.*, 4(2)340 -348.
- Kamarubahrin, A.F., Ahmed Ayedh, A. M & Khairi, K. F. (2019). Accountability practices of waqf institution in selected states in Malaysia: A critical analysis. *International Journal of Economics Management and Accounting*. 27(2), 331-352.
- Mohd Mokhtar, Farhanah et.al. (2015). Operation of cash waqf in Malaysia and its limitations. *Journal of Islamic Economics, Banking and Finance*, Vol-11 No. 4, 101-114.
- Norizan Hassan, et.al. (2018). Pengurusan institusi wakaf di Johor dan Selangor: Satu perbandingan. Bangi. Penerbit Universiti Kebangsaan Malaysia.
- Norzilan et.al. (2018). Waqf in Malaysia and its new waves in the twenty first century,' *Kyoto Bulletin of Islamic Area Studies*, Volume 11, 140-157.
- Nor Asiah Mohamad (2018) 'Perkembangan terkini Enakmen Wakaf di Malaysia: Adakah komprehensif? *Jurnal Kanun*, 30 (2). 363-381.
- Nor Aishah Mohd Ali et.al. (2014). The waqf governance framework in Malaysia. International Conference on Development of Social Enterprise and Social Business For Eradication Of Extreme Poverty And Street Begging IIUCIC7-2014/ IC7-160.

- Md Nurdin Ngadimon. (2015). Pembangunan wakaf: pendanaan melalui sukuk. Sustainable and responsible investment (SRI). Kertas dibentangkan di Muzakarah Ahli Majlis Penasihat Syariah Institusi Kewangan Di Malaysia Kali Ke-11, anjuran Jabatan Kemajuan Islam Malaysia (JAKIM).
- Mohd Izzat Amsyar Mohd Arif. (2019). Akta Wakaf penuhi keperluan semasa, Rencana Jumaat Berita Harian Online, 5 April 2019, <https://www.bharian.com.my/rencana/komentar/2019/04/549077/akta-wakaf-penuhi-keperluan-semasa>.
- Saifuddin, Farhah et.al (2014). The role of cash waqf in poverty alleviation: case of Malaysia', Proceeding Kuala Lumpur International Business, Economics and Law Conference 4 (KLIBEL4) Vol. 1. 31 May – 1 June 2014. Hotel Putra, Kuala Lumpur. ISBN 978-967-11350-3-7.
- Sharifah Zubaidah Syed Abdul Kader & Nuarrual Hilal Md. Dahlan. (2009). Current legal issues concerning awqaf in Malaysia. In: International Conference on "Waqf Laws & Management: Reality and Prospects", 20-22 Oktober 2009, Cultural Activity Centre (CAC), International Islamic University Malaysia, Gombak Campus.
- Sharifah Zubaidah Syed Abdul Kader (2016). Kerangka undang-undang pengurusan wakaf di Malaysia: Ke arah keseragaman Undang-undang. 28 Kanun (1).101-125.
- Siti Zulaikha, Sylva Arif Rusmita, 'BlockChain for waqf management', (2018). International Conference of Organizational Innovation, DOI 10.18502/kss.v3i10.3457.
- The World Bank Group, INCEIF & ISRA.(2019). Report on maximizing social impact through waqf solutions. The World Bank Group, INCEIF & ISRA.
- Wizarah al-Awqaf al Shu'un al Islamiyyah. (2006). Al-Mausu'ah al-Fiqhiyyah. Jil.44. Kuwait: Wizarah Al-awqaf wa Shu'un al Islamiyyah.

Zati Ilham A.M. et.al (2019) Examining the evolution of waqf regulations in Selangor: An analysis of the governance framework and transformative approach. *IIUM Law Journal* Vol. 27, No.2, 337-365.

The Recombinant Collagen-Like Protein as Animal-based Collagen Substitution: A Qualitative Study

Jarita Duasa^{1*}, Siti Fatimah Mohamed Noor¹,
Mohamed Asmy Mohd Thas Thaker¹, Maya Puspa Rahman¹

¹Department of Economics,
Kulliyyah of Economics and Management Science,
International Islamic University Malaysia, Malaysia.

*Corresponding Author
jarita@iiu.edu.my

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ABSTRACT

Collagen has been used widely in food, pharmaceutical, cosmeceutical, biomedical, tissue engineering and film industries. The surge concern on the halal issues of Collagen, which mainly originates from porcine or pork as well as bovine, leads to the development of the recombinant collagen-like protein as an alternative of animal-based Collagen. It can be a substitution for halal and vegetarian industries. The aim of this study is, therefore, to discuss on the issue of halal Collagen and the experts' opinion on the new technology of the recombinant collagen-like protein to substitute non-halal and doubtful sources of Collagen. The study is carried out by holding an in-depth interview with the experts who are from various areas of expertise and different academic background. These experts concur similar definition of Collagen. Even though they had different opinions on the suitability of bacteria-based Collagen to be used in production, they mutually agreed that the bacteria-based Collagen has a massive prospect in Malaysian industries. Thus, companies should produce final products that use bacteria-based Collagen as it may tempt a lot of consumers who concern about the



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resources used in the product produced. The experts also agreed that halal certification on the alternative source of Collagen could boost confidence among consumers on the final products produced.

Keywords: *Collagen, Recombinant Collagen-Like Protein, Halal, Malaysia*

INTRODUCTION

The halal issues on Collagen aroused since the source of Collagen are mostly from an animal such as pork, especially in gelatine, which always used in the food industry. The gelatine generally comes from swine skin because it is the quickest way to produce the gelatine, and it is least expensive (Batu et al., 2015). Aside from that, in the pharmaceutical industry, the halal issues also come to light. Still, it is considered as a minor concern as compared to halal issues in the food industry (Tumkur, 2010).

Since the surge concern on the halal issues of Collagen, which mainly comes from porcine or pork as well as bovine, it leads to the existence of the recombinant collagen-like protein as the substitution to the animal-based Collagen for halal and vegetarian industries. Moreover, gelatine, which is known in the food industry, mostly sourced from bovine or porcine. As reported, 41% of gelatine produced in the world made out of swine skin, 28.5% from bovine hides and 29.5% from bovine bones (Lestari et al., 2019). Due to the growing fret on the Bovine Spongiform Encephalopathy (BSE) or mad cow disease, it has affected the gelatine market. The manufacturers have tweaked the market into porcine gelatine, which is a by-product from pork. Hence, it resulted in 90-95% of global gelatine production are sourced from non-halal sources (Lestari et al., 2019). Gelatine made of marine sources is halal and can substitute the animal-based gelatine. However, the production of marine gelatine is minor (M^a C Gómez-Guillén et al., 2002; Lestari et al., 2019).

Nevertheless, the growing demand from vegetarian food groups thrives the interest in “veggie gelatine” which can replace the animal-based Collagen (Lestari et al., 2019). Initially, the plant-based Collagen was nowhere to be found. Fortunately, the plant-based gelatine replacers were found, and they are typically developed from plant hydrocolloids (Lestari

et al., 2019). However, the physicochemical characters of Collagen in plant and animal are different. Thus, not all plant-based Collagen is being able to substitute the animal-based Collagen. Therefore, the recombinant collagen-like protein has the potential to replace the animal-based Collagen. This paper thus discusses the halal Collagen and the experts' opinion on the new technology of the recombinant of collagen-like protein to substitute non-halal and doubtful sources of Collagen.

LITERATURE REVIEW

Introduction to Collagen

Collagen has been extensively studied in research laboratories at the beginning of the 20th century (Sandhu et al., 2012). It is widely used in various industries, especially foods and cosmetics. Scientifically, Collagen presents mainly in connective tissue found in skin, tendon, bone, and cartilage (Hashim et al., 2015; Raman & Gopakumar, 2018). Collagen can be found not only in the animal but also in human. It represents one-fourth of total animal protein while, in the human body, Collagen is the source of protein, which total up to 30% of dry weight (Raman & Gopakumar, 2018; Sandhu et al., 2012).

Collagen in animal mainly processed and useful in a variety of product and it has been one of the significant interests in science because of its features as gels and edible films. One of the uses of Collagen is in the processed meat, poultry, and seafood products which can slow down the moisture loss, reducing lipid oxidation and discolouration. Besides, the edible coating is also enhancing product appearance in retail packages by eliminating dripping, sealing subtle flavours, functioning as carriers of food additive (Maroušek et al., 2015). In the human body, Collagen naturally exists in connective tissue such as skin, bone, cartilage, smooth muscle, and basal lamina. Moreover, Collagen provides rigidity, elasticity and strengths. Besides, Collagen imposes a significant impact on human well-being. Since Collagen is the basic building block of the extracellular matrix in native tissue, it is an ideal material for regenerative medicine (Pawelec et al., 2016). Regenerative medicine mainly focuses on human cells and focuses on restoring the tissues' native function (Mason & Dunnill,

2008; Pawelec et al., 2016). For example, the patients with the malignant tumour for the thyroid gland, larynx or trachea are required to go through the tracheal resection. Thus, the procedure has caused the failure for the trachea to function fully like it used to be (Cotton, 2000; Marino et al., 1961). Due to the implication, the development of artificial trachea emerged since 1995 (Nakamura et al., 2000; Tada et al., 2012). The artificial trachea was constructed with conventional collagen sponge, and it has shown good progress with no restenosis, which is an occurrence of post-operation (Omori et al., 2005; Tada et al., 2012). Nevertheless, Collagen also widely used in food and beverages (Hashim et al., 2015). In particular, the fish collagen used in food and pharmaceuticals (Raman & Gopakumar, 2018) and it is also used in nutraceuticals product particularly for geriatrics or older patients (Gupta & Prakash, 2015).

The Overview of *Halal* Products in Islamic Points of View

As Muslims, we believe in al-Quran and al-Sunnah which guide us on the *halal* and haram act. Like our daily consumption, there are various verses in the Quran that taught Muslims what is right to consume as well as what is prohibited to consume. Any source of food from swine is highly prohibited, and it was mentioned in the Quran, Sunnah, and the consensus of Muslim jurist (Fadzillillah et al., 2011). The verses in the Quran clearly stated about the prohibition on swine and all products made from it. Allah say:

He has forbid you what dies of itself, and blood, and flesh of swine, and that over which any other name than that of Allah has been invoked; but whoever is driven to necessity, not desiring, nor exceeding the limit, no sin shall be upon him; surely Allah is Forgiving, Merciful.

(Al-Baqarah 2:173)

Other than swine, Muslims also prohibited to consume any foods and goods sourced out from carrion. Previously, this article define that natural Collagen came from an animal, usually swine and cattle since there are several of by-product from these animals in the market. Even though the production of Collagen is from cattle, it is still doubtful because, in Islam, the animal should be slaughtered properly. Otherwise, it is considered as carrion and strictly prohibited to be consumed; Allah say:

Forbidden to you is that which dies of itself. Blood, and flesh of swine, and that on which any other name than that of Allah has been invoked, and the strangled animal and that beaten to death, and that killed by a fall and that killed by being smitten with the horn, and that which wild beasts have eaten, except what you slaughter, and what is sacrificed on stones set up (for idols) and that you divide by the arrows; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me. This day have I perfected for you, your religion and completed My favour on you and chosen for you, Islam as a religion; but whoever is compelled by hunger, nor inclining wilfully to sin, then surely Allah is Forgiving, Merciful.

(Al-Ma'idah 5:3)

Owing to the above statements, we know that it is crucial to ensure that a product produced is using halal materials before it can be consumed by Muslims. There are various methods in the production of halal products either in food, cosmetics, nutraceuticals or even medical supplies from Islamic and science perspective, which one of them is *istihalah* (Jamaludin et al., 2011). *Istihalah* refers to “substantial change” or “complete process” of transformation from one substance into another substance (Jamaludin et al., 2011; Zarmani et al., 2016). *Istihalah* is a transformation of offensive or *haram* materials to other materials which include physical appearance and its properties such as name, odour, taste, colour and nature (al-Khatib, 2004; Jamaludin et al., 2011). Therefore, two opinions emerged in the application of *istihalah*. The first opinion was mutually agreed by Hanafi, Maliki, Ibn al-‘Arabi, Ibn Taymiyyah, Ibn al-Qayyim, al-Syawkani and Ibn Hazm al-Zahiri school of thought. They suggested that application of *istihalah* can be applied to the various situation such as the fermentation of wine to vinegar, and it is considered *Halal* whether it undergoes the natural or synthetic process. The second opinion suggested by Syafi‘i and Hanbali school of thought, which they limit the application of *istihalah* in specific issues only, where they only accepted the natural process of transformation without any intervention of synthetic process (Jamaludin et al., 2011; Ibn Taimiyyah, 2005).

In the research conducted by Jamaludin et al. (2011), as previously cited, they used the *istihalah* application suggested by the first opinion on the issue of gelatine-based products. They applied *istihalah* to determine the *halal* status in gelatine process. *Istihalah* process has three elements; raw materials, conversion agents, and finish products. The mixing process occurred as a result of the interaction between raw material and conversion agent, naturally or synthetically. Later, the finished product will undergo a conversion process, which is differed physically and chemically from the original material (Jamaludin et al., 2011). The study reported that collagen-based from a swine or non-slaughtered animals are prohibited owing to the characteristics of gelatine itself, which are not changing chemically.

Other than *istihalah*, there is also another instrument known as *istihlak* or “extreme dilution”. This is when a prohibited substance is diluted in a lawful medium to the extent that none of the known properties of the prohibited substance is noticeable in the lawful medium (Zarmani et al., 2016). *Istihlak* theory refers to the state of a substance that breaks down after stages of the process. For example, when water accumulated faeces more than two tanks, the nature of the *najasa* is decomposed into absolute water. Moreover, according to Ibn Taymiyyah (2005), if a little or a lot of material that is illegal or faeces mixed *halal* permitted, and it gets rid of the smell, colour, and taste, the result is permissible as accord to the Islamic perspectives (Taymiyyah, 2005) (Ibn Taymiyah, 2005; Improper citation).

However, the knowledge of *istihalah* still lacks among science students as stated by a study on the indication of the alertness of Muslim Malaysian students by Universiti Sains Malaysia on *istihalah* in daily life (Aris et al., 2012). The development of technology nowadays is expected to lead to the growth of knowledge on this method. In science research, fiqh *istihalah* can be applied in the determination of the *halal* status of a product (Jamaludin et al., 2012).

Other than the Islamic perspective in food and science, there are several theories involved in the acceptance of the consumers on the halal product, which is the theory of reasoned action and theory of planned behaviour. The latter is an extension to the former theory where according to the theory of reasoned action (TRA), the intention of appropriate behaviour is an immediate behavioural predecessor, which is the consequence of a

collective attitude toward behaviour (Ahmed et al., 2019). Meanwhile, the theory of planned behaviour (TPB) explains that an individual's performance of a behaviour determined by his or her intent to perform that behaviour. For TPB, attitude towards the target behaviour and subjective norms about engaging in the behaviour are the factors influencing intention and purchasing behaviour (Alam & Sayuti, 2011). Both studies used to determine the consumer willingness (Ahmed et al., 2019) or consumer behaviour (Alam & Sayuti, 2011) and predict consumers' intention (Lada et al., 2009) on the halal products in the market.

Halal Collagen-Based Products

Nowadays, people urge for halal products, and they are not only demanded by Muslims but also by Jews who are also strictly consumed the halal products (Batu et al., 2015; Sugibayashi et al., 2019). The concept of halal itself has attracted consumers to shift their consumption from non-halal to halal. The attraction is owing to the benchmark of halal that focus on the safety, hygiene and quality assurance thus made the product in-line with halal prescriptions are acceptable to Muslim and non-Muslim around the globe (Ambali & Bakar, 2013).

Most Muslims are aware of the halal products and how to choose them. For example, a study conducted in Shah Alam, Malaysia, where the most population are Muslims, found that the factors determine the consumers' awareness on the halal products were religious belief, exposures, the role played by halal certification via halal logo or label and health-related reasons (Ambali & Bakar, 2013). Health issues also related to religious identity and degree of acculturation in whatever people consume (Bonne & Verbeke, 2006). Besides, the ill-health in these modern days attributable to poor nutrition and unhealthy state of what consumers take daily (Ambali & Bakar, 2013; Rice, 1993). Nonetheless, halal cosmetics also increasingly demanded worldwide, but the development of the halal cosmetics production still in nascent stage (Sugibayashi et al., 2019).

As previously mentioned, Collagen is used in various industries; food and beverages, cosmetics, nutraceuticals, pharmaceuticals and even in medical supplies. In foods, the concept of halal does not mean by the food is 'swine-free' (Majid et al., 2015). But we also need to ensure that other

contents used to cook the ready-to-eat foods are from halal sources—for example, gelatine, enzymes, lecithin, and glycerine, which act as emulsifiers. Similarly, flavourings, colourings, breadcrumbs and other related materials must be from the halal sources (Zakaria, 2008). Usually, the halalness of gelatine has been doubted due to its sources from swine, which is indeed non-halal. Gelatine is also sometimes sourced from cattle hide, but, the halal status is also questionable. Another issue in the foods industry includes the slaughtering of poultry and meat must be consistent with the religion requirement. The poultry and meat must also not be engaged with other non-halal materials; for example, the cutter used to slaughter must be cleaned thoroughly (Majid et al., 2015).

Other products that are quite demanding are pharmaceuticals and cosmetics product. Around the globe, almost 2.4 billion Muslims demand halal pharmaceuticals and cosmetics products, which do not contain an ingredient derived from swine, carrion, blood, human body parts, predatory animals, reptiles, and insects among others (Sugibayashi et al., 2019). Halal products are quite appealing even among non-Muslim consumers who are strictly demanding safe and hygiene products since one of the halal concepts is hygiene. Moreover, for non-Muslim consumers, halal products can be a benchmark of accepted conformance and quality in trade dealing with Muslims (Haji-Othman et al., 2017; Jamaludin et al., 2011). Research regarding the attempt to discover healthy and halal Collagen is surging. The source of Collagen that is healthy and halal is from bone, skin and fish scales (Abdul Jabar, 2011; Kittiphattanabawon et al., 2010; Mahboob et al., 2014; Nagai et al., 2004; Okazaki & Osako, 2014; L. Wang et al., 2008).

Usually, marine Collagen is the source of Collagen to replace the animal collagen that has been questionable in terms of their safety, hygiene, and well-being of the animal itself. Those are some basic requirements in the halal concept (Ambali & Bakar, 2013; Sugibayashi et al., 2019). For the fish by-products, not all types of fish have a good source of Collagen. Several fish such as Japanese sea bass skin, clown feather back skin, yellow fin tuna bladder, Japanese seer fish skin and bone, Japanese sturgeon cartilage, and fins, scales, skin, bones, and swim bladder from bighead carp are considered as most excellent alternatives for collagen extraction (Schmidt et al., 2016). The extraction of Collagen from fish can solve the management of fish waste country. As in Indonesia, fish waste is abundant, and the alternative

to efficiently manage this waste is the alternative of collagen extraction. Besides, this is an alternative to replace the doubtful sources of Collagen which are from swine, cattle, horses and others (Susanti et al., 2019).

Scientifically, the extraction of Collagen from fish sources is relatively easy and safe. However, there are limitations in the production where the most promising process in getting the high nutritional and functionality outcome is quite expensive. Moreover, the costly process also can reduce the processing time (Schmidt et al., 2016). Fish collagen can be applied to various products in pharmaceutical and food (Raman & Gopakumar, 2018). The medical treatment such as collagen dressing which commonly used in dentistry and surgery also contain fish collagen (Avila Rodríguez et al., 2018; Mahesh et al., 2015) as well as the medication for wound healing treatment (T. Wang et al., 2015; Zhou et al., 2015).

For over ten-years, collage-like proteins have been identified from numerous bacterial genomes database (An et al., 2014). Those bacterial collagens share the similar physicochemical properties of animal collagen. However, some chemical structure in bacterial collagens lacks unlike the structure of the animal collagen. Despite lacking in chemical structure, the bacterial collagens studied in research for bacterial collagen exhibit high thermal stability, which close to that seen for mammalian collagens. This bacterial collagens are readily produced in large quantities by recombinant methods, either in the original amino acid sequence, which is the main physicochemical in Collagen or genetically manipulated sequences (Yu et al., 2014). The research on the bacterial Collagen is purposely to replace the extracted mammalian Collagen and may open a new pathway for collagen production (An et al., 2014). Fortunately, this recombinant of collagen-like proteins also may replace the doubtfulness in the halal status of collagen-based products in the market nowadays. Since this type of research is still in study, experts' opinion in halal products is needed. Therefore, this article discusses on the experts' view on the recombinant collagen-like proteins to substitute the mammalian Collagen in most products in the market today.

RESEARCH METHODOLOGY

Research Design

The study adopts qualitative research method. It explores views and perspectives of experts in various field related to Collagen and the development of bacteria-based Collagen. A semi-structured face-to-face interview is the primary source of data collection used in this study.

Sample Selection

The study used the judgemental sampling method in selecting the respondents that are suitable for the interview. Those who possess knowledge, exposure and expertise in the related field are chosen. This research thus chooses six experts in various fields of academics and industries. Table 1 records the experts who participated in the interview session.

Table 1: Interviewee's Description

Interviewee	Background of Interviewee
Interviewee 1	Head of International Institute for <i>Halal</i> Research and Training (INHART) Area of expertise; - Natural Science - Chemical Sciences - Analytical Chemistry - Instrumental Sciences
Interviewee 2	Researcher at INHART Area of expertise; - Social Science - Syariah Law - Islamic Jurisprudence - Fiqh Halal and Consumerism
Interviewee 3	The Senior Professor in University Kuala Lumpur (UniKL) Area of expertise; - Food Technology - Food Biotechnology

Interviewee 4	Academician in University Sultan Zainal Abidin (UNISZA) Area of expertise; - Functional Food and Nutraceuticals - Hazard Analysis and Risk Assessment - Halal Products - Entrepreneurship - Food Safety - Food Chemistry - Nutritional Sciences - Community Nutrition
Interviewee 5	Academician in Universiti Sains Malaysia (USM) Health Campus Area of expertise; - General Histopathology with a particular interest in Soft Tissue and Bone Pathology
Interviewee 6	Malaysia Halal Analysis Centre, JAKIM Area of expertise; - Food technology

While other interviewees were interviewed verbally, the interviewee from Pathology decided to give written interview owing to her limited time to spend for verbal interview.

Research Questions

The questions were divided into three themes, as outlined in Table 2 below:

Table 2: Interview's Themes and Questions

No	Themes	Questions
1	Information on the Collagen	1. Do you know what Collagen is? Could you explain Collagen from your understanding 2. Could you please explain the usage or benefit of the Collagen 3. Do you know what the sources of Collagen are? 4. What are the debatable issues pertaining to these sources, if any? Do you know why a particular group of people does not prefer animal-based Collagen?

2	Information on the suitability of the recombinant of collagen-like protein (bacteria-based Collagen)	1. A new source of collagen extraction that is based on the bacteria has been discovered. Do you well aware of this? 2. What do you think of this new source in term of its suitability? 3. Do you think bacteria-based Collagen is suitable to be used in lab experiment only or it is suitable to be produced in mass production? Could you please explain the reason? 4. Do you think bacteria-based Collagen is suitable and safe to be used by the public? May I know why 5. Do you think bacteria-based Collagen is suitable to be produced in Malaysia? 6. Do you think bacteria-based Collagen is halal? Why? 7. What do you think of the prospects of the bacteria-based Collagen in Malaysia
3	Information on the viability of the recombinant of collagen-like protein (bacteria-based Collagen)	1. Do you think producers or manufacturers are interested in producing Collagen that is based on bacteria? 2. Do you think the producers or manufacturers are interested in investing in the production of Collagen that is based on bacteria? 3. Does bacteria-based Collagen profitable to manufacturers? Why? 4. Will bacteria-based Collagen boost production and increase the demand for Collagen-based products? 5. Will bacteria-based collagen industry stay longer in the economy? 6. From your understanding, what is/are the factor(s) that can make a company stay longer in the industry and remain relevant? 7. In Malaysia, is halal certification is important? Why? 8. Will halal certification guarantee the place of the company in the industry? 9. Some collagen product in Malaysia stated the ingredients coming from natural ingredients without halal certification, is it safe for Muslim consumers to ingest that product?

		10. Is Collagen considered well-accepted among Muslim in Malaysia nowadays? 11. If this product complies to the halal requirement, are you there to consume this product from bacteria? 12. Do you know what collagen-like protein? 13. Do you aware of collagen-like protein as new things? 14. As a Muslim, would you consume this product if it is commercialized and certified as halal?
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Data Analysis

The qualitative content analysis adopted in this study to analyse the outcome. Qualitative content analysis is an act of transcribing the interview texts. Its objective is to systematically transform the transcriptions into a structured and concise results' summary (Erlingsson & Brysiewicz, 2017). The process in qualitative content analysis begins by listening and recording the interviews, and later the speeches are typed written. The statements from the expertise were improvised into a formally structured phrase as long as it did not stray away from their point of views. The interviews are recorded using the iPhone 8Plus. The answers are organized accordingly to the themes in the research question as described previously.

RESULTS AND DISCUSSION

The in-depth interview fetched on various answers and perspectives from the experts. As mentioned before, three themes are reported here:

Information on the Collagen

All five experts gave similar opinions on the meaning of Collagen according to their perspectives.

“...you must understand what collagen is. It is a natural product, is extracted from the animal. Mainly from the thigh, bones ... collagen is essential amino acid ... from protein” (Food Technologist, UniKL)

“Collagen is part of a protein, and you can get from different types of sources of animal and different part. You can get from many of their joints, bones, something like that. It is a combination of animal acids” (INHART officer)

“collagen comes from an animal, and none come from plants. It is because collagen has two typical components, hydroxyproline and proline. These two components must have in collagen.” (Food Science Officer, JAKIM).

JAKIM officer who has experience in collagen research during her study also said;

“plant is not a source of Collagen. For example, in the current industry, there is also a company that used seaweed, plant-based such as pectin, carrageenan. Those are plant-based, but they did not contain hydroxyproline and proline compound. Besides, the contains of amino acid in the plant are little, while the amount of protein in Collagen and gelatine are more than 80%.”

However, a different answer comes from an expert in the pathology field:

“collagen is produced from fibroblast which is mesenchymal cells created by God to secure our body to function beautifully” (Pathologist, USM)

The usage and benefit of Collagen also emphasized in food product aside from cosmetics and pharmaceuticals.

“well, the application mainly in foods. They served as a stabilizer, as well as a sweetener. Lately, a lot of collagen used in cosmetics, pharmaceutical products” (Food Technologist, UniKL)

“its (collagen) benefit for all products because it can upgrade the products’ quality to support the food or cosmetics production” (INHART officer)

“if for gelatine, it is mainly used in the food industry, it is because the texture of gelatine itself is like jelly. Gelatine has a reversible function, unlike starch (carrageenan) ... Collagen currently

mainly used in cosmetic products, other than cosmetics, Collagen also used in nutraceuticals.” (Food Science Officer, JAKIM)
“normally collagen used in pharmaceuticals and beauty product” (Halal Expert, UNISZA)

The sources of Collagen were said mostly from the animal, either bovine or porcine.

“... normally, the collagen in the industrial market come from swine and pork” (Halal Expert, UNISZA)
“you can have from, as far as I know, most of it is from animals. I am not sure about plants but, since it is a protein-based, they can have from a plant, but most of it is from animal” (INHART officer)
“the source of Collagen is from animals such as bovine, porcine, also can be found in buffalo and horse. In the global market, porcine has been commonly used in collagen-based products. I am telling you this because the producing cycle only took three to six months if the company use porcine. Meanwhile, for bovine, a company may need to take a year producing cycle” (Food Science Officer, JAKIM).

Due to the sources, the debatable issues exist. The debatable issues are not confined in the *halal* status per se but also the other issues such as diseases on the animal.

“two issues from these sources are the halal status and the general animals since there are a lot of animals, we do not know they may have contracted with foot and mouth diseases, or mad cow disease” (Food Technologist, UniKL)

Consumers switched their demand from animal-based Collagen to marine-based Collagen owing to the issues on doubtfulness of the *halal* status based on religious beliefs, and the well-being of the animal. However, other issues aroused.

“There are consumers who demand marine Collagen, which is from fish skin. Somehow, the contamination issue arose. There

was this case; a company claimed that their product is based on marine Collagen, but, they discreetly contaminated the product with other sources of Collagen.” (Food Science Officer, JAKIM).

Information on the Suitability of the Recombinant of Collagen-Like Protein (Bacteria-Based Collagen)

The outputs of the interviews under this theme are outlined in Table 3.

Table 3: Interview's Output

Questions	Description
1. A new source of collagen extraction that is based on the bacteria has been discovered. Do you well aware of this? 2. What do you think of this new source in term of its suitability?	Due to the issues on the general health of the animal as well as the <i>halal</i> status issues, the bacteria-based Collagen discovered. The experts were aware of this type of Collagen. The bacteria-based Collagen used media to grow the microorganism for them to become the bacteria for Collagen. Since the new source of Collagen was based on bacteria, the experts in food technologist and food chemistry gave their opinion as well as briefly explained the recombinant process of bacterial Collagen. <i>“as far as I am in the industry, I am still not found this type of collagen. Maybe it is produced in the lab but not in manufacturing company”</i> (Food Science Officer, JAKIM) <i>“Collagen has its properties. Through DNA engineering, when you apply in certain products, it requires certain specific properties. We can produce Collagen of specific properties through DNA for a particular purpose, but, we have to be careful in producing this kind of Collagen. It is because, during the cultivation, the media where we propagate the bacteria may not be halal.”</i> (Food Technologist, UniKL) <i>“It is safe if it is from the halal sources.”</i> (INHART officer)

3. Do you think bacteria-based Collagen is suitable to be used in lab experiment only or it is suitable to be produced in mass production? Could you please explain the reason?	The bacteria-based Collagen, from the perspective of several experts, it is suitable to be produced in mass production. <i>"We can do it (bacteria-based Collagen) in the lab as well as in mass production because now we have the technology, we call it bio-reactor, for example. So, in this bioreactor, bacteria can be grown in a mass and then you can extract a high amount or high content of Collagen from these bacteria."</i> (INHART Officer) <i>"It is much easier to use bacteria-based collagen through mass production because you can control them."</i> (Food Technologist, UniKL) However, there was also an expert who disagreed with the production of bacteria-based Collagen in mass production. <i>"For the current situation, you can use that one (bacteria-based collagen) for the lab experiment but, I doubt it to be produced in mass production. It incurs a high cost"</i> (Halal Expert, UNISZA). As from JAKIM officer's perspective, she explained the recombinant process. To be short, from the process, she clarifies that the recombinant process may minimize the cost because the bacteria may multiply exponentially. <i>"... but, to answer either it is suitable to be produced in lab or mass production, I am not sure because I did not found any prove and one more thing, we are Muslim country thus, we have an issue in halal certification process"</i> (Food Science Officer, JAKIM).
4. Do you think bacteria-based Collagen is suitable and safe to be used by the public? May I know why?	In the concept of halalan toyyiban, the products consumed should also have the characteristics of safe and from the experts' perspective, it is safe to be consumed by the consumers especially Muslims consumer if it is controlled adequately during its cultivation and production. <i>"It can be said, yes (safe) ... we should first, test the toxicity before expose by the public"</i> (INHART Officer)

	<i>"It is safe if it is properly controlled and screened. We are worried about the recombinant process. Because some changes may take place and it produces some effect."</i> (Food Technologist, UniKL) About the <i>halal</i> status on the bacteria-based Collagen, the experts explained that if the media and microorganisms are taken from the safe and <i>halal</i> sources, it will be considered <i>halal</i>. <i>"If the sources of the bacteria per se are from halal sources, then, it is halal."</i> (INHART Officer) <i>"in the recombinant process, e coli is the host, the carrier of the gene of the Collagen per se. Since we need the host to multiply into colonies, it must eat. Hence, the food that we ought to feed the host must be Halal"</i> (Food Science Officer, JAKIM).
5. Do you think bacteria-based Collagen is suitable to be produced in Malaysia? 6. What do you think of the prospects of the bacteria-based Collagen in Malaysia?	The experts agreed that bacteria-based Collagen to be produced in Malaysia and it may be a massive prospect in the industry. <i>"It (bacteria-based collagen) suitable to be produced as new technology, new knowledge and for food security as well."</i> (Halal Expert, UNISZA) <i>"The bacteria-based collagen is suitable to be produced in Malaysia. Its prospect is moving upwards because the collagen also used in cosmetics aside from food production and pharmaceuticals."</i> (INHART Officer)

The Viability of the Recombinant of Collagen-Like Protein (Bacteria-Based Collagen)

From the perspectives of the experts, producers, or manufacturers may have the interest to produce the Collagen-based on the bacteria because the technology is sustainable and cost-effective.

"from the manufacturers' perspective, they certainly thinking of the profit. Thus, if the bacteria-based Collagen can minimize the cost of production, they will perform the production besides, if the demand is high" (Food Science Officer, JAKIM).

"... the technology is proven and sustainable, cost-effective as well. People will use it. And good quality." (Food Technologist, UniKL)

Moreover, for the experts, they also expect that the bacteria-based Collagen may give profit to the manufacturers. It is because the cost involved in the bacteria-based collagen production is cheaper than animal-based Collagen.

“... because it (bacteria-based collagen) is cheap. It also generates more bacteria in one time instead of animal-based collagen during the production.” (INHART Officer)

“... it (bacteria-based collagen business) is a profitable venture. Because for the animal-based, you have to find the sources particularly and for bacteria-based Collagen, everything can be controlled. For example, the cow may have a poor health condition, and we did not become aware of.” (Food Technologist, UniKL)

Meanwhile, the JAKIM Officer explained that, if the bacteria-based Collagen can function similarly to the real Collagen, it can boost production and increase demand. However, there was also an expert felt hesitate to agree that manufacturers willing to produce the bacteria-based Collagen and that he was in doubt to say that the production is profitable.

“... they (manufacturers or producers) may say they agree to produce, but then, they will ask on who would bear the cost for this new technology? ... they may look at their return on investment (ROI). If their ROI took like five years, they would refuse this technology.” (Halal Expert, UNISZA)

The halal expert also emphasized that, for the current situation, bacteria-based Collagen will not boost production and increase demand for a collagen-based product. In his opinion, the bacteria-based Collagen is good. Still, it is hard for the manufacturers to change their current based Collagen into bacteria-based due to high cost incurred unless with the government assistance or support to develop this new technology.

“... for this time being, my answer is no (no demand and did not boost the production). Except with the government assistance. The government willing to give incentive, the existence of consumer awareness on the halal ingredients and so on.” (Halal Expert, UNISZA).

In contrast, other experts said otherwise.

“... we can control the system, where we are the one who would be controlling the bacteria and the media itself” (INHART Officer)

Moreover, if the manufacturers plan a wise strategy, they can stay longer in the economy. Aside from that, the company should also observe their target consumers.

“Company may stay longer in the industry if they can maintain their track record.” (Halal Expert, UNISZA)

“This is about competitiveness, the pricing and the strategy.” (Food Technologist, UniKL)

The halal status is always an issue concerned by Muslims. For the experts, halal certification is rather vital in Malaysia, but the firms are not required to issue the halal certificates. Some experts also stressed out that the halal certification in Malaysia is essential to prove the raw material in the ingredients of the product. The experts also had a mutual agreement that the halal certification may guarantee the place in the industry.

“... Malaysia is one of the halal hubs. Then, we are promoting halal hub over the world. The halal certification may guarantee the place of a company because it has undergone the integrity process from the starting until the end.” (INHART Officer)

“In Malaysia, it (halal certification) is imperative because most of the raw ingredients that we use in our food production. The raw materials ingredients are imported from other countries. This halal certification may guarantee the place of a company in the industry” (INHART Officer)

“Halal certificate is not mandatory, but it is rather voluntary. Even so, if you issued the certificate, it would be good. It may firm a company's place in the industry.” (Halal Expert, UNISZA)

“... I would say the halal certificate is important because halal is not only meant for Muslims. Because halal is a benchmarking for quality and setting so when consumers want quality and setting, halal is a choice.” (Food Technologist, UniKL)

Meanwhile, JAKIM Officer emphasized that halal certification is vital to the extent that a company will do anything to get the halal certification. Moreover, JAKIM has frequently audited the companies even after securing the certificate to ensure that a company still complies with shariah in their production. Moreover, the halal certification also guarantees the place of the company in the industry. On an important note, JAKIM is the only halal authority governed by the government, unlike other halal authorities in other countries which are more profit-based certification bodies in which the transparency of that halal authority is doubtful. JAKIM has gone to several countries to audit the halal certification bodies to ensure that the managements comply with Islamic laws.

The experts also know the collagen-like protein, but their explanations on this alternative source of Collagen differ. They are also aware that collagen-like protein is a new thing in collagen product.

“... gelatine is also from protein but, because of different composition of amino acid, we called it gelatine.” (INHART Officer).

“There are a lot of proteins that behave close to collagen” (Food Technologist, UniKL).

“‘Whey’ protein is one of the examples of collagen-like protein” (Halal Expert, UNISZA).

DISCUSSIONS

Based on the results of the interviews, we summarized some crucial points in Table 4.

Table 4: Summary of the Output

Themes	Summary
Information on the Collagen	• This theme is to acquire the definition collagen. Five from six experts gave similar answers on the definition of Collagen from their perspectives. • An expert in the pathology field answered differently from her perspective in the medical field. • All experts except for the pathologist mutually agreed that Collagen has benefits according to its features and physicochemical. • The sources of Collagen were known from animal and mostly from bovine or swine. Hence, they acknowledged the halal issues came up on the sources of Collagen.
Information on the suitability of the recombinant of collagen-like protein (bacteria-based Collagen)	• Experts came up with different ideas on the suitability of the bacteria-based Collagen. • The experts explained on the recombinant process of the bacteria-based Collagen of which the bacteria must be fed for it to grow and must carry similar physicochemical features as animal-based Collagen. • The experts had different opinions on how the bacteria-based Collagen should be produced, either in the lab or in mass production. • For the bacteria-based Collagen to be announced halal, the features and characteristics of bacteria-based Collagen must be safe, clean and fulfil the halal requirements. For instances, the food fed to the bacteria should also come from halal sources.

The viability of the recombinant of collagen-like protein (bacteria-based Collagen)	• This theme discussed on the viability of the products in the market if they are produced using bacteria-based Collagen. • The products shall hit higher sales if the bacteria-based Collagen fit the features and characteristics of natural Collagen. • The experts predicted high demand for products using bacterial Collagen, especially among consumers who are doubting animal-based Collagen. • According to experts, halal status is vital, especially in Malaysia. It was owing to the safety and cleanliness of a product that is always concerned by Muslim consumers.
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From the in-depth interviews with six experts in halal food, food technology and the halal officers, we may acknowledge that those in different fields have different perspectives on the issue of alternative source of Collagen. In terms of the definition of Collagen, the view from the pathologist is much different from other experts who are mainly in food based. For the information on Collagen, most experts gave similar answers. The benefits of Collagen are mostly in foods and cosmetics as the functions of Collagen itself are reversible, elastic and can upgrade the products' quality. However, religious issues emerge on the sources of Collagen, particularly from animals. Though some say that Collagen could be obtained from plants, the experts said that the Collagen from plants has different physicochemical as compared to animal-based Collagen. Certain products are unable to adopt Collagen from the plant. However, various studies found that marine Collagen can be applied into various products including foods, pharmaceuticals, and even the materials in medical treatment (Abdul Jabar, 2011; Mahboob et al., 2014; Nagai et al., 2004; Nagai & Suzuki, 2000; Raman & Gopakumar, 2018; Yamada et al., 2014).

The second theme of the interview is about the suitability of bacteria-based Collagen. According to the experts who are from the research field, the bacteria-based Collagen is familiar to them. Still, JAKIM officer who involves in industries did not found any manufacturer that used bacteria-based Collagen in Malaysia. The question on the suitability of the bacteria-based Collagen to be produced in either lab or mass production has been answered differently. Scientific study has said that the recombinant bacterial

Collagen can be quickly assembled in large quantity (Yu et al., 2014) similar to a statement by JAKIM officer except that she is still unable to discover any product used bacterial Collagen.

The INHART Officers and food technologist said that the bacteria-based Collagen is suitable to be produced in mass production. Meanwhile, a halal expert from UNISZA claimed that bacteria-based Collagen should be produced in the lab since it may incur a higher cost of production if it is produced in mass production. In contrast, the JAKIM Officer said that the process to produce bacteria-based Collagen could reduce the cost because it does not involve lots of animal slaughter because the bacteria can grow exponentially. Anyhow, JAKIM Officer was not sure to answer on which route of production is better because she did not find any company that uses bacteria-based Collagen in its product. However, if there is, she added, the issue on the halal status may arise. Since the bacterial Collagen still in research, we find few studies discussed on halal bacterial Collagen. But, there was a study from Indonesia explained on the process of bacterial Collagen extracted from milky fish scale and it is indeed halal and healthy Collagen since it is from the fish scale (Susanti et al., 2019).

On the issue of safety, the interviewees gave various perspectives. From the view of food technologist who is also an expert in the halal industry, he clarified that the bacteria-based Collagen must be appropriately controlled and screened during the recombinant process. The view is similar to the JAKIM Officer, who stated that the bacteria in the recombinant process should be fed for it to multiply into colonies. Thus, the sources of nutrients fed to the bacteria must be from halal sources. With proper control, the bacteria-based Collagen will be considered safe and halal if the source of bacterial Collagen is from *halal* sources such as the experimental study conducted by Susanti et al. (2019) where the study reported that the most potential proteolytic bacteria as the source of protease for production halal and healthy Collagen were from the milky fish scale. All in all, the experts mutually agreed that the bacteria-based Collagen has a massive prospect in the Malaysian industries.

The final theme of the interview is regarding the viability of the bacteria-based Collagen. Indeed, for most manufacturers, profit is a priority. They must ensure that bacteria-based collagen products able to give them

higher profit than that of animal-based product. However, the switch might not as easy as expected. An expert did suggest that a company should produce final products based on bacteria-based Collagen instead of animal-based Collagen because consumers are concern about the origin of the sources used in a particular product. Even so, a comparative experiment has performed between bacterial collagen hydrogel and commercial collagenase ointment on wound treatment. Even though the study was performed on rat dorsum, the outcome showed that the bacterial collagen hydrogel promoted better wound healing and it can be considered a potential wound dressing for skin regeneration (Moraes et al., 2016). Therefore, there is still a high possibility of great demand in recombinant of collagen-like protein-based products.

The halal status in Malaysia is vital to prove that the material used as an ingredient in a product is clean and safe. The experts had mutually agreed that halal certification might guarantee the place in the industry since the Malaysian herself is a Muslim country. Moreover, the halal authority of Malaysia, JAKIM has been known worldwide as accorded to JAKIM Officer. She added that JAKIM has been auditing the certification bodies from non-Muslim countries. Some Muslim countries only recognize JAKIM logo and have trust in it. Besides, halal products not only demanded in Malaysia with the majority of Muslim population but also gaining worldwide recognition since halal certification has become a new benchmark for safety and quality assurance (Halim et al., 2014). Bottom line, consumers prefer halal products if they crucially wanted a safe, hygienic and high-quality products to consume.

CONCLUSION

This current study aims to discuss the issue of halal Collagen and the experts' opinion on the new technology of the recombinant collagen-like protein to substitute non-halal and doubtful sources of Collagen. The study is carried out by holding an in-depth interview with the experts who are from various areas of expertise and different academic background. Most of the interviewees have similar definitions of Collagen. However, they had different opinions on the suitability of bacteria-based Collagen to be used in final production. The experts mutually agreed that the bacteria-based

Collagen has a massive prospect in Malaysian industries and companies should produce final products that use bacteria-based Collagen as it may attract a lot of consumers who concern about the sources used in a particular product, particularly among Muslims. The experts also agree that halal certification on the recombinant collagen-like protein can boost confidence among consumers on the final products produced.

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REFERENCES

- Abdul Jabar, N. A. (2011). Extraction of collagen from fish waste and determination of its physicochemical characteristics. Universiti Teknologi MARA. http://ir.uitm.edu.my/id/eprint/4654/1/TD_NURUL_ASYIRAF_ABDUL_JABAR_11_5_1.pdf.
- Ahmed, W., Najmi, A., Faizan, H. M., & Ahmed, S. (2019). Consumer behaviour towards a willingness to pay for *Halal* products. *British Food Journal*, 121(2), 492–504. <https://www.emerald.com/insight/content/doi/10.1108/BFJ-02-2018-0085/full/pdf?title=consumer-behaviour-towards-willingness-to-pay-for-Halal-products-an-assessment-of-demand-for-Halal-certification-in-a-muslim-country>.
- Al-Khatib, M. J. (2004). Al-Tawjih Wa al-Irshad Al-Nafsiyy Bayna Al-Nazariyyah Wa al-Tatbiq. *Ghazzah: Maktabah Afaq*.
- Alam, S. S., & Sayuti, N. M. (2011). Applying the theory of planned behavior (TPB) in *Halal* food purchasing. *International Journal of Commerce and Management*, 21(1), 8–20.

- Ambali, A. R., & Bakar, A. N. (2013). Halāl food and products in Malaysia: People's awareness and policy implications. *Intellectual Discourse*, 21(1).
- An, B., Kaplan, D. L., & Brodsky, B. (2014). Engineered recombinant bacterial collagen as an alternative collagen-based biomaterial for tissue engineering. *Frontiers in Chemistry*, 2, 40.
- Aris, A. T., Nor, N. M., Febrianto, N. A., Harivaindaran, K. V, & Yang, T. A. (2012). Muslim attitude and awareness of Istihalah. *Journal of Islamic Marketing*, 3(3), 244–254.
- Avila Rodríguez, M. I., Rodríguez Barroso, L. G., & Sánchez, M. L. (2018). Collagen: A review on its sources and potential cosmetic applications. *Journal of Cosmetic Dermatology*, 17(1), 20–26.
- Bae, I., Osatomi, K., Yoshida, A., Osako, K., Yamaguchi, A., & Hara, K. (2008). Biochemical properties of acid-soluble collagens extracted from the skins of underutilized fishes. *Food Chemistry*, 108(1), 49–54.
- Batu, A., Regenstein, J. M., & Dogan, I. S. (2015). Gelatin issues in *Halal* Food processing for Muslim Societies. *Electronic Turkish Studies*, 10(14).
- Bonne, K., & Verbeke, W. (2006). Muslim consumer's motivations towards meat consumption in Belgium: qualitative exploratory insights from means-end chain analysis. *Anthropology of Food*, 1(5).
- Cotton, R. T. (2000). Management of subglottic stenosis. *Otolaryngologic Clinics of North America*, 33(1), 111–130.
- Erlingsson, C., & Brysiewicz, P. (2017). A hands-on guide to doing content analysis. *African Journal of Emergency Medicine*, 7(3), 93–99.
- Fadzlillah, N. A., Man, Y. B. C., Jamaludin, M. A., Rahman, S. A., & Al-Kahtani, H. A. (2011). Halal food issues from Islamic and modern science perspectives. *2nd International Conference on Humanities, Historical and Social Sciences*, 17, 159–163.

- Faria-Silva, C., Ascenso, A., Costa, A. M., Marto, J., Carvalheiro, M., Ribeiro, H. M., & Simões, S. (2019). Feeding the skin: A new trend in food and cosmetics convergence. *Trends in Food Science & Technology*, 95(2020), 21–32.
- Gómez-Guillén, M C, Giménez, B., López-Caballero, M. E. al, & Montero, M. P. (2011). Functional and bioactive properties of collagen and gelatin from alternative sources: A review. *Food Hydrocolloids*, 25(8), 1813–1827.
- Gómez-Guillén, M^a C, Turnay, J., Fernández-Díaz, M. D., Ulmo, N., Lizarbe, M. A., & Montero, P. (2002). Structural and physical properties of gelatin extracted from different marine species: a comparative study. *Food Hydrocolloids*, 16(1), 25–34.
- Gupta, C., & Prakash, D. (2015). Nutraceuticals for geriatrics. *Journal of Traditional and Complementary Medicine*, 5(1), 5–14.
- Haji-Othman, Y., Yusuff, M. S. S., Sauf, M., Hafsha, S., Othman, Y. H.-, Yusuff, M. S. S., Saufi, M. S. A. M., & Hafsha, S. (2017). The Influence of knowledge, Islamic religiosity and selfEfficacy on the intention to pay income zakat among public educators in Kedah, Malaysia. *International Journal of Academic Research in Business and Social Sciences*, 7(11), 1117–1127. <https://doi.org/10.6007/ijarbss/v7-i11/3550>,
- Halim, M. A. A., Salleh, M. M. M., Kashim, M., Ahmad, A. A., & Nordin, N. (2014). *Halal* pharmaceuticals: legal, shari’ah issues and fatwa of drug, gelatine and alcohol. *International Journal of Asian Social Science*, 4(12), 1176–1190.
- Hashim, P., Ridzwan, M. M. S., Bakar, J., & Hashim, M. D. (2015). Collagen in food and beverage industries. *International Food Research Journal*, 22(1), 1.
- Jamaludin, M. A., Ramli, M. A., Hashim, D. M., & Ab Rahman, S. (2012). Fiqh Istihlal : Integration of science and Islamic law. *F LAW. Revelation and Science*, 2(2), 117–123.

- Jamaludin, M. A., Zaki, N. N. M., Ramli, M. A., Hashim, D. M., & Rahman, S. A. (2011). Istihalah: analysis of the utilization of gelatin in food products. *2nd International Conference on Humanities, Historical and Social Sciences, IPEDR*, 17, 174–178.
- Kittiphattanabawon, P., Benjakul, S., Visessanguan, W., & Shahidi, F. (2010). Isolation and characterization of Collagen from the cartilages of brown-banded bamboo shark (*Chiloscyllium punctatum*) and blacktip shark (*Carcharhinus limbatus*). *LWT-Food Science and Technology*, 43(5), 792–800.
- Lada, S., Tanakinjal, G. H., & Amin, H. (2009). Predicting intention to choose *Halal* products using the theory of reasoned action. *International Journal of Islamic and Middle Eastern Finance and Management*, 2(1), 66–76.
- Lestari, W., Octavianti, F., Jaswir, I., & Hendri, R. (2019). Plant-based substitutes for gelatin. In *Contemporary Management and Science Issues in the Halal Industry* (pp. 319–322). Springer.
- Liu, D., Liang, L., Regenstein, J. M., & Zhou, P. (2012). Extraction and characterization of pepsin-solubilized Collagen from fins, scales, skins, bones and swim bladders of bighead carp (*Hypophthalmichthys nobilis*). *Food Chemistry*, 133(4), 1441–1448.
- Mahboob, S., Haider, S., Sultana, S., Al-Ghanim, K., Al-Misned, F., Al-Balawi, H., & Ahmad, Z. (2014). Isolation and characterization of Collagen from the waste material of two important freshwater fish species. *Journal of Animal and Plant Sciences*, 24(6), 1802–1810.
- Mahesh, L., Kurtzman, G. M., & Shukla, S. (2015). Regeneration in periodontics: Collagen-A review of its properties and applications in dentistry. *Compendium of Continuing Education in Dentistry (Jamesburg, NJ: 1995)*, 36(5), 358.
- Majid, M. A. A., Abidin, I. H. Z., Majid, H., & Chik, C. T. (2015). Issues of *Halal* food implementation in Malaysia. *Journal of Applied Environmental and Biological Sciences*, 5(6), 50–56.

- Marino, H., Caputo, V., & Consiglio, V. (1961). The use of patient's own auricular cartilage to repair deficiency of the tracheal wall. *Plastic and Reconstructive Surgery*, 28(6), 696.
- Maroušek, J., Maroušková, A., Myšková, K., Váchal, J., Vochozka, M., & Žák, J. (2015). Techno-economic assessment of collagen casings waste management. *International Journal of Environmental Science and Technology*, 12(10), 3385–3390.
- Mason, C., & Dunnill, P. (2008). *A brief definition of regenerative medicine*.
- Matmaroh, K., Benjakul, S., Prodpran, T., Encarnacion, A. B., & Kishimura, H. (2011). Characteristics of acid soluble collagen and pepsin soluble collagen from scale of spotted golden goatfish (*Parupeneus heptacanthus*). *Food Chemistry*, 129(3), 1179–1186.
- Moraes, P. R. F. de S., Saska, S., Barud, H., Lima, L. R. de, Martins, V. da C. A., Plepis, A. M. de G., Ribeiro, S. J. L., & Gaspar, A. M. M. (2016). Bacterial cellulose/collagen hydrogel for wound healing. *Materials Research*, 19(1), 106–116.
- Nagai, T., Izumi, M., & Ishii, M. (2004). Fish scale collagen. Preparation and partial characterization. *International Journal of Food Science & Technology*, 39(3), 239–244.
- Nagai, T., & Suzuki, N. (2000). Isolation of Collagen from fish waste material—skin, bone and fins. *Food Chemistry*, 68(3), 277–281.
- Nakamura, T., Teramachi, M., Sekine, T., Kawanami, R., Fukuda, S., Yoshitani, M., Toba, T., Ueda, H., Hori, Y., & Inoue, M. (2000). *Artificial trachea and long term follow-up in carinal reconstruction in dogs* (pp. 718–724). SAGE Publications Sage UK: London, England.
- Nalinanon, S., Benjakul, S., Visessanguan, W., & Kishimura, H. (2007). Use of pepsin for collagen extraction from the skin of bigeye snapper (*Priacanthus tayenus*). *Food Chemistry*, 104(2), 593–601.

- Okazaki, E., & Osako, K. (2014). Isolation and characterization of acid-soluble Collagen from the scales of marine fishes from Japan and Vietnam. *Food Chemistry*, 149, 264–270.
- Omori, K., Nakamura, T., Kanemaru, S., Asato, R., Yamashita, M., Tanaka, S., Magrufov, A., Ito, J., & Shimizu, Y. (2005). Regenerative medicine of the trachea: the first human case. *Annals of Otology, Rhinology & Laryngology*, 114(6), 429–433.
- Pawelec, K. M., Best, S. M., & Cameron, R. E. (2016). Collagen: a network for regenerative medicine. *Journal of Materials Chemistry B*, 4(40), 6484–6496.
- Raman, M., & Gopakumar, K. (2018). Fish collagen and its applications in food and pharmaceutical industry: A review. *EC Nutrition*, 13(12), 752–767.
- Ricard-Blum, S. (2011). The collagen family. *Cold Spring Harbor Perspectives in Biology*, 3(1), a004978.
- Rice, R. (1993). Health claims on food supplement labels. *British Food Journal*, 95(3), 21–24.
- Sandhu, S. V, Gupta, S., Bansal, H., & Singla, K. (2012). Collagen in health and disease. *J Orofac Res*, 2(3), 153–159.
- Schmidt, M. M., Dornelles, R. C. P., Mello, R. O., Kubota, E. H., Mazutti, M. A., Kempka, A. P., & Demiate, I. M. (2016). Collagen extraction process. *International Food Research Journal*, 23(3), 913–922.
- Sugibayashi, K., Yusuf, E., Todo, H., Dahlizar, S., Sakdiset, P., Arce Jr, F., & See, G. L. (2019). Halal cosmetics: A review on ingredients, production, and testing methods. *Cosmetics*, 6(3), 37.
- Susanti, E., Lutfiana, N., & Retnosari, R. (2019). Screening of proteolytic bacteria from tauco Surabaya based on pathogenicity and selectivity of its protease on milky fish (*Chanos chanos*) scales for healthy and

- Halal* collagen production. *IOP Conference Series: Materials Science and Engineering*, 509(1), 12044. <https://doi.org/10.1088/1757-899X/509/1/012044>
- Tada, Y., Takezawa, T., Tani, A., Nakamura, T., & Omori, K. (2012). Collagen vitrigel scaffold for regenerative medicine of the trachea: Experimental study and quantitative evaluation. *Acta Oto-Laryngologica*, 132(4), 447–452.
- Taymiyyah, I. (2005). *Majmu'ah al-Fatawa Ibn al-Taymiyyah*.
- Tumkur, M. (2010). Reaching billions of Muslim shoppers. *Media*, 14.
- Wang, L., An, X., Yang, F., Xin, Z., Zhao, L., & Hu, Q. (2008). Isolation and characterization of collagens from the skin, scale and bone of deep-sea redfish (*Sebastes mentella*). *Food Chemistry*, 108(2), 616–623.
- Wang, T., Gu, Q., Zhao, J., Mei, J., Shao, M., Pan, Y., Zhang, J., Wu, H., Zhang, Z., & Liu, F. (2015). Calcium alginate enhances wound healing by up-regulating the ratio of collagen types I/III in diabetic rats. *International Journal of Clinical and Experimental Pathology*, 8(6), 6636.
- Yamada, S., Yamamoto, K., Ikeda, T., Yanagiguchi, K., & Hayashi, Y. (2014). Potency of fish collagen as a scaffold for regenerative medicine. *BioMed Research International*, 2014, 1–8.
- Yu, Z., An, B., Ramshaw, J. A. M., & Brodsky, B. (2014). Bacterial collagen-like proteins that form triple-helical structures. *Journal of Structural Biology*, 186(3), 451–461.
- Zakaria, Z. (2008). Tapping into the world *Halal* market: some discussions on Malaysian laws and standards. *Jurnal Syariah*, 16(3), 603–616.
- Zarmani, N. F., Ramli, M. A., & Salleh, S. M. S. S. M. (2016). Istihlak in the application of catgut surgical sutures in Malaysia. In *Contemporary issues and development in the global Halal industry* (pp. 261–269). Springer.

- Zhou, T., Wang, N., Xue, Y., Ding, T., Liu, X., Mo, X., & Sun, J. (2015). Development of biomimetic tilapia collagen nanofibers for skin regeneration through inducing keratinocytes differentiation and collagen synthesis of dermal fibroblasts. *ACS Applied Materials & Interfaces*, 7(5), 3253–3262.

The Legality of Wasiyyah Wajibah in Achieving Maqasid Al-Shariah

Md. Habibur Rahman^{1*}, Abu Talib Mohammad Monawer²

¹Faculty of Business and Management, University Sultan Zainal Abidin (UniSZA), Kuala Terengganu, Malaysia

²Academy of Islamic Studies, University of Malaya (UM) Kuala Lumpur, Malaysia

*Corresponding author
habiburrahman@unisza.edu.my

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ABSTRACT

Wasiyyah wajibah is an obligatory will, prescribed in some jurisdictions for the sake of grandchildren whose father dies during the lifetime of their grandfather. Maqasid shariah refer to the underlying objectives of Islamic rulings, which are summarized as the protection of faith, life, lineage, intellect and wealth. They are further described as the wellbeing (maslahah) of humankind which is portrayed as achieving the benefit and repulsing the harm. This study intends to analyze the lawfulness of wasiyyah wajibah in the context of maqasid shariah. The study is qualitative, and a method of content analysis is used to conduct this study. Though wasiyyah is voluntary, this form of wasiyyah is made obligatory to ensure social solidarity for the deprived grandchildren and social equality in distributing the inheritance of their grandfather among his inheritors. The study concludes that the lawfulness of wasiyyah wajibah goes in line with maqasid shariah as it protects the lives of underprivileged grandchildren and repulses the hardship of poverty and economic discrimination from their life. Thus, it ensures the



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wellbeing of those deprived grandchildren in particular and achieves social justice and social solidarity in Islamic inheritance at large.

Keywords: *Social Solidarity, Maqasid Shariah, Wasiyyah Wajibah*

INTRODUCTION

Wasiyyah is a form of donation and charity work. It means making a will for the specified beneficiaries. It gives a sense of the relation between two things. Making wasiyyah of something for someone means making a relation between the beneficiary and the thing donated. Productive land is called ‘ard wasiyyah’, i.e. the land that is attached with plants (Razi, 2008; Ibn Manzur, 1990; Fayyumi; 1323H). As a verbal noun wasiyyah refers to the action of the person who makes the will (musi) as the Quran mentions “o ye who believe, when death approaches any of you, take witnesses among yourselves when making bequests” (5:106). Wasiyyah also refers to the item given through it (Musa bihi) as the Quran states “after the payment of legacies and debts” (4:11). Thus, in the literal sense, wasiyyah means to determine, to command, to recommend, to connect and so forth (Firuzabadi, 2005; Ibn Manzur, 1990; Fayyumi, 1323H).

Technically, Hanafi School defines wasiyyah as transferring ownership of an asset or benefit voluntarily, which will be effective after the death of the donor (Zadah, 2003; Ibn Abidin, 1998). The clause of voluntarily eliminating the possibility of a sale, lease etc. as it occurs with consideration. Also, the condition of being effective after death removes the confusion of hibah as it is transferring ownership voluntarily in the lifetime of the donor. Maliki School defines wasiyyah as a contract that establishes the right in one-third of the wealth of the contracting party, which will be effective upon his death (Dasuqi, 2003; Dardir, 2003). Nevertheless, Shafi’i School defines wasiyyah as donating the right related, though implicitly, to the duration after death (Ansari, 2001; Sharbini, 2006; Ramli, 1993), while Hanbali School defines wasiyyah as the dealing or instruction to deal after one’s death or donating the wealth for the duration after death (Bahuti, 1997; Ibn Qudamah, 2004). From these definitions, it is found that wasiyyah is making a will for donation and wealth dissemination which is confined to one-third of one’s property and which will come to effect after the demise of the donor.

Wasiyyah is verified by the Quran, Sunnah, and scholarly consensus. The Quran states it is prescribed when death approaches any of you if he leaves any goods that he makes a bequest to parents and next of kin, according to reasonable usage; this is due from Allah-fearing (2:180). Before the ruling of inheritance making a will for the parents and next of kin was obligatory. However, after the ruling of inheritance, the obligation of wasiyyah is removed, but it remains lawful and recommended subject to some conditions. Wasiyyah is prescribed before the settlement of the debt as the Quran mentions ‘the distribution of inheritance is after the settlement of the will and debt’ (4:11, 12).

Besides, it is recommended to take witnesses upon making wasiyyah as the Quran mentions’ “o ye who believe, when death approaches any of you, take witnesses among yourselves when making bequests” (5:106). The validity of making wasiyyah is inferred explicitly from the command of taking witnesses to that.

The Prophet (PBUH) says ‘it is not right for any Muslim who has anything to bequeath that he may pass even two nights without having his will written’ (Bukhari, Muslim). This narration encourages making the will by everyone who has capacity for that. The Prophet (PBUH) also mentions ‘he who dies with a will, has died in the way of Allah and the Sunnah, and fear of Allah and martyrdom, and dies while his sins are forgiven’ (Ibn Majah). When the companion Sad ibn Abi Waqqas R. intended to make wasiyyah for two thirds or half of his properties, the Prophet (PBUH) stopped him. It made the wasiyyah valid for up to one third (Bukhari, Muslim). Thus, the Sunnah also validates the wasiyyah.

The validity of wasiyyah is also verified by unanimous agreement of the scholars. All Muslim jurists unanimously agree that making a will for anyone except the heirs up to one third is valid and lawful (Ibnul Mundhir, 1997; Kasani, 2005; Zayla’I, 1393H; Ansari, 2001; Ibn Qudamah, 2004).

Concerning the legal status of wasiyyah in Islam, Muslim jurists agree that before the provisions of inheritance everyone needed to make wasiyyah with all properties for the parents and the relatives (Kasani, 2005; Sharbini, 2006; Ansari, 2001; Bahuti, 1997; Zuhayli, 2001). Al Quran says ‘it is prescribed when death approaches any of you if he leaves any goods

that he makes a bequest to parents and next of kin, according to reasonable usage; this is due from Allah-fearing' (2:180). However, after the provisions of inheritance, scholars differ in opinions regarding its legal status. The majority of the scholars including Hanafi, Maliki, Shafi'i and Hanbali Schools opine that generally wasiyyah is (mustahabb) recommended, yet it is obligatory for settling the debt, returning others' deposits, as well as for paying outstanding zakah (Sarakhsi, 1989; Zayla'I, 1393H; Ibn Nujaym, 1997a; Hattab, 1995; Ibn Qudamah, 2004). However, Daud Zahiri opines that wasiyyah is obligatory for the relatives who do not inherit while Ibn Hazm opines that wasiyyah is obligatory on everyone who leaves property and riches (Ibn Hazm, 1900; Ibn Qudamah, 2004).

Nevertheless, wasiyyah wajibah is a special kind of wasiyyah prescribed in many jurisdictions to protect the life and to ensure the sustainable survival of the grandchildren whose father dies in the lifetime of their grandfather. It is a fraction of the inheritance restricted to one third which is essentially be given to those who lost their father during the life of their grandfather. In this endeavour, the legality of wasiyyah wajibah has been discussed in the light of maqasid shariah (the noble objectives of the Islamic law). The legality of wasiyyah wajibah protects the life of such grandchildren and brings social justice and sustainable survival of their lives.

LITERATURE REVIEW

Few studies have been done on wasiyyah wajibah. Regarding the practices of wasiyyah wajibah in Islamic countries, countries like Malaysia and Morocco allow giving wasiyyah wajibah to the grandson only who lost his father. However, a country like Egypt allows granting wasiyyah to the granddaughter as well. On the other hand country like Pakistan replaces the grandchildren, who lose their father, as their parents to get the inheritance of the grandfather. Thus, there is an inconsistency in the practice of wasiyyah wajibah in Muslim societies (Daud & Azahari, 2019).

Definition and Essence of Wasiyyah Wajibah

The meaning of wasiyyah has been discussed earlier. Wajibah means compulsory, obligatory, required, and so forth (Razi, 2008). As a technical

term, the classical scholars did not define wasiyyah wajibah as it is newly discovered in the present time by the Family Law. However, contemporary scholars have some definitions of it which are relatively close to each other.

Sultan (2006) defines wasiyyah wajibah as a fraction of property that the grandchild of the deceased deserves it when his father dies in the lifetime of his grandfather. After that, he takes the portion of his father the same as he lives, which shall not exceed one third, and the law requires that. Khalifah (2009) defines wasiyyah wajibah as the obligatory wasiyyah in one-third of the legacy for the child of the deceased's son. The latter died in deceased's lifetime or died with him through legally.

So, wasiyyah wajibah is something required by the law for the next of kin who does not inherit like the grandchild from son and daughter within the ambit of one-third of the legacy. To execute this wasiyyah, no initiation is required. If the deceased initiates it by his free will, it would be executed, and if he ignores the legal judgement would execute it.

Making wasiyyah is recommended in Islamic law, though it would be obligatory, recommended, permissible, not recommended and prohibited based on the relevant circumstances and conditions. Making wasiyyah is obligatory by shariah for the rights, assets, and fixed debts as well as for zakah, expiation, and ransom, etc. which are outstanding. In these cases, wasiyyah is made obligatory by shariah because they are more likely ignored after his death and remained in the deceased's liability. Though making wasiyyah is obligatory here by the shariah, the essence of wasiyyah remains optional and discretionary as it shall be made by the free will of the deceased. Thus, no fraction of the deceased's properties shall be taken out as wasiyyah unless the deceased initiates it before his demise.

Wasiyyah wajibah is a new form of wasiyyah made obligatory by law as the law executes it not the religion. The law obligates this wasiyyah in the deceased's properties for those who are stipulated in the legal provision, irrespective of whether the deceased makes wasiyyah for them and the inheritors accept it. This is made obligatory for the group of relatives who do not inherit because of having someone above them who block them from the bequest.

The Egyptian Law of Will is the premier in this connection. Wasiyyah wajibah is enacted by Egyptian law in 1946, followed by the Syrian Family law in 1953, Tunisian Family law in 1956, Moroccan Family law in 1958, Palestinian law in 1962, Kuwaiti law in 1971, Jordanian law in 1976 and so forth (Az'ar 2008).

Authority of Wasiyyah Wajibah in Islamic Law

Wasiyyah wajibah, as practised nowadays, is verified neither by any explicit text of the Quran nor by the Sunnah of the Prophet. Also, none of the classical scholar and nor any known School of Islamic law advocates this type of wasiyyah. Yet, it is the discretionary judgement (ijtihad) of the contemporary scholars.

However, proponents of wasiyyah wajibah try to relate it with the legal (shar'i) evidence. In terms of being obligatory, they rely on the verse of wasiyyah. Also, they rely on the opinion of Ibn Hajm as well as some views of the companions and their followers who opine that making wasiyyah is obligatory for the next of kin who does not inherit. Moreover, wasiyyah wajibah is underpinned by Islamic legal maxims and noble objectives of the shariah.

The Quran mentions 'it is prescribed when death approaches any of you if he leaves any goods that he makes a bequest to parents and next of kin, according to reasonable usage; this is due from Allah-fearing' (2:180). This verse clearly states that making wasiyyah is obligatory for the parents and next of kin. This obligation has been rescinded by the verse of inheritance for the parents and next of kin who inherit from the deceased. However, the obligation of making wasiyyah still remains for the parents and next of kin who do not inherit from the deceased (Tabari, 2001; Ibnul Arabi, 1988; Qurtubi, 1372H).

The Prophet (PBUH) says 'it is not right for any Muslim who has anything to bequeath that he may pass even two nights without having his will written' (Bukhari, Muslim). This hadith clearly instructs the obligation of making wasiyyah.

Furthermore, there are maxims in Islamic law that allow the ruler to restrict the permissible actions as long they secure the public interest, and essentially the instruction of the ruler should be followed, and his command initiates the legal ruling in Islamic law (Ibn Nujaym, 1980b; Suyuti, 1979). Likewise, it is permissible for the ruler to specify next of kin as the grandchildren of the deceased and to give them the portion of their father in the legacy as if he lives (Sartawi, 2000; Wih, 1999).

Scope and Significance of Wasiyyah Wajibah

Basically, wasiyyah wajibah is legalized to solve the problem of the children who die in the lifetime of their fathers and leave their children behind. Pursuant to the wasiyyah wajibah the grandchildren shall be given the portion of their father in the inheritance. This helps them to get out of poverty and tight living while their uncles are in richness and happy living.

So, the lawfulness of wasiyyah wajibah responds to the miserable situation that arises due to deprivation of the grandchildren from the inheritance, whose father dies in the lifetime of their grandfather. Thus, wasiyyah wajibah reduces the suffering of the orphans as much as possible so that this suffering does not come together with the suffering of deprivation from inheritance.

Wasiyyah wajibah also contributes to uphold the existence of the family with a balanced distribution of wealth among the family members, particularly when due to early death of the father the respective children become underprivileged while their cousins stay solvent and well-off. Moreover, wasiyyah wajibah is a legally verified way that establishes social justice and mutual cooperation in the community and removes harm and hatred from society. Finally, it safeguards the grandchildren from decay when their father dies before their grandfather (Az'ar, 2008).

METHODOLOGY

This is a qualitative and descriptive study. To achieve the objective, the study employs the content analysis method. For data collection, related books, journals, documents have been utilized.

DISCUSSION AND ANALYSIS

Conditions for Wasiyyah Wajibah

The law stipulates numerous conditions for the entitlement of wasiyyah wajibah. There are some conditions related to the descendent that deserves wasiyyah wajibah while some other conditions are related to the child who is dead, as follows:

Conditions Related to the Descendent that Deserves Wasiyyah Wajibah:

First: To be entitled to wasiyyah wajibah one should be the descendent of the deceased.

Second: The descendent who deserves wasiyyah wajibah shall not inherit from the grandfather. If he inherits whether being the Quranic heir like the daughter of the son or being the agnates like the son of the son, such descendent shall not be entitled to wasiyyah wajibah. This is irrespective of whether the portion of inheritance is little or much. Wasiyyah wajibah is legalized to compensate what the descendent misses up from inheritance. Since the descendent entitles to bequest and becomes the inheritor, then no point exists for the law to give him anything beyond inheritance (Abu Zuhrah, 1988; Qasim, 1987; Barraji, 1999).

Third: The deceased grandfather shall not grant anything in his lifetime to the descendent without compensation that equals to the wasiyyah wajibah. For example, he makes a wasiyyah for his grandchild equal to the portion of his father, or donates him from the inheritance that equals to the portion of wasiyyah wajibah, or makes waqf for him, or sells to him with a token price something that equals to the wasiyyah wajibah. In all these cases wasiyyah wajibah will not be applicable for the grandchild whose father died during the lifetime of grandfather. However, if the grandfather grants him less than what supposes to get from the inheritance, the balance can be taken from wasiyyah wajibah. But, if the grandfather donates him more than what assumes to get from wasiyyah wajibah, then the additional portion would be considered voluntary wasiyyah and accordingly the provisions of voluntary wasiyyah would be applicable thereof (Badran, 1997; Qasim, 1987; Barraji, 1999; Ashqar, 1997).

Fourth: The descendent that deserves wasiyyah wajibah shall be alive upon the demise of the donor (musi).

Fifth: The descendent that deserves wasiyyah wajibah shall not be blocked by his principal, i.e. someone closer than him to the deceased.

Sixth: The descendent that deserves wasiyyah wajibah shall not be banned from the inheritance per se. If he is banned from the inheritance due to be a killer or different in faith, he will not be entitled to wasiyyah wajibah. Wasiyyah wajibah is a compensation for the missing portion of the inheritance, and in the case of being banned from an inheritance, there will be nothing to be compensated (Qasim, 1987).

Seventh: The wasiyyah wajibah for the grandchildren shall be equal to the portion of their father in inheritance if he is alive if it does not exceed one-third of the inheritance (Abu Zuhrah, 1988; Zuhayli, 2001, Az'ar, 2008).

Conditions Related to the Deceased Child:

First: The deceased child (i.e. father of grandchildren) shall die in the lifetime of the (muwarrith) benefactor (i.e. grandfather) really or legally or shall die with him. Since he is dead upon the demise of the grandfather, he shall not be entitled to bequest, and accordingly, his children also will be deprived of the legacy of their grandfather. Hence, they will be entitled to wasiyyah wajibah. But, if the deceased child (father of grandchildren) dies after his father (i.e. grandfather of grandchildren), he will be entitled to the legacy of his father, and accordingly, his children will be entitled to his legacy. Thus, they will not be entitled to wasiyyah wajibah (Qasim, 1987; Abul Basal, 1999; Ashqar, 1997).

Second: Assuming to be alive, the deceased child (i.e. father of grandchildren) shall be entitled to inheritance in the lifetime of his father. Thus, there should not be any hindrance that prevents him from being inherited from his father. If he is prevented from the inheritance of grandfather due to homicide or difference in faith, his children will not be entitled to wasiyyah wajibah. Wasiyyah wajibah is legalized to compensate what the grandchildren miss from the inheritance due to the demise of their father. Since their father does not have any portion from inheritance to be compensated, they will not be entitled to wasiyyah wajibah (Qasim, 1987).

The Amount of Wasiyyah Wajibah

The law stipulates that the amount of wasiyyah wajibah will be determined according to the portion of the principal (father of grandchildren) in inheritance, assuming that he is alive, provided that such amount shall not exceed one-third of the inheritance. However, some legal system confines wasiyyah wajibah to the grandchildren from the son only, not from the daughter. So, if the benefactor makes wasiyyah wajibah with more than one third, then the additional portion will be considered the voluntary wasiyyah and will be subject to the approval of the heirs. If the heirs allow wasiyyah in more than one third, it will be executed, and if they do not allow it will be invalid in the additional amount. In a case where some heirs allow, and some others disallow then wasiyyah will be executed in the portion of those who permit so. If wasiyyah wajibah is made in less than what they deserve from their benefactor, then they shall be fully paid what they deserve. If no wasiyyah wajibah is made for them then essentially, they will be given that within the limit of one third. So, wasiyyah wajibah will be determined with what is smaller between the inheritance that the descendent receives should he live and the one third. If the inheritance is smaller than wasiyyah wajibah will be measured with that; otherwise, it will be limited up to one third if it is smaller than the inheritance of the deceased son (Qadri, 2006; Badran, 1997; Abu Zuhrah, 1988; Daud, 1996; Zuhayli, 2001).

Who are Entitled to Wasiyyah Wajibah

The Egyptian and Kuwaiti laws specify that the beneficiary of wasiyyah wajibah is the descendent of the child who dies in the lifetime of his father or mother, irrespective of whether this child is son or daughter. So, the descendent of the sons will be entitled to wasiyyah wajibah, regardless of whatever level they are. But, the children of daughter get wasiyyah wajibah only if they are of the first level.

On the other hand, the Syrian, Moroccan and Jordanian laws confine wasiyyah wajibah to descendent of the son only. So, the grandchildren from the son, grandchildren from the grandson and so on will be entitled to wasiyyah wajibah, provided that each principal blocks his descendent and does not block the other descendent. Every descendent deserves the portion of his principal only. But, the descendent of the daughter who died

before her father or mother will not be entitled to wasiyyah wajibah (Abu Zuhrah 1988, Zuhayli 2001, Az'ar 2008).

An Overview of Maqasid Shariah

Maqasid shariah is the essence of human life. Failure to achieve the maqasid shariah causes human life to fall and to remain uncertain and in anarchy and. Success in their fulfilment leads human life to be directed objectively (Mohammad & Shahwan, 2013). Hence, there is an utmost need to evaluate the law of wasiyyah wajibah in the light of maqasid al-shariah. Literally, maqasid shariah is a combination of the words: maqasid and shariah. Maqasid is plural derived from the root word qasada, and its singular is maqsad which means purpose and intention (Ibnu Athir, 2002). Shariah is a singular noun derived from the root word shari'a whose plural form is Sharai'. It gives two meanings: the straight path and fountain (Ibn-Faris, 1970). As a term, shariah refers to the life system which Allah, the Highest, legislated for mankind (al-Aṣfahani, n.d.). Thus, the meaning of maqasid shariah is objectives of shariah or objectives of Islamic legislation.

Ibn Ashur (1393 H) defined maqasid shariah as “the purpose and wisdom behind the enactment of all or most of the shariah rulings” (Ashur, 2001). The overall objective of Islamic legislation is to protect the social order of the community and ensure its healthy progress by promoting the wellbeing and righteousness (salah) of human beings (El-Mesawi, 2006). Human wellbeing is achieved through the preservation of five major objectives: faith (din), life (nafs), progeny (nasl), wealth (mal), and intellect (aql) (El-Mesawi, 2006). These essentials are the guarantors of preserving justice, equality, welfare, etc., which the issue of wasiyyah wajibah concerns (Manas & Ibrahim, 2016). The essence of maqasid shariah is wellbeing (maṣlaḥah) by attaining every benefit and repelling every harm from human beings (al-Qayyim, 1973). The Holy Quran states that Allah wants ease and comfort for human beings; He does not want hardship (al-Quran, 2:185:28; 5:6); and He did not make any difficulties (al-Qur'ān, 22:78; 33:38) in order to attain benefits (jalb al-maslahah) and avoid harms (jalb al-manfa'ah).

Maqasid shariah is primarily classified under three hierarchical levels of wellbeing (maslahah). These are, in order of priority, daruriyyat (unavoidable essentials), hajiyyat (general needs), and tahsiniyyat

(embellishments) (al-Ghazali, 1413 H). It also classified into other categories from different perspectives such as general objectives (al-maqasid al-ammah), particular objectives (al-maqasid al-khassah) and partial objectives (al-maqasid al-juz'iyah) (Kamali, Khan, & Shaikh-Ali, 2008); purposes of the Lawgiver (maqasid al-Shari') and human purposes (maqasid al-mukallaf) (al-Shatibi, 1997); primary objectives (al-maqasid al-asliyyah) and subsidiary objectives (al-maqasid al-tab'iyah), and so on (al-Raysuni, 1995; al-Shatibi, 1997; Kamali et al., 2008).

Achieving Maqasid shariah by Wasiyyah Wajibah

As mentioned earlier that the fifth objective of shariah is the preservation of wealth (hifz al-mal), it should be realized through the lawful acquisition, consumption, and distribution of wealth among all human being including the grandchildren characterized in the present study. Preservation of wealth means to protect the wealth of society against waste and to transfer its ownership to other without counter value and to safeguard the wealth of individuals as a means of the preservation of society's wealth (Ibn Ashur, 2001). In order to preserve wealth, shariah intends some specific goals in the economy and legislates several provisions (ahkam) concerning financial transactions in different modes ('Abbās & 'Abbās, n.d.). Regarding the objectives to be achieved in wealth are economic wellbeing, brotherhood, equitable distribution, freedom, welfare, growth and improvement of cultural milieu (Chapra, 1979; Faridi, 1983; Laldin & Furqani, 2013; Lamido, 2016).

Due to the objective of preserving wealth, divine law facilitates all lawful means for its acquisition and secures it by defending the right of ownership through penalizing theft (al-Allaf, 2003). At this very point, inheritance is one of the vital and lawful means of wealth acquisition which is discussed in Islamic inheritance law (fara'id). Accordingly, wasiyyah is made lawful by shariah due to some noble purposes which can be summarized as ensuring public wellbeing in this world and in the afterlife. Through the wasiyyah, one can rectify the noble deeds that he could not perform in his lifetime, which bring benefit for individuals as well as for society in large. Wasiyyah is a way to take care of the relatives since it provides donations for them and removes their necessities and needs, particularly those who do not inherit. It also secures wellbeing of the human society in general by making contributions to community welfare activities and charitable

projects. Moreover, it is also a way to reward someone who extended his helping hand for the donor in his lifetime.

However, the law has legislated wasiyyah wajibah (binding will) as a new sort of wasiyyah for a specific group of relatives who have already been deprived of the inheritance due to the existence of a person who prevents them from inheritance according to the rules of *hajb* (priority in succession). The need and significance of wasiyyah wajibah appear when some grandchildren become underprivileged due to early death of their father while some other grandchildren, i.e. their cousins stay solvent and well-off despite all of them are grandchildren of the same grandfather. The grandchildren are deprived of the portion of inheritance which they are supposed to inherit if their father is alive when the grandfather leaves inheritance (*mirath*). Deprivation of those children from the grandfather's wealth does not show justice to them when their cousins are enjoying the inheritance of the same grandfather. On the contrary, it will not be an injustice to another grandchild (heirs) if the amount of wasiyyah is given to unprivileged children because if they inherit their actual portion as if the deceased uncle (i.e. father of deprived grandchildren is alive).

Thus, the execution of wasiyyah wajibah ensures social justice (*adl*) for the deprived grandchildren and social equality (*musawah*) in managing the inheritance of grandfather and its distribution among grandchildren of all sons. In addition, it eliminates the poverty of vulnerable children and establishes their wellbeing and protects family members against economic discrimination. This is the easing the hardship which is intended by shariah. Moreover, the lawfulness of wasiyyah wajibah goes in line with *maqasid shariah* because it protects the lives of the grandchildren; it established social justice and equality among the children of the same generation as well as removes hardship and establish wellbeing of underprivileged children.

CONCLUSION

Basically, wasiyyah is considered a voluntary action in Islamic law which has been prescribed to give a chance for the Muslims to compensate for the good deeds that they miss in their lifetime. It is the law which obligates the wasiyyah that is more familiar with the term 'wasiyyah wajibah'. Wasiyyah

wajibah is basically legalized to address the issue of the underprivileged inheritors who are deprived of inheritance due to having someone closer than them to the deceased that prevents them from legacy. More specifically, wasiyyah wajibah provides a solution of sustenance for that grandchild whose father dies in the lifetime of his grandfather. Thus, he (grandchild) does not have any portion in the legacy (of grandfather) due to having his uncle(s) who is closer than him to his grandfather and who prevents him from inheritance if the fara'id law is concerned. Islamic law does not have any objection to accommodating something that secures public wellbeing without being contrary to its fundamentals. Thus, wasiyyah wajibah is valid by the tacit approval of Islamic law as it is abiding by the general principles of Islamic law.

As discussed, wasiyyah is made obligatory for the parents and next of kin by the Quranic verse. This obligation has been repealed by the verse of inheritance for the parents and next of kin who inherit from the deceased. However, the obligation of making wasiyyah still remains for the parents and next of kin who do not inherit from the deceased. In addition, as the maxim of Islamic law advocates, the ruler can restrict any permissible action as long it secures the public interest. Thus, it will be permissible for the ruler to specify next of kin as the grandchildren of the deceased and to give them the portion of their father in the legacy as if he is not dead.

Though wasiyyah wajibah is made obligatory by law, it shall abide by the fundamentals of wasiyyah in Islamic law. To determine the volume of wasiyyah wajibah the portion of the dead father is considered the yardstick. The grandchildren will get the equal volume of inheritance for their dead father if he lives, if it shall constitute less or equal to one-third of the inheritance. Thus, in any case, the amount of wasiyyah wajibah shall not exceed one-third of the inheritance, and if it exceeds, the grandchildren deserve up to one third only. Also, to be entitled to wasiyyah wajibah, the grandchildren shall not inherit in any case from their grandfather.

Lastly, the legality of wasiyyah wajibah implements maqasid shariah as it protects of lives of grandchildren and ensures their continuous survival by providing for them a fraction from the inheritance not exceeding one-third of it. The lawfulness of wasiyyah wajibah brings justice, solidarity and brotherhood in the society. Wasiyyah wajibah would be a great means

to ensure the wellbeing of such who are by virtue not entitled to get any fraction from the inheritance and removes hardship from them and such wasiyyah wajibah achieves maqasid shariah in human society.

REFERENCES

- Abbas, I.A. & Abbas, U.A. Atharul fikrit taghribi alal maqasidish shariyyah: Al-Daruriyyatil Khamsi Unmūdhadhan. from Shabakatul Alukah www.alukah.com.
- Abu Zuhrah, M. (1988), Sharh qanun al-wasiyyah, Dar al-Fikr al-Arabi.
- Abul Basal, A.N.M., (1999), Ahkam al-tarikat fi al-fiqh wal qanun, Jordan: Muwassasat Hamadah, Yarmuk University.
- Aishah, B. (2015), Wasiyyah wajibah fi qanun al-usrah al-jaza'iri, Dirasah Fiqhiyyah Muqaranah, Master's Thesis, Algeria: Abu Bakr Bilqaid University.
- Al-Allaf, M. (2003). Mirror of realization: God is a percept; the universe is a concept. [St. Louis, Mo.?]: M. Al-Allaf.
- Al-Asfahani, A.H.I.M. a.-R. (n.d.). Al-Mufradat. Beirut: Darul Marifah.
- Al-Ghazali, A.H.M.I.M. (1413 A. H.). Al-Mustasfa fi Ilmil Usul. Beirut: Darul Kutubil Ilmiyyah.
- Alma'Amun, S. (2010). Islamic Estate Planning: Analyzing the Malaysian perceptions on wasiyyah (will) and bequest practices (Doctoral dissertation, Durham University).
- Al-Raysuni, A. (1995). Nazariyyatul maqasid indal Imam al-Shatibi (4th ed.). Herndon, Virginia, USA: International Institute of Islamic Thought.
- Al-Shatibi, A.I.I.M.I.M. a.-L. a.-G. (1997). al-muwafaqat fi usulil fiqh (A.U.M.I.H.A. Salman Ed. 1st ed.). KSA: Daru Ibn 'Iffan.

- Ansari, A.Y.Z. (2001), *Asna al-matalib*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Ashqar, U.S. (1997), *al-wadih fi sharh qanun al-ahwal al-shakhsyah*, Jordan: Dar al-Nafa'is.
- Awang, M.R. (2008). The Islamic inheritance law (faraid): The manifestation of comprehensive inheritance management in Islam. The National Convention of Faraid and Hibah.
- Az'ar, R.A. (2008), *al-Wasiyyah al-wajibah*, Dirasah Fiqhiyyah Muqaranah, Master's Thesis, Faculty of Shariah and Law, Islamic University Gaza.
- Azizi, Muhammad Ramiz Abdul Fattah, (2003), *al-mirath wal wasiyyah*, Dar al-Furqan.
- Badran, Abul Aynayn, (1997), *al-mawarith wal wasiyyah wal hibah fi al-Shariah al-Islamiyyah*, Alexandria: Markaz al-Iskandariyah lil Kitab.
- Bahuti, Mansur ibn Yunus, (1997), *Kashshaf al-Qina'*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Barraj, Jum'ah Muhammad, (1999), *Ahkam al-mawarith fi al-shariah al-Islamiyyah*, Dar Yafa al-Ilmiyyah
- Chapra, M.U. (1979). *Objectives of the Islamic economic order*: Islamic Foundation Leicester, UK.
- Dardir, Ahmad. (2003), *al-sharh al-kabir*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Dasuqi, Ahmad ibn Arafah. (2003), *Hashiyat al-dasuqi*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Daud, Ahmad Muhammad, (1996), *al-Huquq al-muta'alliqah bi al-tarikah byana al-Fiqh wal Qanun*, Oman: Dar al-Thaqafah.
- Daud, Zakiul Fuady Muhammad & Azahari, Raihanah. (2019). The wajibah will, Alternative wealth transition for individuals who are prevented from attaining their inheritance, *International Journal of Ethics and Systems*.

- El-Mesawi, M. E.-T. (2006). *Ibn Ashur Treatise on maqasid al-shariah*. London [etc.]: The International Institute of Islamic Thought (IIIT).
- Faridi, F. R. (1983). *Theory of fiscal policy in an Islamic State*.
- Fayyumi, Ahmad, (1323H), *al-misbah al-munir* Egypt: Maktabat Abd al-Wahid.
- Firuzabadi, Majd al-Din, (2005), *al-qamus al-muhit*, Beirut: Dar al-Ma'rifah.
- Hattab, Muhammad, (1995), *Mawahib al-jalil* Beirut: Dar al-Kutub al-Ilmiyyah.
- Ibn Abidin, Muhammad Amin, (1998), *Radd al-Muhtar*, Beirut: Dar Ihya al-Turath.
- Ibn Hazm, (1900), *al-Muhallah*, Beirut: Dar al-Fikr.
- Ibn Manzur, Muhammad ibn Makram, (1990), *Lisan al-Arab*, Beirut: Dar Sadir.
- Ibn Nujaym, Zayn al-Din, (1980b), *al-Ashbah wa al-Naza'ir*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Ibn Nujaym, Zayn al-Din, (1997a), *al-Bahr al-Ra'iq*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Ibn Qudamah, Muwaffaq al-Din, (2004), *al-Mughni*, Cairo: Dar al-Hadith.
- Ibn-al-Athir, M. A. S. a.-M. M. a.-J. (2002). *An Nihayatu fi Gharibil Hadithi wal Athar* (A. A. R. Ş. I. M. Uwaydah Ed.). Beirut: Darul Kutubil Ilmiyyah.
- Ibn-al-Qayyim, S. a.-D. M. I. A. B. A. a.-Z. i. a.-J. (1973). *I'lam al-Muwaqqi'in 'An Rabb al-'Alamin* (T. A. a.-R. Sa'ad Ed. 1 ed. Vol. 1). Beirut: Dar al-Jayl.

- Ibn-Ashur, M. a.-T. (2001). *Maqasidush shari'atil Islamiyyah* (M. a.-T. al-Meisawi Ed. 2nd ed.). Jordan: Dar al-Nafa'is.
- Ibn-Faris, A. H. A. (1970). *Maqayisul Lughah*. Al-Qahirah: Maṭba‘at al-Babi al-Halabi.
- Ibnul Arabi, Abu Bakr, (1988), *Ahkam al-Quran*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Ibnul Munzir, Muhammad ibn Ibrahim, (1997), *al-Iqna'*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Kamali, M. H., Khan, S., Al Shaikh-Ali, A., & International Institute of Islamic, T. (2008). *Maqasid shariah made simple*. London: International Institute of Islamic Thought.
- Kamarudin, M. K., & Muhamad, N. H. N. (2018). Islamic estate planning and management: Malaysian Experience. *International Journal of Management Applications*, 1(1), 8-16.
- Kasani, Ala Uddin Abu Bakr. (2005). *Bada'i' al-Sanai'*, Cairo: Dar al-Hadith.
- Khalifah, Muhammad Taha, (2009), *Ahkam al-Mawarith*, Dirasah Tatbiqiyyah, Cairo: Dar al-Salam.
- Laldin, M. A., & Furqani, H. (2013). Developing Islamic finance in the framework of Maqasid al-Shariah : Understanding the ends (maqasid) and the means (wasa'il). *International Journal of Islamic and Middle Eastern finance and Management*, 6(4), 278-289. doi:10.1108/IMEFM-05-2013-0057.
- Lamido, A. A. (2016). Maqasid al-Shariah as a framework for economic development theorization. *International Journal of Islamic Economics and Finance Studies*, 2(1).
- Manas, S. A., & Siddeek, M. I. M. (2016). *al-Ta'ayushus silmiyyu wal indimajul ijtimaiyyu fidaw'imaqasidish shariah*: Sirilanka Unmudhajan. [Peaceful Coexistence and Social Integration in the Light of Maqasid

shariah with Special Reference to Sri Lanka]. *al-Tajdid*, 20(39A), 333-365.

Mansur, Shahhat Ibrahim & Hamzah, Muhammad, (n.d.), *al-Shariah al-Islamiyyah, Mawarith wa Wasiyyah wa Waqf*, Egypt: Zaqaziq University.

Mohammad, M. O., & Shahwan, S. (2013). The objective of Islamic economic and islamic banking in light of maqasid al-shariah: a critical review. *Middle-East Journal of Scientific Research*(13), 75-84. doi:10.5829/idosi.mejsr.2013.13.1885.

Puad, N. A. B. M., Rafdi, N. B. J., Sanusi, S. W. S. B. A., & Sarip, M. M. B. (2018). The Journey on Wasiyyah in Malaysia: A Calling for an Expansion.

Qadri, Muhammad Qadri Basha, (2006), *al-Ahkam al-Shar'iyah fil Ahwal al-Shakhsiyyah*, Cairo: Dar al-Salam.

Qaradawi, Y. (2008). *Maqasid al-Shariah al-Muta'alliqah bi al-Mal*. Paper presented at the 18th Session of The European Council for Fatwa and Research Dublin, Ireland. <http://www.e-cfr.org>.

Qasim, Yusuf, (1987), *al-Wajiz fil Mirath wal Wasiyyah*, Dar al-Nahdah.

Qurtubi, Abu Abdillah, (1372H), *al-Jami' li Ahkam al-Quran*, Cairo: Dar al-Sha'b.

Ramli, Shams al-Din, (1993). *Nihayat al-Muhtaj*, Beirut: Dar al-Kutub al-Ilmiyyah.

Rashid, R. A., Hassan, S. A., & Yaakub, N. I. (2013). A need for legal framework of gift inter vivos (hibah) in Malaysian estate planning. *International Journal of Business, Economics and Law*, 2(3), 2289-1552.

Razi, Muhammad ibn Abi Bakar, (2008), *Mukhtar al-Sihah*, Beirut: Dar Sadir.

- Sarakhsi, Muhammad Ibn Ahmad, (1989). *Kitab al-Mabsut*, Beirut: Dar al-Ma'rifah.
- Sartawi, Fuwad Abdul Latif, (2000), *al-Wajiz fil Wasaya wal Mawarith*, Dar al-Bayariq.
- Sharbini, Shams al-Din al-Khatib. (2006), *Mughni al-Muhtaj* Cairo: Dar al-Hadith.
- Sultan, S. (1999). *Mirathul Mar'ati wa Qadiyyatul Musawah* (1st ed.). Madinatus Sadis min Unktubar: Nahdatu Misr.
- Sultan, Salah al-Din, (2006), *al-Mirath wal Wasiyyah bayna al-Shariah wal Qanun*, USA: Sultan Publishing.
- Suyuti, Jalal al-Din, (1979), *al-Ashbah wa al-Naza'ir*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Tabari, Abu Ja'far, (2001), *Jami' al-Bayan an Ta'wil Ayi al-Quran*, Syria: Dar al-Fikr.
- Wih, Ashraf Abdur Rajjaq, (1999), *al-Ra'id fi Ilm al-Fara'id*, Dar al-Nahdah al-Arabiyyah.
- Zadah, Shams al-Din, (2003), *Nata'ij al-Afkar fi Kashf al-Rumuj wa al-Asrar*, Beirut: Dar al-Kutub al-Ilmiyyah.
- Zayla'i, Jamal al-Din, (1393H), *Nasb al-Rayah*, Beirut: al-Maktab al-Islami.
- Zuhayli, Muhammad, (2001), *al-Fara'id wal Mawarith wal Wasaya*, Dar al-Kalim al-Tayyib.

The Impact of Service Quality and Product Quality towards Customers Satisfaction in Islamic Banking: The Moderating Role of Customer Knowledge

Nur Athirah Bt Yusoff^{1*}, Mohammad Ismail²

^{1,2} Faculty of Entrepreneurship and Business,
Universiti Malaysia Kelantan, Kampus Kota Pengkalan Chepa,
16100 Kota Bharu, Kelantan, Malaysia

*Corresponding Author
athirah.umk@yahoo.com

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ABSTRACT

Over the last three decades, the emergence of a strong Islamic movement has created a renewed interest in Islamic economics. Gradually, Islamic banking started to fame, and the Islamic banking system has gained momentum globally and is not restricted only to Islamic banks. As banks offer similar products and services, competition becomes intensifying; thus, customers' satisfaction will determine their competitiveness and success. This study aims to propose a framework to investigate how customers create their satisfaction toward Islamic banking products and services, thus moderating customer knowledge. Based on the existing literature gaps, the researcher proposes a dependent variable (Customer Satisfaction), independent variables (Service Quality and Product Quality), and moderator (Customer Knowledge). In this study, four hypotheses are developed to determine the relationship between customer satisfaction, customer knowledge, and determinant factors. The study adopts purposive sampling and apply the quantitative method by distributing a survey questionnaire to the Islamic



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bank's customers. The Statistical Package for the Social Sciences (SPSS) and Partial Least Square (PLS) is used to analyse the data. All the results aims to target consumers' satisfaction in Islamic banking. Service quality (accessibility and serviceability), product quality (conformance and perceived quality) use as factors of customer satisfaction in Islamic banking. This study shows that Islamic banks should enhance their quality to increase their products' satisfaction. Besides, Islamic banks should emphasize their products and educate common people that their products comply with Shariah principles.

Keywords: *Customer knowledge, Customer satisfaction, Service quality, Product quality*

INTRODUCTION

Islamic banking started to fame, and its competitiveness has created a renewed interest in Islamic economics. Islamic banking also has grown momentum globally and has become a dynamic industry due to competition with conventional banks (Ibrahim & Kamarudin, 2014). Since the banks offer similar products and services, the competition intensifies customers' perceptions to determine their competitiveness and success. To stand firm in the market and become more competitive, the organization must fulfil customer needs and wants, thus spreading the news through words of mouth by customers (Hamzah et al., 2015). So, banks are better aware of their customer satisfaction (Lee et al., 2015).

Therefore, banks should fulfil the product's quality, increasing the customer's buying capacity (Haque et al., 2009). Banks also need to continuously improve the quality of Islamic banking products and services offered to their customers (Beograd & Intesabeograd, 2010). As previous researchers discussed, quality is an essential factor known as broad and pervasive, affecting the bank's competitiveness (Powell, 2012). Some issues argued by Islamic banking in Malaysia whereas banks are faced incompetence of the staff and lack of courtesy. These issues tend to influence all customers to stop patronizing Islamic banks (Dusuki and Abdullah, 2006).

According to the statistical data, the number of Malaysian banking customers using Islamic banking products and services increases year by year (Razimi et al., 2017). Based on Bank Negara Malaysia, the Islamic banking industry in Malaysia showed growth in the market by 11% in 2016 until 2017 (Yusof, 2017). However, Ernst and Young (2016) revealed that conventional banks gain higher than Islamic banks, wherein Islamic banking only has a stake of 21.3% of the total of banking assets. Despite that, it shows Islamic banking has several problems in use. As reported by CSI Survey Executive Summary Report (2017), there are weaknesses in Islamic bank services based on the survey to customer's Islamic banks in Malaysia.

Hence, in a challenging and competitive world, customer satisfaction is paramount since it is a factor in determining its success. As a financial institution, Islamic banks should fulfil the customer's demand and alert on their behaviours towards Islamic products and services (Gan et al., 2015). As discussed in previous studies, a fully satisfied customer would be spreading the business's news (Hamzah et al., 2015). On top of that, this study aims to examine the relationships between service quality and product quality on customer satisfaction with the moderating effect of customer knowledge towards the relation of service quality, product quality, and customer satisfaction in Islamic banking.

LITERATURE REVIEW

Customer Satisfaction and Islamic Banking System

Customer satisfaction is known as a factor for an organization in determining its success. Most recent attention has focused on the provision of mouth spreading (Hamzah et al., 2015). Furthermore, the Islamic bank should acquaint the customer's demand and alert on Islamic products and services (Gan et al., 2015). Additionally, high performance and a fully satisfied customer would be spreading the news through the mouth to mouth to promote the organization. Then, it eventually assists the organization in standing firm in the market and being more competitive (Hamzah et al., 2015). Islamic and conventional banks offer similar kinds of products and services (Ahmed et al., 2017). Thus, the competition is stiff enough from both Islamic and traditional financial institutions. On top of that, customers

would then determine the competitive criteria and success of the bank (Hamzah et al., 2015).

According to the theoretical standpoint, customer satisfaction explains the relationship between disconfirmation and satisfaction (Lucian Isac & Rusu, 2014). For example, satisfaction judgments are one of the theories used to understand the process through customers. Besides, expectancy disconfirmation, equity, and attribution are theories that comprise three groups (Athiyaman, 2004). The expectancy disconfirmation theory suggests that consumers form satisfaction judgments are by evaluating the actual product/service (Anderson R., 10 February 1973). The satisfaction process compares what was expected by the customer for the product or service provided (Vavra T 1997). According to Oliver (1980), the customer's expectation was through purchasing on product and service. Secondly is the customer's perceived quality, which means the customer's usage of the organization product and service. When the performance was not reaching the expectation, the customer would be then dissatisfied. Thus, the customer links the perceived performance with previous performance (Vavra T. 1997), and identified satisfaction by the customer's emotion and factors featured are through products and services. On top of that, the understanding of the theory of satisfaction discusses in detail in this study.

Service Quality

The current global market is highly competitive, and service providers have become much focused on achieving high customer satisfaction levels by offering excellent service quality (Sharabi, 2010). Service quality explains a customer's overall evaluation of the differences between service expectations and the actual service performance. Therefore, service quality also is known as conceptualized as a multidimensional construct consisting of five dimensions (Othman A. 2002). The five dimensions of service quality include:

1. Tangibility (appearance of physical components).
2. Reliability (dependability of service provider and accuracy of performance).

3. Responsiveness (promptness and helpfulness).
4. Assurance (knowledge and courtesy of employees and their ability to inspire trust and confidence).
5. Empathy (caring, individualized attention the firm gives its customers (Levesque, 1996)).
6. Accessibility means the network expansion, branch location, and the service system of the bank (Hamzah et al., 2015). The factor includes a convenient location, accessibility of the banks, and the banks reward, which has found as critical factors influencing the bank's choice (Tan & Chua, 1986).

According to Hamzah et al. (2015), providing a high standard of halal service quality should be managed to increase customer satisfaction. Kant and Jaiswal (2017) and Abdul Rehman (2012) also claimed that service quality is essential for customer satisfaction. Customers in Islamic banks are seriously considering whether the bank complies with Shariah principles in all banking activities.

Product Quality

Islamic banks are trying to attract many customers to compete with conventional banks. Therefore, they produce a wide range of products as customers can substitute and choose traditional products (Ali et al., 2011). Each of the banks is struggled to reach the optimal level of quality of its products to meet the customer's expectation (Suchánek et al., 2015).

Analysis of the various definitions of quality showed how quality management literature fits the concept of customer orientation in marketing (Jahanshahi et al., 2011). Therefore, other researchers also define product quality as the extent to which a product meets the customer's needs. Garvin (1984; 1987) mentioned that the product's quality consists of eight dimensions: performance, features, reliability, conformance, durability, serviceability, aesthetics, and perceived quality. While he intended to offer firms a vocabulary to discuss ways to compete strategically on quality, he also argues that all the solutions can explain the difference among the five traditional approaches to defining quality (Garvin, 1984; 1987).

The establishment of Islamic banks found by religion (Shariah), and it is demanded by faith customers who wanted to get halal products with the principles of Shariah. Furthermore, Islamic banks' operations are halal banking-based and limited to Muslims as IB welcome non-Muslim customers and potential customers to engage in Islamic banking activities and enjoy the benefits of products that Islamic banks offer (Mohd Zamil, 2014).

Perceived quality is also clear to impact a brand name, company image, and advertising (Garvin D. A., 1987). In previous studies by Ismail et al. (2013) and Ahmad et al. (2011), the bank image and reputation are the most leading factors of the banks' product selection. Mirzai et al. (2016) also mentioned that banks could influence consumers buying behaviour through a powerful image and reputation. The study conducted by Idris et al. (2014) revealed that the bank's name and reputation strongly affected the customers to select the bank's products to deal with.

Customer Knowledge

It seems to similar kinds of products for both Islamic banks and conventional banks, so it is complicated for customers to make a comparison and where to choose from. Thus, both banks are competing to make customers satisfy and understand the advantages of products, and mostly non-Muslims are built confidence by look into the profit of both types of banks to refrain from any conflicts (Cornish et al., 2012). According to Ashfaq and Bashir (2014), the development of Islamic banking services worldwide faced challenges, especially with customer's knowledge; hence, banks need to distribute the required information.

Also, as Adrutdin (2016) mentioned, customer knowledge can be defined as the service provider's knowledge and competence and possession of necessary skills. For example, the customer's experience of bank equipment, halal banking products, and services. Additionally, Hristov and Kuhar (2015) defined the general terms of knowledge about a product as a subjective dimension, the consumer's perception of his experience, and an objective dimension as the consumer's actual knowledge. However, Tseng et al. (2014) and Lee et al. (2011) mentioned that the customer's knowledge is understanding the customers' current and future needs and preferences

through the interaction, observation, and analysis of their demand and purchase behaviour. Also, a study was done by Khan and Asghar (2012) in Pakistan regarding the acceptance of the customers in Islamic banking, which the finding showed that there is a positive relationship between customer awareness and attitude on Islamic banking products. Furthermore, Ahmad and Bashir (2015) also pointed out that the customers' determination within customers' attention is related to their knowledge or experiences with Shariah principle.

RESEARCH FRAMEWORK

Thus based on previous literature and the proposed hypotheses, the research framework is developed as the following Figure 1.1:

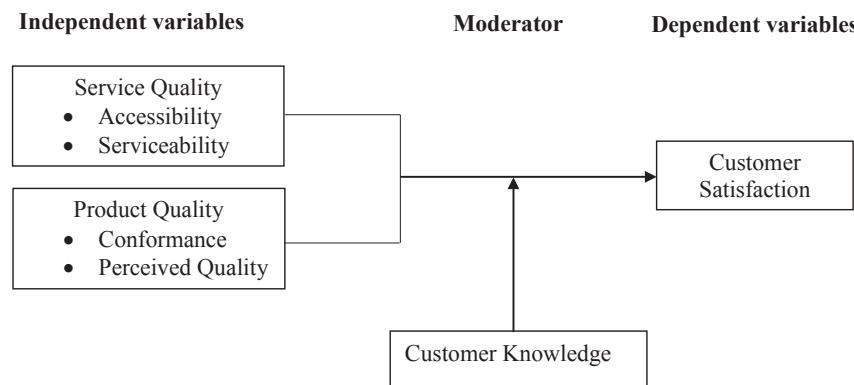


Figure 1.1: Research Framework

Proposed hypotheses development are as follows:-

Service quality is a fundamental antecedent connected with satisfaction (Qaiser Danish, Afzal Humayon, Javaid Iqbal, Raza, & Shahid, 2018). Besides, service quality is a critical factor to increase customer satisfaction. The satisfaction level was created by the particular transaction between the bank and the customer as a psychological condition that generates when the emotional aspect encourages customer expectation adopted from the past consumption experiences (Oliver, 2014). In the banking industry,

service quality is known as an essential element to gain success, to grow up, and to be able to compete with competitors. However, financial services provided by banks generally undifferentiated. To become different, the bank needs to continually improve its service quality, which is critical for expanding its market share (Dahari et al., 2015). The majority of the previous studies reported factors like the accessibility of Islamic banks, quality of halal banking services (Amin, Rahim Abdul Rahman, Laison Sondoh Jr, & Magdalene Chooi Hwa, 2011; Echchabi & Aziz, 2012). As found in the previous study, accessibility is one of the critical factors influencing stakeholder banking selection criteria, and their satisfaction is related to location and convenience such as available parking space and interior comfort (Wajdi Dusuki & Irwani Abdullah, 2007). Besides, to increase customer satisfaction management, the bank needs to allocate a high service quality standard. Thus it needs to be managed by the banks stated (A.Haque, J.Osman, & A.Z.Ismail., 2009). Naser, Jamal, and Al-Khatib (1999) suggest that service quality and service features often relate to customers' satisfaction. Generally speaking, attention to the customer is essential to provide attentiveness to the customers who are also shaping customer serviceability reactions.

P1-There is a positive relationship between service quality (accessibility and serviceability) on customer satisfaction in Islamic Bank

The banking sector remains one of the areas challenged with total quality management theories and methodologies among service industries (Aquilani, Silvestri, Ruggieri, & Gatti, 2017). A customer-oriented style to quality, espouse from such a thought, compels investigation on the customers' needs and strengthened because the quality of service, in all-purpose is idiosyncratic, distinct from the quality of products, which can be measured empirically. A suitable way of measuring this feature is to evaluate customers' opinions (Torku, 2015). An empirical study of the relationship between product quality and customer satisfaction was conducted (Mu'azu Saidu Badara et al., 2013), researching Islamic banking in Nigeria; the study found a positive and significant relationship between the product quality and customer satisfaction. Conformance of shariah, known as one of the establishments of Islamic banks, is rooted in shariah, and it is demanded by strict believers who wanted to perform their banking activities in an Islamic bank. The operations of Islamic banks based on shariah are not

limited to Muslims, as Islamic bank welcome non-Muslim customers and potential customers to engage in Islamic banking activities and enjoy the advantages of product and service offered by Islamic bank (Mohd Zamil, 2014). Perceived quality is known as the impact of a brand name, company image, and advertising (Garvin D. A., 1987). Previous studies found the customers' most critical elements are the bank's reputation, and image or revelation of the bank's name and reputation will strongly affect selecting the bank. In this study, the bank's image also significantly impacts customer satisfaction as predicted (Erol, Kaynak, & Radi, 1990; Yusoff & Kamdari, 2014).

P2- There is a positive relationship between product quality (conformance and perceived quality) on customer satisfaction in Islamic Bank

Customer knowledge has an essential role in ensuring service quality that initiates customer satisfaction (Rajan, Aziz, & Manab, 2018). Thus, delivering good knowledge is necessary as it will increase awareness and lower the level of defensiveness among the customers, which will support the improvement of customer satisfaction (Englar Carlson & Kiselica, 2013). Customer knowledge is assumed to influence customer satisfaction (Yu & Tseng, 2016) that is characterized by any organization's ability to deliver sufficient knowledge towards its customers. Customer knowledge refers to an organization's ability to educate the customers to ensure the customers can cope with current changes in customer-related policies and services and become more adaptive (Rajan et al., 2018). Customer knowledge delivers a vital meaning to influence customer behaviour and characteristics that become one of the most critical management mechanisms, reflecting an organization's customer-based performance (Ensign & Gittelsohn, 1998). So, to better understand the customers and the organization, customer knowledge is found to be an essential tool (Tseng & Wu, 2014). The application of customer knowledge in profitable organizations and non-profitable organizations tend to differ. The delivery of knowledge regarding the products and services offered by non-profitable organizations (such as the Social Insurance Industry) is not comprehensive enough compared to the profitable organizations with multiple marketing strategies.

However, to improve customer satisfaction and sustain an organization's reputation, customer knowledge is much needed for non-

profitable organizations (Aldosari, Ibrahim, & Manab, 2015). Customer knowledge is an essential factor in convincing customers and improving customer satisfaction (Nidhi & Kumari, 2016). A researcher (de Ruyter & Bloemer, 1997) has revealed that customer knowledge is a crucial asset to minimize customer complaints and improve customer satisfaction. Similarly, Saad (2015) also confirmed that customer knowledge could be a moderator on customer satisfaction. (Aldosari et al., 2016) It has conducted an empirical study to examine the relationship between service quality dimensions and expatriate satisfaction by applying customer knowledge as a moderator. This study also revealed customer knowledge positively moderated the association between service quality dimensions (tangibles, reliability, responsiveness, assurance, and empathy) and expatriate satisfaction. Based on the above evidence, customer knowledge is known as a moderator. Every organization needs to deliver sufficient information to the customers to ensure the benefits given by an organization are clearly explained to the customers to improve customer satisfaction. In other words, the effective delivery of customer knowledge can enhance the level of customer satisfaction. Therefore, the relationship between service quality and customer satisfaction becomes stronger as the management instil customer knowledge that will reflect the quality of customer-based performance of an organization. Thus, the social insurance industry needs to focus on delivering prompt expertise to its customers to improve customer satisfaction; customer knowledge is treated as a moderating variable to strengthen the link between the social insurance industry's service quality and customer satisfaction.

P3- Customer knowledge strengthen the relationship between service quality and customer satisfaction in Islamic Bank

In Islamic banking, product quality should establish an independent, accurate, and fair Islamic banking system where all aspects are shariah-compliant (Haque, Ahmed, & Jahan, 2010). These aspects are crucial to ensure that customers know and know the bank's affairs, affecting their preference. By increasing the shariah principle among customers on Islamic banking products and services, customers will be more informed and responsive to their preferences. Thus, Islamic banks should use customer knowledge to understand their customers' needs and behaviour as well as develop and offer customer-centric products and services (Tseng & Wu, 2014). Customers nowadays can compare and choose the banks that will

give them the most satisfaction regarding the products and services they offer as there are more customers buying power with consumers being more knowledgeable about the marketplace due to increasing technology (Nawal & Sachdeva, 2013). The firms have to ensure that the consumers have the correct understanding of a product to avoid making the consumer lose interest in the product (Mariadas & Murthy, 2017). The firms have to ensure that the consumers have the correct understanding of a product to avoid making the consumer lose interest in the product (Mariadas & Murthy, 2017).

Findings from college students in Bahrain indicated that young customers emphasize factors like a bank's reputation, friendliness of bank personnel, convenient location, 24-hours ATM, and parking space availability in selecting their banks (Almossawi, 2001). The bank's ability to deliver these benefits on an on-going basis probably influences the level of customer satisfaction. Banks have provided innovative methods of satisfying customers, such as internet banking and online system, telephone, and call center. According to Levesque and McDougall (1996), the bank's convenience and competitiveness are two critical factors that are likely to influence the overall satisfaction levels.

P4- Customer knowledge strengthen the relationship between service quality (accessibility and service offered) and product quality (conformance and perceived quality) towards customer satisfaction in Islamic Bank

METHODOLOGY

In this study, the customers of Islamic bank are known as the research populations. Therefore, the primary target population are the customers of Islamic banks in Malaysia. In this study, non-probability sampling technique is adopted (Mohamed et al., 2016; Awanis & Chi Cui, 2014; Awanis & Cui, 2014; Omar et al., 2014; Teoh & Chong, 2013; Amin, 2013b; Amin, 2012; Nazimah, 2011) because the authors faced limitation to access the actual Islamic bank customers. Moreover, this method is suitable due to restrictions on non-disclosure of customer's information from the Islamic Financial Service Act (IFSA) 2013. This method is useful in conducting Islamic banking research as supported in previous empirical studies (Mohamed

et al., 2016; Awanis & Chi Cui, 2014; Awanis & Cui, 2014; Omar et al., 2014; Teoh & Chong, 2013; Amin, 2013b; Amin, 2012; Nazimah, 2011).

This study also applied a quantitative method by distributing a survey questionnaire to randomly selected customers in an Islamic bank. This sampling technique used in this study offers the results of a higher degree of accuracy and generalizability (Brace, 2008). To identify the sample size of this research, the guidelines for sample size in factor analysis study recommends that. The researchers suggest a total sample ranging from 10 to 20 percent out of the total population is sufficient for this study (Najid, 2000); Sperling, Gay, and Airasian (2003). Thus, a total of 405 questionnaires were distributed to the respondents at Islamic bank branch offices, specifically during banking hours, to target the potential and actual Islamic bank customers. Additionally, the respondents were treated politely and requested to participate in the research voluntarily while their response and information were kept confidential.

The questionnaire aims to catch the expectation of customers and the satisfaction of customers towards Islamic banking.

Table 1.1: Customer satisfactions

No	Items	Scale
1	Overall, Islamic Banking service in Malaysia is good	5
2	Satisfaction with personal relationships Islamic Banking staff in Malaysia	5
3	Quality service and good products are part of the principle of Islam	5
4	Islamic banks not only have to comply with shariah principle in their transactions but also should cover all aspects including quality of service and product	5
5	Islamic Banking services that do not provide quality will tarnished the image of Islam in the eyes of society	5

Source: Amin et al (2014)

Meanwhile, the independent variables are product quality and service quality. These variables are adopted from previous research. In addition, the questionnaires consist of six variables. There are two variables adopted

from one author (Bahari, 2014), which are service quality (accessibility and serviceability) and product quality (conformance and perceived quality).

Table 1.2: Accessibility

No	Items	Scale
1	Parking lot facility near to the bank	5
2	Location banks are in a strategic	5
3	ATM and cash deposit machines sufficient	5
4	Comfortable interior atmosphere in bank	5
5	The bank offers a variety of services (example: wide range of facilities to pay bills)	5

Souces: Bahari (2014)

Table 1.3: Serviceability

No	Items	Scale
1	Service is very prompt	5
2	Service in bank is consistent	5
3	Ontime service	5
4	Employees are courteous and respectful	5
5	Employees are ready to address any special needs customers	5

Souces: Bahari (2014)

Table 1.4: Conformance

No	Items	Scale
1	Bank runs in accordance with the principles of Islam	5
2	No elements of usury in investments, savings and loan money	5
3	Bank entered into transactions with products that are allowed in Islamic law	5
4	Customers have the opportunity to obtain interest-free loans	5
5	Investment profit to be shared	5

Souces: Bahari (2014)

Table 1.5: Perceived Quality

No	Items	Scale
1	Bank has a good image and reputation	5
2	Security quarantees and the return of customer deposits	5
3	Security guarantees of cutomer by bank	5
4	Furnishings and equipment in bank are modern and high technology	5
5	Operating time that is appropriate and easy for customers	5

Table 1.6: Customer Knowledge

No	Items	Scale
1	I frequently see the information about Islamic products	5
2	I have seen a variety of Islamic products	5
3	I know many details about the Islamic products	5

Souces: Yoon et al (2013)

For estimating the above selection criteria, a five-point likert-type scale ranking from 1 – strongly disagree to 5 – strongly agree will be use.

RESULT AND DISCUSSION

As a result, all of the hypotheses postulated accepted in which the service quality and product quality were significant towards customer satisfaction in the Islamic Bank. All the results aims to target consumers' satisfaction in Islamic banking. Service quality (accessibility and serviceability), product quality (conformance and perceived quality) use as factors of customer satisfaction in Islamic banking. In the banking industry, service quality is known as essential to gain success, to grow up and to be able to compete with competitors. However, financial services provided by banks generally undifferentiated. To become different, the bank needs to continually improve its service quality, which is critical for expanding its market share (Dahari et al., 2015). The majority of the previous studies reported is on the accessibility of Islamic banks, quality of halal banking services (Amin, Rahim Abdul Rahman, Laison Sondoh Jr, & Magdalene

Chooi Hwa, 2011; Echchabi & Aziz, 2012). As found in the previous study, accessibility is vital in influencing stakeholder banking selection criteria, and they are satisfactory and related to location and convenience, such as available parking space and interior comfort (Wajdi Dusuki & Irwani Abdullah, 2007). An empirical study of the relationship between product quality and customer satisfaction conducted (Mu'azu Saidu Badara et al., 2013), researching Islamic banking in Nigeria found a positive and significant relationship between product quality and customer satisfaction. Conformance of shariah is one of the Islamic banks' establishments and rooted in religion (shariah). It demanded by strict believers who wanted to perform their banking activities in an Islamic bank. Shariah is not limited to Muslims, as IB welcome non-Muslim customers and potential customers to engage in Islamic banking activities and enjoy the advantages of product and service offered by Islamic banks (Mohd Zamil, 2014). Perceived quality is known as the impact of a brand name, company image and advertising (Garvin D. A., 1987). In previous studies, they found the customers most critical elements are the reputation of the bank and image or revelation of the bank's name and reputation strongly affect selecting the bank. Aldosari et al., 2016) has conducted an empirical study to examine the relationship. The moderating variable of customer knowledge significantly impacting the relationships between PBC, the attitude, and the subjective has significantly affecting Islamic hire purchase (IHP) financing indicate that customer knowledge of Islamic products (KIP) is an important moderating variable, considerably influencing the relationships between service quality and product quality and customers' satisfaction with Islamic products. The undertaken research outcomes demonstrate that Islamic banks should enhance their quality to increase their products' satisfaction. Besides, Islamic banks should emphasize their products and educate common people that their products comply with Shariah principles.

CONCLUSION

Service quality, product quality and customer knowledge play a significant roles in providing customer satisfaction in Malaysia. Islamic bank managing service quality and product quality effectively. Therefore, a bank that committed to deliver high quality service and product must pursue consistent customer satisfaction. However, adopting service quality and product quality

effectively in Islamic banking management requires a clear understanding of what service quality and product quality means to their customers. Thus, Islamic bank management must measure the overall customers' satisfaction and understand the nature of service and product quality thus knowledge of customer on how these features interact.

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REFERENCES

- Ahmed, S., Islam, R., & Mohiuddin, m. (2017). Service quality, Shariah Compliance and Customer Satisfaction of Islamic Banking Service in Malaysia. *Turkish Journal of Islamic Economies*, 4(2), 71-82.
- Ahmad, A., & Bashir, R. (2015). An Investigation of Customer's Awareness Level and Customer's Service Utilization Decision In Islamic Banking". *Pakistan Economic and Social Review*, 52(1), 59-74.
- Ajzen, I., & Fishbein, M. (1980). Understanding attitudes and predicting social behaviour.
- Ajzen, I. (1991). The theory of planned behavior. *Organizational Behavior and Human Decision Processes*, 50, 179–211.
- Akter, S. Z. (2013). Demographic Profile of the Customers and Their Level of Satisfaction: A Study on Islamic Bank Bangladesh Ltd. (IBBL). *Research Journal of Finance and Accounting*, 30.
- Ali, F., Latif, S., Arslan, M., Muhammad, A. S., Aleem, A., & Raziq, H. (2011). Customer Satisfaction and Islamic Banking in Pakistan. *International Journal of Asian Social Science*, 1(4), 89–96.

- Amin, H., Rahim Abdul Rahman, A., Laison Sondoh Jr, S., & Magdalene Chooi Hwa, A. (2011). Determinants of customers' intention to use Islamic personal financing: The case of Malaysian Islamic banks. *Journal of Islamic Accounting and Business Research*, 2(1), 22-42
- Anderson, R. (10 February 1973). "Consumer dissatisfaction: The effect of disconfirmed expectancy on Perceived Product Performance. *Journal of Marketing Research*, 38-44.
- Ashfaq, A., & Bashir, R. (2014). An investigation of customer's awareness level and customer's service utilization decision in Islamic banking. *Pakistan Economic and Social Review*, 52(1), 59-74.
- Athiyaman, A. (2004). "Antecedents and Consequences of Student Satisfaction with University Services: A Longitudinal Analysis". *Academy of Marketing Studies Journal*,.
- Bahari, M. (2014). Kepuasan Pelajar Terhadap Kualiti Perkhidmatan Perbankan di Malaysia.
- Bashir, M. (n.d.). Analysis of Customer Satisfaction with the Islamic Banking Sector: Case of Brunei Darusalam. *Asian Journal of Business and Management Sciences* Vol. 2 No. 10 [38-50], 40.
- Beograd, B. I., & Intesabeograd, B. (2010). The Quality of The Banking Services As a Competitive ness, 1149–1161.
- Cornish, J., Meenagh, B., Marsden, A., & Pallet, A. (2012). Procuring banking systems and technology in the Islamic banking sector. *Islamic Finance News*.
- Constant Contact, Inc. (1996-2008). Retrieved from Constant Contact, Inc website: http://www.constantcontact.com/aka/docs/pdf/survey_sample_qa_tips.pdf
- C. T. Tan and C. Chua. (1986.). Intention, Attitude and Social Influence In Bank. *International Journal of Bank*, vol. 4, no. 3, pp. 43-53, .

- De Jong, J. D. (2010). Measuring Innovative Work Behaviour. *Creativity and Innovation Management Vol 19*, 23-36.
- Ernst, & Young. (2016). World Islamic Banking Competitiveness Report 2016. Ernst & Young Marketing Business, 10.
- Echchabi, A., Mohammed Ayedh, A., Azouzi, D., Sayid Hassan Musse, O., Eddine, H., & Oussama,
- Customer Satisfaction Index https://www.ocbc.com.my/assets/uploads/Customer_Satisfaction_Index_2017.pdf
- C. (2015). Current State And Future Prospects of Islamic Banking in Morocco: An Empirical Investigation/Hassanuddeen Abd. Aziz...[et al.]. *Journal of Emerging Economies and Islamic Research*, 3(2), 1-10.
- Erol, C., Kaynak, E., & Radi, E.-B. (1990). Conventional and Islamic banks: patronage behaviour of Jordanian customers. *International Journal of Bank Marketing*, 8(4), 25-35.
- Fu, X., & Juan, Z. (2017). Understanding Public Transit Use Behavior : Integration of The Theory of Planned Behavior and The Customer Satisfaction Theory. *Transportation*, 44(5), 1021–1042.
- Garvin, D. (2004). *Managing Quality*, The Free Press, New York, NY. *Emerald*, 62
- Gummesson, E. (2004). *Service Quality – A Holistic View*, CTF, Karlstad. *Emerald*, 62.
- Hamzah, N., Mohd Ishak, N., & N. I. (January 2015). Customer Satisfaction on Islamic Banking System. *Journal of Economics, Business and Management*, , Vol. 3, No. 1
- Hristov, H., & Kuhar, A. (2015). Subjective Knowledge as A Determinant of Young Adult Consumers Wine Behaviour. *British Food Journal*, 117(12), 2930-2946

- Ibrahim, M. F., & Kamarudin, R. (2014). The Islamic Home Financing in Malaysia Istisna's Base on Debt: Qualitative Approach. *Labuan e-Journal of Muamalat and Society (LJMS)*, 8, 27-38.
- Ismail, S., Sahiq, A. N., Idris, N. H., Singh, S., Thurasamy, R., Hazirah, N. Yusoff, N. D. (2013). Selection of Islamic Credit Cards : An Empirical Investigation. 2013 IEEE Symposium on Business, Engineering and Industrial Applications.
- Islamic Financial Services Act 2013. (2013), 1–187.
- Jahanshahi, A. A., Gashti, M. A. H., Mirdamadi, S. A., Nawaser, K., & Khaksar, S. M. S. (2011). Study the Effects of Customer Service and Product Quality on Customer Satisfaction and Loyalty. *International Journal of Humanities and Social Science*, 1(7), 253–260.
- Kabir, M.N. and Worthington, A.C. (2017), "The Competition-Stability/Fragility Nexus: A Comparative Analysis of Islamic and Conventional Banks", *International Review of Financial Analysis*, Vol. 50, pp. 111-128.
- Kant, R., & Jaiswal, D. (2017). The Impact of Perceived Service Quality Dimensions on Customer Satisfaction. *International Journal of Bank Marketing*, 35(3), 411–430.
- Krejcie, & Morgan. (1970). Determining Sample Size for a Finite Population.
- Lee, H. M., Lee, C. C., & Wu, C.-C. (2011). Brand Image Strategy Affects Brand Equity after M & A. *European Journal of marketing*, 45, 109-111.
- Lee, K. S., Yeoh, S. H., Ng, Z. C., Wang, Y., & Gan, T. W. (2015). Factors that Influence the Consumer Behaviour on Choices of Local Commercial Bank for Banking Products And Services in Perak. *UTAR*.
- Najid, K. M. (2000). *Kaedah Penyelidikan Pendidikan Kuala Lumpur DBP*
- Mohd Zamil, N. (2014). An Empirical Investigation into the Problems and Challenges Facing Islamic Banking in Malaysia. *Accounting & Finance Section*, 71.

- Mburu, P., Van Zyl, H., & Cullen, M. (2013). Determinants of customer satisfaction in the Kenyan banking industry. *European Journal of Business and Management*, 5(2), 155.
- Mirzai, A., Fard, Y. S., & Slambolchi, A. (2016). the Branding : a Study of Brand Image , Brand. *Advanced Social Humanities and Management*, 3(1), 52–64.
- Mishra, D., Akman, I., & Mishra, A. (2014). Theory of Reasoned Action application for Green Information Technology acceptance. *Computers in Human Behavior*, 36, 29–40.
- Oliver, R. (1980). Theoretical Bases of Consumer Satisfaction Research: Review, Critique, and Future Direction. In C. Lamb & P. Dunne (Eds), *Theoretical Developments in Marketing* . Chicago: *American Marketing Association*, (pp.206-210).
- Olaniyi, O. N., & Echchabi, A. (2012). Using Theory of Reasoned Action to Model the Patronization Behaviour of Islamic Banks’ Customers in Malaysia. *Research Journal of Business Management*, 6(3), 70-82.
- Parasuraman, A., V. A. Zeithaml, & L. L. Berry. (1985). A Conceptual Model of Service Quality and It Implications for Future Research. *Journal Marketing*, 49:41-50.
- Razimi, M. S. A., Romle, A. R., & Jumahat, J. (2017). The Consumer Acceptance on Islamic Banking in Malaysia Islamic Business School. *World Journal of Management and Behavioral Studies*, 5(1), 14–20. <https://doi.org/10.5829/idosi.wjmbs.2017.14.20>
- Rejikumar, G., & Sudharani, R. D. (2012). An Empirical Study on Service Quality Perceptions and Continuance Intention in Mobile Banking context in India. *Journal of Internet Banking and Commerce*, 17(1), 1–22.
- Sharabi, M. a. (2010). “Service Quality Implementation: Problems and Solutions. *International Journal of Quality and Service Sciences*, Vol. 2 No. 2 , pp. 189-205.

- Suchánek, P., Richter, J., & Králová, M. (2015). Customer Satisfaction, Product Quality and Performance of Companies. *Review of Economic Perspectives*, 14(4), 329–344.
- Sperling, R. A., Gay, L., & Airasian, P. W. (2003). *Student Study Guide to Accompany LR Gay and Peter Airasian's Educational Research: Competencies for Analysis and Application*: Merrill.
- Thambiah, S., Eze, U. C., & Ismail, H. (2011). Customer Awareness and Current Usage of Islamic Retail Banking Products and Services in Malaysia. *Australian Journal of Basic and Applied Sciences*, 5(10), 667-671.
- Tseng, S.-M., & Wu, P.-H. (2014). The Impact of Customer Knowledge and Customer Relationship Management on Service Quality. *International Journal of Quality and Service Sciences*, 6(1), 77–96.
- Wahyuni, S., Sakur, S., & Arifin, T. (2013). Knowledge as An Antecedent Variable of Intention to Use Islamic Banking Product. Paper presented at the ASEAN/Asian Academic Society International Conference Proceeding Series.
- Vavra, T. G. (1997). Improving Your Measurement of Customer Satisfaction: A Guide to Creating, Conducting, Analyzing, and Reporting Customer Satisfaction Measurement Programs. *American Society for Quality*, 47.
- Yusof, A. A. F. (2017). The Emergence of Islamic Finance in Malaysia.

Statistical Analysis of the Word Zakat and its Application in Ṣaḥīḥ Al-Bukhārī's Perspective

Ikmal Hafiz Jamal^{1*}, Muhammad Najib Abd Wakil¹,
Muhammad Hasif Yahaya¹,
Ahmad Thaḡif Ismail, Mohamad Afandi Md Ismail¹

¹*Akademi Pengajian Islam Kontemporari (ACIS),
Universiti Teknologi MARA, 40450 Shah Alam, Malaysia*

*Corresponding Author
ikmalhafiz@uitm.edu.my

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ABSTRACT

Several past studies have reported that the awareness of the Muslim community towards zakat and its application remains at a low level. Past studies also found that it is due to the lack of understanding among the community towards the concept of zakat itself. Studies have suggested some solutions to that by proposing different discussions from many perspectives. This study also focuses on that issue; however, from a different perspective. This study focuses on statistically investigating the occurrence of the word zakat as appeared in Ṣaḥīḥ al-Bukhārī. It is to explore the embedded knowledge related to the word zakat from Ṣaḥīḥ al-Bukhārī's perspective as the most authentic book of hadith. This can be considered as an endeavor to contribute to a zakat related corpus. This is a qualitative research which employs a thematic analysis approach in analyzing the word zakat in Ṣaḥīḥ al-Bukhārī. Several phases were identified started with the process of extracting the word zakat and ended with analyzing the word. The result obtained shows that the word zakat from Ṣaḥīḥ al-Bukhārī's perspective



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can be discussed in several themes. The themes are the aggregation of the word, its linguistic, and hadith related notion.

Keywords: *Zakat, Linguistic, Statistic, Hadith methodology*

INTRODUCTION

As one of the pillars in Islam, zakat is believed to play a massive role in keeping the sustainability of the Muslim community. However, to execute it to the best level remain the main challenge. Past studies have reported that this challenge remains consistent as it is much related to the lack of understanding and awareness among the Muslim community. Therefore, research than can contribute to improving the understanding and awareness of the Muslim community is required to fill the gap.

Endeavour to improve the understanding of the community can be expressed in many ways. Numbers of past studies have proposed many solutions to that based on their perspective. However, there is still a little effort that has been done to explore zakat understanding, especially from the hadith perspective. Even though several past pieces of research have initiated exploring the concept of zakat in a hadith perspective, the studies, however, have been focusing on extracting the zakat concept from the hadith perspective without specifying to any specific book of hadith. In turn, this research will fill the gap by focusing on extracting the zakat concept in hadith perspective in Ṣaḥīḥ al-Bukhārī.

LITERATURE REVIEW

Zakat

Zakat is one of the Pillars of Islam. It is considered as a fair and balances wealth redistributing mechanism for a society to eliminate social gaps between groups among society members (Khurshid et al., 2014). It stimulates harmonious social interaction among all segments of the community, which in turn will help the less privileged to engage in economic activities (Bin-nashwan et al., 2020). The discussion about zakat can be found in many sections in both al-Quran and hadith to indicate its importance in Islam.

Research on zakat has gained much attention over the last decade. The focus of the researches was encapsulated over several objectives. Some of them have on analysing the compliance behaviours of the parties that were involved in zakat activities. Bin-nashwan et al., (2020), for example, has done a study to provide a sound understanding of zakat compliance behaviour. In the same context, another study has proposed a model that consists of two elements; i) increasing the zakat understanding; ii) strengthening the credibility of zakat management institutions which are believed can contribute to the increment zakat recipients nationally (Cokrohadisumarto et al., 2020). The result obtained, however, only can be generalized to the Indonesia anthropological context.

A similar study was conducted in the Malaysia context, however measuring different factors. A study has found that compliance behaviour is much affected by the consumer's attitude, but not their subjective norms. Again, a minimal level of awareness among zakat payers has a significant contribution to the result obtained (Abashah et al., 2018). A study conducted in Pakistan territory has found another significant result that highlighted the main reasons for the community refuses to donate through charities was because of lack of trust and limited product mix-offered by a charitable organization (Kashif et al., 2018). Another study found other factors that can contribute to enhancing consumer perception towards zakat activity which are through clear understanding towards the halal haram aspect of Islamic Shariah, legal consciousness, and religiosity of the consumers (Al-Mamun et al., 2020).

Apart from that, there are also zakat related studies that have been conducted focused on zakat operation and management matters. Most of them are focused on improving the operational aspect of zakat at all levels. To mention some, a study has been conducted to analyse the MS1900 implementation effect towards the operational performance in Melaka Zakat Centre (MZC). An impactful result has been recorded from the said study which MS1900 has improved not only to the technical aspects but also to the religious-related operation such as interest & corruption free and the safeguard of the workers (Basir et al., 2017). Another study has been conducted using a survey method in collecting the data found that a centralized, distributed, and delegated system can efficiently enhance the zakat management system (Suteki & Putri, 2019). Transparent reporting

also becomes one of the factors that has been discussed related to the zakat management aspect. A study has found that the failure to report all the zakat resources transparently will cause the resources cannot be fully utilized. It later will cause the role of zakat as a mechanism for poverty eradication will rest unattainable (Embong et al., 2013). Still, in the zakat management context, an advanced study has proposed a development of a management system to support the calculation process to assist the Board of Zakat in distributing zakat funds to the receiver (*mustahik*) efficiently. The system that was proposed to be developed has been using al Qaradhawi's method (Hasanuddin et al., 2017).

Other than that, some studies have focused on discussion related to zakat understanding matters. As mentioned earlier, zakat understanding has a significant impact on the empowerment of zakat activity. Relating to this, a study that conducted by Bukhari et al., (2019) has reported their successful effort in initiating a collaboration between National Amil Zakat Agency (BAZNAS) with a preacher (*da'i*) to empower the welfare activity among marginal communities. This is considered a new approach to improve zakat understanding among the community, which generally only depending on the granting revolving fund resources as capital to run their business or by giving them work skill training. By this initiative, a preacher can offer their service in the form of religious talk/recitation as well as a field consultant with university members' involvement. The study also has been done to thoroughly examine the concept of giving in Islam (*zakat* and *sadaqah*) from its theology and ethical aspects. The result obtained from the study has led to the exploration of some room for a more inclusive interpretation that can contribute to greater integration and co-operation (Tittensor et al., 2018) aid from ICHAD predominantly goes to Muslims. This is most likely because zakat is one of the five pillars of Islam and regarded as ibadah (worship).

Above all, the practice of zakat activity is much related to the anthropological context. Every region has a contextual scenario and trend. In Malaysia mainly, zakat activity has been implemented in good management (Müller, 2016), without denying the fact that there are still rooms for improvement such as related to the awareness and understanding of the community towards zakat activity (Bukhari et al., 2019). Even though numbers of past studies have proposed many solutions to that based on their perspective, there is still a little effort that has been done to explore

zakat understanding, especially from the hadith perspective. Therefore, this research will initiate a study to explore the concept of zakat from Ṣaḥīḥ al-Bukhārī as the most authentic book of hadith ever compiled.

Zakat in Sahih Al-Bukhari

Hadith is the second primary resources in Islam after al-Quran. Thus, indeed zakat discussion can be found in the hadith context. However, a literature review conducted to the last decade studies has found that limited studies have been conducted to explore the concept of zakat from the hadith perspective. There are indeed classical Islamic books that have been written in this topic, but there is still a gap for improvement that can be filled, particularly when relating it to the current context.

Some notable qualitative studies have highlighted the issue of zakat from the hadith perspective, including providing an understanding of the concept of zakat. One study conducted in 2014 has provided a detailed report about the issues of hoarding and squander in wealth management from the Islamic viewpoint. The research has referred to the al-Quran and hadith to extract relevant data to be discussed related to the topic. As a result, the study has identified several factors such as the need to revise the understanding of money or wealth, besides proposes a securitization concept to be an essential tool for better circulation of wealth (Ibrahim et al., 2014). Other than that, there is a study has analysed the history in the era of Prophet Muhammad (PBUH) lifetime to investigate his strategy to develop the economy of the state by exploring the concept taken from the hadith (prophetic tradition). This concept is the very roots of the improving Islamic economics theory nowadays that comes up to be the best alternative concept to replace upon the fail conventional theories (Usman et al., 2015).

Besides that, among the popular topic in this area was related to the classification of the hadith for a specific theme, including zakat. This will assist in categorizing hadith based on the shared criteria, whether it is done manually or automatically. A study has tested multiple automated classification algorithms applied in classification methods such as Decision Tree (DT), Random Forest (RF), and Naïve Bayes. This study also suggested improvement by applying Information Gain (IG) and Chi-square (CHI) to the said algorithm (Abdelaal et al., 2019). Also, Rostam & Malim, (2019)

has made a comparison between (NB), Support Vector Machine (SVM), and K-Nearest Neighbour (KNN) via term weighting; Term Frequency – Inverse Document Frequency (TF-IDF) and found the SVM has outperformed the other two algorithms. In a manual approach, there was a study has proposed a different approach in presenting hadith understanding which will assist the community to get the knowledge embedded in the hadith. It is considered as one of the primary sources to understand about zakat. Some of the selected hadith used as a sample in this study had a relation to zakat discussion (Jamal et al., 2017). All these researches, however, have been focusing on extracting the zakat concept from the hadith perspective without specifying any specific book of hadith. In turn, this research will fill the gap by focusing on extracting the zakat concept in hadith perspective in *Ṣaḥīḥ al-Bukhārī*.

As one of the notable books of hadith, *Ṣaḥīḥ al-Bukhārī* indisputably has a massive influence on hadith studies. Many hadith scholars agree on it as to the most authentic of hadith compilation book. Imam al-Bukhārī has written it, and it is considered as his magnum opus in hadith studies. *Ṣaḥīḥ al-Bukhārī* is a short name of the book which initially named as “*Al-Jāmic al-Ṣaḥīḥ al-Musnād min Ḥadīth Rasūlillah wa Sunanihi wa Ayyāmihi*” (Al-[°]Asqalānī, 1989). In general, Imam al-Bukhārī has set his criteria in selecting the hadith to be compiled in this book. One of the significant criteria set up by Imam al-Bukhārī is the chain of narrators must continuously be attached in transmitting the hadith (Ibn Al-Ṣalāḥ, 2000). Therefore, this research is dedicated to exploring the application of word zakat in *Ṣaḥīḥ al-Bukhārī* to contribute to literature related to zakat from the hadith perspective.

RESEARCH METHODOLOGY

This is qualitative research in nature which employs a thematic analysis approach in analyzing the word zakat in *Ṣaḥīḥ al-Bukhārī*. The researcher also decided to set a specific scope to this research which only focuses on “The Chapter of Zakat” in *Ṣaḥīḥ al-Bukhārī*. This scope covers approximately 78 sub-chapters under the chapter of zakat, which involve 110 hadith in total. Several phases were identified, which started with the process of extracting the word zakat and ended with analyzing the word. The detail of the process as follows:

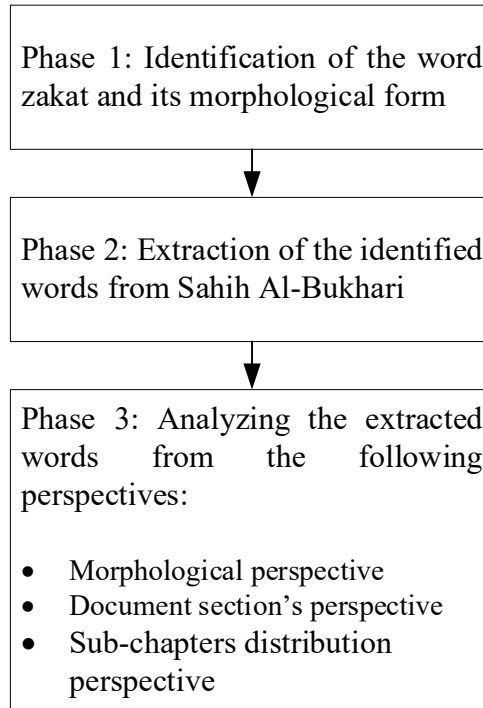


Figure 1: Research Flow

Phase 1: Identification of the word zakat and its morphological forms

This study focuses on investigating the word zakat extracted from Ṣaḥīḥ al-Bukhārī'. Hence, it is crucial to identify the morphological structure of the word as the first process. Morphological is referring to possible derivatives forms of a specific word. In this study, there are several derivatives form can be associated with the word zakat, or in Arabic transliteration spelt as “zakāh”. In fact, as an Arabic word, it has a massive number of derivatives as Arabic words can be varied based on the word's usage.

Phase 2: Extraction of the identified words from Ṣaḥīḥ Al-Bukhārī

The second phase is dedicated to the process of extracting the words that were identified from the previous phase. As mentioned in the previous

section on the scope of the study, the words are only extracted from the chapter of zakat in *Ṣaḥīḥ al-Bukhārī*'s hadith collection. Therefore, it is worth mentioning that not all the identified words can be found due to the limited numbers of hadith included in the selected chapter. To start the process, the softcopy of the *Ṣaḥīḥ al-Bukhārī* firstly is downloaded from Maktabah Syamelah Library Application. Next, a specific tool, namely Atlas. ti version 8, has been utilized in assisting the process to extract the identified words in the chapter of zakat in *Ṣaḥīḥ al-Bukhārī*. By using this tool, the word can be identified and coded automatically after a suitable setting is set to the tool. However, manual checking is still required to ensure that the extraction process is reliable.

Phase 3: Analysing the extracted words based on morphological, document section, sub-chapter distribution perspective

The final phase is to analyze all the data extracted from the previous phase. The collected data up to this point is the hadith that contains the word “*zakāh*”. For the analysis purposes, three aspects are focused and discussed. The aspects of discussion are referring to the word zakat aggregation from a morphological, document section, sub-chapter distribution perspective. To secure a comprehensive discussion, reference books such as the Arabic dictionary and commentary book of *Ṣaḥīḥ al-Bukhārī* is referred. Lastly, a comprehensive analysis of the word zakat from the hadith context is also discussed. The analysis in this part will reflect the methodology that has been applied by Imām al-Bukhārī in compiling hadith to be included in *Ṣaḥīḥ al-Bukhārī*'s compilation.

RESULT AND DISCUSSION

The result obtained from this research can be divided into three main themes. The themes are the word zakat aggregation, word distribution by document section, and the word zakat distribution by chapter. The details are presented in the following section:

The Word Zakat Aggregation from A Morphological Perspective

The Arabic language is unique and complex. Every single word of Arabic can transform into several forms. In linguistics, this transformation structure is referred to as “morphology”. It is derived from the combination of two Greek words which are “morph” defined as a shape and “logy” as a study. Therefore, the word “morphology” can be understood in a linguistic context as the art of the word’s formation (Aronoff & Fudeman, 2011). The morphological structure of the Arabic stems’ words involved many features. This included the type of word (noun, verb), the person, the gender as well as the number the word is referring to (Habash & Rambow, 2005). Hence, there are numbers of the possible formation of each common Arabic word, which could be formed. Besides, several particular Arabic words could result in different forms compared to ordinary word. Thus, this formulation also applies to the word zakat as it is one of the Arabic words.

The word zakat is derived from the Arabic word “زكا” which refers to several definitions such as “be pure, be greater in number, be fit for, and thrive” (*Al-Mucjam Al-Wasit*, 1990). In this context, however, the word zakat is defined as “a purified wealth or process to purify wealth” (Manzur, 1992). Zakat is one of the five pillars of Islam. The process of identifying the morphological structure of the word zakat in the selected chapter in Ṣaḥīḥ al-Bukhārī has returned several forms. As presented in Table 1, there are 38 occurrences of the word zakat and its morphological form found in the chapter of zakat in Ṣaḥīḥ al-Bukhārī. The 38 occurrences representing seven morphological forms of words. 6 out of the forms is in the noun type (i.e., الزكاة, زكاة, زكاته, والزكاة, يزكاة, زكاتها), whereas 1 of them is a verb (i.e., وتزكيهم). From the total occurrences, noun (i.e., الزكاة) has appeared 21 times. The same word but with the addition of conjunction to the word (i.e., والزكاة) has appeared two times. In general, the two words are correlated to each other in terms of their form factor. The word يزكاة in the other has occurred two times. The word is considered as a noun as it is attached with a conjunction word (i.e., ب). The rest noun form of the words (i.e., زكاة, زكاته, زكاتها) has appeared nine, two, and one time, respectively. The three words also can be considered correlated to each other except there is a different pronoun to the two of them, which is the pronoun of “he” (i.e., زكاته) and “she” (i.e., زكاتها). In terms of the definition, all the noun forms of the word

are referring to the term zakat, which is defined as almsgiving. Meanwhile, the verb form is referring to the process of purifying wealth. Therefore, it can be concluded that all the word zakat appeared in the Chapter of Zakat in Ṣaḥīḥ al-Bukhārī is related to the term zakat (read: almsgiving) even though the word itself has a variety of its literal meaning.

Table 1: Word Aggregation by the Word Zakat's Morphological Forms

No.	Word	Length	Occurrence	Percentage (%)
1	الزكاة	6	21	55.3
2	زكاة	4	9	23.7
3	زكاته	5	2	5.3
4	والزكاة	7	2	5.3
5	بزكاة	5	2	5.3
6	زكاتها	6	1	2.6
7	وتركيهم	7	1	2.6
Total			38	100

The Word Zakat Aggregation from the Document Section's Perspective

Several sections can be found in Ṣaḥīḥ al-Bukhārī. It reflects the methodology applied by Imām al-Bukhārī in compiling the selected hadith together in this book. The sections are chapter's name (i.e., كتاب), sub-chapters name (i.e., باب), specific hadith assigned for any specific sub-chapter (i.e., حديث الباب), and hadith in the collection (i.e., حديث). Each of the section represents different indicators. Chapter's name is entitled as refers to the general topic that discussed in the specific book section. Each chapter is containing several sub-chapters that representing a more specific discussion on the respective chapter's name. Moreover, Imām al-Bukhārī also has assigned specific hadith to the selected sub-chapter to support the assignment of that particular sub-chapter. However, this hadith is not included as the core collection of Ṣaḥīḥ al-Bukhārī. There are about 7 thousand hadith compiled in Ṣaḥīḥ al-Bukhārī, including some repetition of the hadith (Asqalani, 1989).

Concerning the previous discussion, Table 2 below shows the word zakat aggregation from the document section's perspective. As mentioned

earlier, in general, there are 38 words zakat repetition has found in the chapter of zakat in Ṣaḥīḥ al-Bukhārī. Out of 38, 14 occurrences have been found in the chapter and sub-chapters section. The other 24 of the words are found in the hadith text. However, only 15 of them are found in the core collection of the hadith in Ṣaḥīḥ al-Bukhārī. Based on this statistic, it can be concluded that less than half of the word zakat occurrence is related to the core collection of the hadith even though this research has conducted to the Chapter of Zakat in Ṣaḥīḥ al-Bukhārī. This trend, however, is not showing the weaknesses of Imām al-Bukhārī, nor Ṣaḥīḥ al-Bukhārī. It instead shows the undisputed skill of Imām al-Bukhārī in hadith studies as he managed to identify the suitable classification that can represent the hadith that he had compiled. Besides, this statistic will not downgrade the title of Ṣaḥīḥ al-Bukhārī as the most authentic book of hadith as the numbers are not related to any grading system applied by Imām al-Bukhārī in selecting hadith to be included in Ṣaḥīḥ al-Bukhārī's collection.

Table 2: Word Aggregation by the Document Section

No.	Element	Occurrence	Percentage (%)
1	Chapter (كتاب)	1	2.63
2	Sub-chapter (باب)	13	34.21
3	Hadith assigned to sub-chapter (حديث الباب)	9	23.68
4	Hadith in the collection (حديث)	15	39.47
TOTAL		38	100

The Word Zakat Aggregation from A Sub-Chapters Distribution Perspective

The other angle that can be discussed related to the aggregation of the word zakat in Ṣaḥīḥ al-Bukhārī is from the sub-chapters distribution. Scholars opined that Imām al-Bukhārī had assigned the chapter and sub-chapter in Ṣaḥīḥ al-Bukhārī based on chapters of Islamic jurisprudence (i.e., *fiqh*) classification (Al-ʿAsqalānī, 1989; Ali, 2003). Therefore, it could be seen clearly from the list of title assigned for the sub-chapters in Ṣaḥīḥ al-Bukhārī that most of it was named after the Islamic jurisprudence indicator. The same happens in the chapter of zakat, which most of the sub-chapter was assigned related to the zakat jurisprudence. Statistically, there are 77

sub-chapters in total had been assigned by Imām al-Bukhārī under the chapter of zakat is included in this research scope. However, surprisingly only 23 of the sub-chapters are containing the word zakat as obtained from this research as presented in Table 3. The occurrence of the word zakat from these chapters could be in any of the document sections as discussed before whether it is in the sub chapter's title itself, or on the hadith text. It is also essential to be highlighted that the total occurrence of the word zakat reported in this section is 37 instead of 38 because one of the zakat words is excluded since it is located in the main chapter. Therefore, it was excluded from this discussion.

Table 3: Word Distribution by Chapter

No.	Chapter's Name	Count	Percentage (%)
1	The obligation of Zakat (باب وجوب الزكاة)	8	21.6
2	To give Bai'a (pledge) for paying Zakat (باب البيعة على إيتاء الزكاة)	3	8.1
3	The sin of a person who does not pay Zakat (باب إثم مانع الزكاة)	2	5.4
4	A property from which the Zakat is paid is not Al-Kanz (hoarded-money) (باب ما أدى زكاته فليس بكنز)	3	8.1
5	No charity is accepted from what is grabbed from the war booty in an illegal way (باب لا يقبل الله صدقة من غلول ولا يقبل إلا من كسب طيب)	1	2.7
6	How much is Zakat, and how much may be given in charity? (باب قدر كم يعطى من الزكاة والصدقة ومن أعطى شاة)	1	2.7
7	The Zakat of silver (باب زكاة الورق)	1	2.7
8	Zakat may be paid in kind (and not in cash) (باب العرض في الزكاة)	1	2.7
9	The Zakat of camels (باب زكاة الإبل)	1	2.7
10	The Zakat of sheep (باب زكاة الغنم)	1	2.7
11	Neither an old, nor a defective animal, nor a male-goat may be taken as Zakat (باب لا تؤخذ كرائم أموال الناس في الصدقة)	1	2.7
12	The Zakat of cows (باب زكاة البقر)	1	2.7
13	The giving of Zakat to relatives (باب الزكاة على الأقارب)	1	2.7

14	The giving of Zakat to husband and orphans (باب الزكاة على الزوج والأيتام في الحجر)	1	2.7
15	The Statement of Allah Ta'ala (وفي) (الرقاب...وفي سبيل الله {التوبة ٦٠	2	5.4
16	Whoever sold his fruits, trees, land or crops and gave Zakat from some other property (باب من باع ثماره أو نخله أو أرضه أو زرعه وقد وجب فيه العشر أو الصدقة فأدى الزكاة (من غيره أو باع ثماره ولم تجب فيه الصدقة)	2	5.4
17	The invoking and supplicating of the Imam for the one who gives in charity (باب صلاة الإمام ودعائه لصاحب الصدقة)	1	2.7
18	There is Khumus on Rikaz (باب في الركاز الخمس)	1	2.7
19	Obligation of Sadaqat-ul-Fitr (باب فرض صدقة الفطر)	1	2.7
20	Sadaqat-ul-Fitr on the free or slave Muslims (باب صدقة الفطر على العبد و غيره من المسلمين)	1	2.7
21	Sadaqat-ul-Fitr is one Sa' of meal (per head) (باب صدقة الفطر صاع من طعام)	1	2.7
22	Sadaqat-ul-Fitr is one Sa' of dates (per head) (باب صدقة الفطر صاعاً من تمر)	1	2.7
23	Sadaqat-ul-Fitr is to be given before the 'Eid prayers (باب الصدقة قبل العيد)	1	2.7
Total		37	100

Again, the difference in number as reported in the table can be justified by referring to the methodology applied by Imām al-Bukhārī in creating this book. Even though the number of the hadith that containing the word of zakat seems to be lesser than expected, it does not mean that Imām al-Bukhārī has failed to mix and match the hadith and the sub-chapter that he assigned correctly. Imām al-Bukhārī is reported that it has the outstanding ability to understand the hadith (Al-ʿAsqalānī, 1989). This could be explained by referring to the contextual approach to understanding hadith. There are several criteria in understanding hadith contextually, which one of them is by analyzing the semantic meaning of the word in hadith text (Jamal et al., 2018). Therefore, All the hadith included in the chapter of zakat in Ṣaḥīḥ al-Bukhārī is related to the zakat even though they are not carrying any form of word zakat as it was replaced with other words that have semantic relationships such as the word *sadaqah* (i.e., صدقة). Besides, as mentioned earlier, that Imām al-Bukhārī has hugely adapted the Islamic

jurisprudence in assigning the title of each chapter and sub-chapter in Ṣaḥīḥ al-Bukhārī, therefore, it causes the number of the word zakat appeared in the sub-chapters title has outnumbered the number of the word in hadith text.

CONCLUSION

As conclusion, there are 38 occurrences of word zakat were reported and discussed. The 38 occurrences have been discussed in many perspectives, namely its morphological structure, document section, and chapter distribution. Each of the word distribution perspectives was discussed and justified. Based on the analysis on the reported number, it has brought into a new finding which the number of word zakat appeared more often in the other section compared to the actual core hadith compilation of Ṣaḥīḥ al-Bukhārī. Several justifications also have been discussed which all of them have a mutual agreement that is Imām al-Bukhārī has his standard in hadith studies. His spectacular knowledge of hadith can be explained through the analysis of the methodology applied in compiling hadith in Ṣaḥīḥ al-Bukhārī. Besides that, this research has proven his undisputed knowledge in understanding hadith let it be textual or contextually.

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REFERENCES

- Abashah, A., Samah, I. H. A., Saraih, U. N., Rashid, I. M. A., Ramlan, S. N., & Radzi, W. N. S. W. M. (2018). The impact of attitude and subjective norms towards zakat compliance behaviour in Malaysia. *International Journal of Engineering and Technology*, 7(3.21), 171–174. <https://doi.org/10.14419/ijet.v7i3.21.17155>.
- Abdelaal, H. M., Elemery, B. R., & Youness, H. A. (2019). Classification of hadith according to its content based on supervised learning algorithms. *IEEE Access*, 7. <https://doi.org/10.1109/ACCESS.2019.2948159>.
- Al-ʿAsqalānī, A. bin ʿAlī bin Ḥajar. (1989). *Hady Al-Sārī Muqaddimah Fath Al-Bārī Sharah Ṣaḥīḥ Al-Bukhārī*.
- Al-Mamun, A., Haque, A., & Jan, M. T. (2020). Measuring perceptions of muslim consumers toward income tax rebate over zakat on income in Malaysia. *Journal of Islamic Marketing*, 11(2), 368–383. <https://doi.org/10.1108/JIMA-12-2016-0104>.
- Al-Muʿjam Al-Wasit*. (1990). Dar Al-Daʿwah.
- Ali, S. B. (2003). *Scholars of Hadith*. IQRA'International Education Foundation.
- Aronoff, M., & Fudeman, K. (2011). What is morphology? (2nd ed.). Wiley-Blackwell Publishing.
- Asqalani, I. H. al-. (1989). Fath al- Bari Syarh Sahih al- Bukhari (1st ed.). Dar al- Kutb al- 'Ilmiyah.
- Basir, S. A., Azmi, I. A. G., Ismail, S. H. S., Ibrahim, P., & Mohamed, H. A. (2017). Malaysian islamic quality management system MS1900: An implementation steps at Malacca Zakat Center. *Humanomics*, 33(2), 239–254. <https://doi.org/10.1108/H-10-2016-0078>.
- Bin-nashwan, S. A., Abdul-Jabar, H., Aziz, S. A., & Viswanathan, K. K. (2020). A socio-economic model of zakah compliance. *International*

- Journal of Sociology and Social Policy*, 40(3/4), 304–320. <https://doi.org/10.1108/IJSSP-11-2019-0240>.
- Bukhari, B., Wekke, I. S., Thaheransyah, T., & Sabri, A. (2019). Anthropocentric religious communication of national amil zakat agency for the empowerment of marginal communities in Padang Indonesia. *International Journal of Innovation, Creativity and Change*, 5(2), 1102–1115.
- Cokrohadisumarto, W. bin M., Zaenudin, Z., Santoso, B., & Sumiati, S. (2020). A study of Indonesian community's behaviour in paying zakat. *Journal of Islamic Marketing*, 11(4), 961–976.
- Embong, M. R., Taha, R., & Nor, M. N. M. (2013). Role of zakat to eradicate poverty in Malaysia. *Jurnal Pengurusan*, 39(2013), 141–150. <https://doi.org/10.17576/pengurusan-2013-39-13>.
- Habash, N., & Rambow, O. (2005). Arabic tokenization, part-of-speech tagging and morphological disambiguation in one fell swoop. *Proceedings of the 43rd Annual Meeting of the Association for Computational Linguistics ACL 2005*, 573–580.
- Hasanuddin, Z. B., Syarif, S., & Darniati. (2017). Zakah management system using approach classification. *Telkomnika (Telecommunication Computing Electronics and Control)*, 15(4), 1852–1857. <https://doi.org/10.12928/TELKOMNIKA.v15i4.5640>.
- Ibn Al-Ṣalāḥ, A. °Amr U. bin °Abd A.-R. A.-S. (2000). °*Ulūm Al-Ḥadīth* (N. A.-D. °Atar (Ed.)). Dār Al-Fikr.
- Ibrahim, A. A., Elatrash, R. J., & Farooq, M. O. (2014). Hoarding versus circulation of wealth from the perspective of Maqasid Al-Shari'ah. *International Journal of Islamic and Middle Eastern Finance and Management*, 7(1), 6–21. <https://doi.org/10.1108/IMEFM-06-2012-0053>.

- Jamal, I. H., Junaidi, J., Ghazali, N. M., & Ahmad, H. (2018). Revisiting scholars' principles on extracting proper hadith understanding. *Journal of Islamic, Social, Economics and Development*, 3(10), 87–98.
- Jamal, I. H., Junaidi, J., Ghazali, N. M., Mohd, R. A., Khassim, N. A. M., Ibrahim, N., Hassan, S. N. S., Samarah, S. H. A., Khalaf, N. A. R., Ahmad, H., Malek, A. A., & Salam, R. A. (2017). Classification of hadith fi'li in Sahih Al-Bukhari based on contextual understanding on the pillars of Islam. *Advanced Science Letters*, 23(5), 4681–4685. <https://doi.org/10.1166/asl.2017.8948>.
- Kashif, M., Jamal, K. F., & Rehman, M. A. (2018). The dynamics of zakat donation experience among Muslims: A phenomenological inquiry. *Journal of Islamic Accounting and Business Research*, 9(1), 45–58. <https://doi.org/10.1108/17590811211216041>.
- Khurshid, M. A., Al-Aali, A., Soliman, A. A., & Amin, S. M. (2014). Developing an Islamic corporate social responsibility model (ICSR). *Competitiveness Review*, 24(4), 258–274.
- Manzur, I. (1992). *Lisan al- 'Arab* (3rd ed.). Dar Sadr.
- Müller, D. M. (2016). From consultancy to critique: the 'success story' of globalized zakat management in Malaysia and its normative ambiguities. *Globalizations*. <https://doi.org/10.1080/14747731.2016.1200309>.
- Rostam, N. A. P., & Malim, N. H. A. H. (2019). Text categorization in Quran and Hadith : Overcoming the interrelation challenges using machine learning and term weighting. *Journal of King Saud University - Computer and Information Sciences*. <https://doi.org/10.1016/j.jksuci.2019.03.007>.
- Suteki & Putri, N. R. (2019). poverty alleviation through empowerment of the zakat profession and zakat management for poverty re-education in Banyumas Central Java District. *International Journal of Innovation, Creativity and Change*, 9(9), 347–360.

Tittensor, D., Clarke, M., & Gümüş, T. (2018). Understanding Islamic aid flows to enhance global humanitarian assistance. *Contemporary Islam*, 12, 193–210. <https://doi.org/10.1007/s11562-018-0414-1>.

Usman, A. H., Ismail, A. Z., Soroni, M. K., & Wazir, R. (2015). Rise and fall of development : how does hadith views on economic system? *Asian Social Science*, 11(27), 168–174. <https://doi.org/10.5539/ass.v11n27p168>.

Potensi Penggunaan Dinar Emas sebagai Medium Wakaf Tunai: Satu Dapatan Pakar

Che Khadijah Hamid ^{1*}, Surita Hartini Mat Hassam ²,
Farahdina Fazial³, Salimah Yahya¹, Sakinatul Raadiyah Abdullah⁴

¹Akademi Pengajian Islam Kontemporari, Universiti Teknologi MARA (UiTM)
23000 Dungun, Terengganu, Malaysia

²Akademi Pengajian Islam Kontemporari, Universiti Teknologi MARA (UiTM)
27600 Raub, Pahang, Malaysia

³Akademi Pengajian Islam Kontemporari, Universiti Teknologi MARA (UiTM)
08400 Sungai Petani, Merbok, Kedah, Malaysia

⁴Akademi Pengajian Islam Kontemporari, Universiti Teknologi Mara (UiTM)
26400 Jengka, Bandar Tun Razak, Pahang, Malaysia

*Pengarang penghubung
chekhadijah@uitm.edu.my

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ABSTRAK

Pada hakikatnya, sifat wang fiat yang diguna pakai pada hari ini tiada nilai hakiki dan menjadi suatu barangan komuniti. Sifat wang fiat sering dispekulasi, boleh dijual beli serta sewenang-wenangnya diturun naikkan nilai. Kelemahan yang nyata apabila nilainya tidak lagi disandarkan kepada instrumen emas yang lebih stabil. Persoalan adakah masih wajar menjadikan wang fiat yang hanya bersifat “dayn” sebagai urusan keagamaan seperti ibadat wakaf tunai. Justeru bagi merungkai persoalan ini, artikel ini cuba mencadangkan agar penggunaan dinar emas sebagai medium wakaf tunai diketengahkan. Objektif utama artikel ini adalah untuk mengenal pasti kekuatan dan kelemahan penggunaan dinar emas sebagai medium berwakaf. Kedua, untuk menganalisis ukuran potensi ke atas dinar emas sebagai medium wakaf tunai samaada dapat diperhalusi sejauhmana



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keperluannya. Kajian ini menggunakan pendekatan kualitatif. Data-data diperoleh hasil temubual pakar yang dipilih. Kemudian, data dianalisis menggunakan analisis kandungan. Hasil kajian ini mendapati dari segi kekuatan terdapat 14 item yang diketengahkan mengenai kelebihan dinar emas sebagai medium berwakaf. Begitu juga, item yang diketengahkan berkenaan dengan kelemahan mempunyai kuantiti yang sama iaitu 14 item. Bagi tujuan potensi rata-rata pakar menyokong dinar emas berdasarkan sifat yang terdapat pada logam tersebut.

Kata Kunci: *Potensi, Dinar Emas, Medium Wakaf Tunai, Kelebihan, Kelemahan*

The Potential Use of Gold Dinar as a Medium of Waqf Cash: An Expert Findings

ABSTRACT

In reality, the nature of fiat money used today has no real value and it is a community goods. The nature of fiat money has always been speculated, can be traded and arbitrarily depreciated. The real disadvantage is that its value is no longer based on a more stable gold instrument. The question is whether it is still appropriate to make fiat money be attributed based on “dayn”, which is as a religious matter such as the practice of waqf cash. Therefore, to unravel this question, this article tries to suggest that the use of gold dinars as a medium of cash endowment. Secondly, to analyse the potential measure of the gold dinars as a medium of cash endowment, whether it can be further refined to the extent necessary. This study uses the qualitative approach. The data collection was done through interviews on selected experts. Then, the data were analyzed using content analysis. The findings of the study showed that there are 14 items which were highlighted about the advantage of gold dinars as a medium waqf, in terms of strength. Similarly, the same quantity of items found for the disadvantages. For potential, the experts averagely support the use of gold dinars based on the properties found in the metal.

Keywords: *Potential, Gold Dinar, Medium of Waqf Cash, Advantages, Disadvantages*

PENGENALAN

Pentakrifan oleh para fuqaha secara jelas melihat bahawa amalan wakaf sebagai satu bentuk kontrak muamalat yang melibatkan dalil, hukum, rukun dan syarat. Rukun tersebut penting bagi memastikan amalan tersebut sah di sisi Islam terutamanya membabitkan medium, mekanisme dan jenisnya penggunaannya (Muna Sulaiman, Mokhtar Ismail, Mohd Isa Mohd Deni & Hairullfazli Muhammad Som, 2015). Bentuk harta wakaf alih seperti wakaf tunai dilihat semakin popular dan mendapat perhatian oleh pihak pengendalian harta-harta wakaf. Kajian Syahnaz Sulaiman, Aznan Hasan dan Ahmad Azam Sulaiman @ Mohamad (2016) menerangkan bahawa peranan wakaf telah mengalami kemerosotan kerana tidak diurus secara efisien. Menurut mereka lagi, institusi wakaf seharusnya berperanan sebagai sebuah institusi kebajikan yang mempunyai fungsi dan kekuatan ekonomi. Lantaran itu, kesedaran bagi memberi pembaharuan terhadap fungsi wakaf semakin mendapat perhatian umat Islam sehinggalah pelaksanaannya semakin meluas dan menjadi salah satu bentuk wakaf yang bersifat moden serta memberi pulangan yang baik kepada masyarakat. Bentuk perwakafan seperti wakaf tunai terbukti berkesan melalui produktiviti yang terhasil dibandingkan dengan wakaf tanah dan wakaf bangunan yang hanya dapat dimanfaatkan oleh masyarakat yang berlegar di kawasan tanah dan bangunan yang diwakafkan sahaja. Masalah ini terjadi apabila harta-harta yang diwakafkan terletak di lokasi yang kurang strategik dan tidak mempunyai nilai pembangunan. Justeru, pembangunan harta wakaf sebegitu sukar untuk dikembangkan dan dimajukan (Muhammad Zaim Ismail, Muhammad Ikhlas Rosele & Mohd Anuar Ramli, 2015).

Penyelesaian terhadap masalah berkenaan adalah menjadikan wang sebagai mekanisme yang dilihat bersifat fleksibel apabila tidak mempunyai batas kawasan dan wilayah, maka dengan sifat wang tersebut penggunaannya dapat dimanfaatkan secara menyeluruh. Dengan sebab itu, kewujudan wakaf yang menggunakan wang pada hari ini terbukti memudahkan masyarakat Islam. Amalan sebegini dapat memberi peluang kepada masyarakat menambah amal kebajikan. Oleh sebab itu, wakaf tunai turut menjadi penekanan oleh Majlis Agama Islam Negeri (MAIN) agar pelanggan terus konsisten (Muhammad Sofiyuddin Zakaria & Mohd Zamro Muda, 2015). Hasil usaha dan penekanan yang dilaksanakan oleh pihak bertanggungjawab berjaya mengubah anggapan masyarakat tentang

wakaf yang pada dahulunya hanya dianggap sebagai ibadah semata-mata, kini telah dibangunkan berasaskan nilai komersial seperti pembangunan kewangan Islam seperti terhasilnya produk-produk aplikasi wakaf yang berupaya meningkatkan dana wakaf (Muhamad Zaim Ismail, Muhammad Ikhlas Rosele & Mohd Anuar Ramli, 2015).

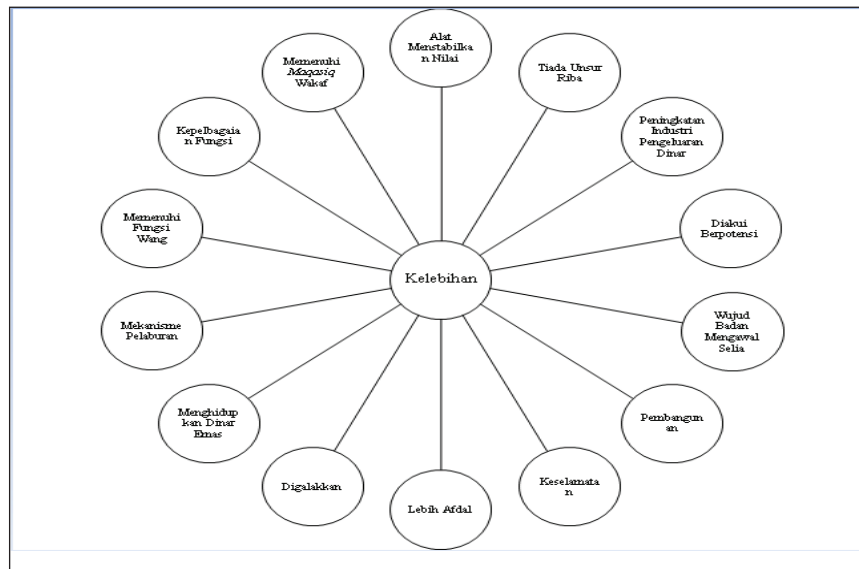
Penelitian terhadap amalan berwakaf semasa mendapati bahawa terdapat pelbagai bentuk wakaf tunai yang diamalkan di seluruh dunia pada hari ini seperti saham wakaf, wakaf saham, wakaf takaful, wakaf tunai produk deposit dan wakaf tunai korporat (Razali Othman, 2014). Menurut Zool Hilmi Othman dan Md Yazid Ahmad (2015) yang meneliti situasi di Malaysia, mereka menyatakan pembangunan harta wakaf telah lama berkembang, pelbagai kaedah yang difikirkan untuk menggalakkan umat Islam dan orang bukan Islam berwakaf dengan cara lebih baik. Walau bagaimanapun, penelitian ke atas medium wakaf tunai yang digunapakai pada hari ini telah membawa kepada isu wang *fiat* antara kelemahan yang sering dikaitkan adalah mengenai unsur riba, inflasi, susut nilai, unsur ketidakpastian (*Gharar*), tiada nilai intrinsik dan ketidakadilan. Kekekalan ‘*Ayn* harta alih merupakan prinsip utama dalam amalan berwakaf. Justeru, logam berharga seperti dinar emas dilihat medium yang lebih baik. Maka dengan sebab itu, artikel ini bertujuan merungkai berkenaan kelebihan dan kelemahan sekiranya penggunaan dinar emas sebagai medium berwakaf ingin dilaksanakan di Malaysia.

METODOLOGI KAJIAN

Bagi memenuhi objektif artikel ini maka pendapat dan pandangan daripada responden diambil kira. Kupasan adalah berdasarkan pendapat responden daripada tokoh agama, golongan akademik terdiri daripada mereka yang membincangkan tentang wakaf dan dinar emas serta golongan pengamal wakaf. Analisis ke atas responden dibuat menggunakan maklumat-maklumat yang diperolehi secara langsung. Mereka yang terpilih sebagai responden adalah seramai tujuh orang. Bagi menjaga kerahsiaan maklumat responden, perbincangan dalam kajian ini menamakan responden sebagai TA untuk tokoh agama, AA singkatan kepada ahli akademik dan PW bagi pengawal wakaf. Misal TA001, AA001, PW001 dan seterusnya.

ANALISIS DAN PERBINCANGAN

Perbincangan di bawah tema ini merangkumi dua bahagian, bahagian pertama memperihalkan tentang kelebihan. Sementara itu, pada bahagian kedua memfokuskan kepada aspek kelemahan. Kelebihan dan kelemahan yang dikemukakan adalah untuk mengenal pasti unsur-unsur yang wujud sekiranya pelaksanaan dinar emas sebagai medium berwakaf ini dilaksanakan. Secara tidak langsung, ukuran potensi ke atas matlamat ini dapat diperhalusi sejauhmana keperluannya. Berdasarkan temu bual yang dijalankan, terdapat empat belas item yang diketengahkan berkenaan kelebihan, perkara ini dinyatakan berdasarkan Rajah 1 berikut:



Rajah 1: Kelebihan Dinar Emas Sebagai Medium Berwakaf

Sumber: Analisis penyelidik berdasarkan hasil temu bual

Unsur atau item pertama yang dikemukakan adalah berkaitan instrumen menstabilkan nilai. Pada hakikatnya aspek ini adalah sangat dipersetujui oleh kebanyakan responden. Misalnya perkara ini dinyatakan begini oleh AA002 dan AA003, PW003. Bagi AA002 beliau berpendapat begini:

“Harga dinar emas sebenarnya *is an tangible asset you know, fiat money is very intangible*, duit itu boleh sahaja tidak laku pada bila-bila masa jika berlaku perang. Orang kaya dekat Iraq tidak boleh bawa duit ke Malaysia untuk lari dengan duit-duit dia tetapi kalau dia bawa dinar emas, dinar emas boleh laku dimana-mana”

Kemudian, jalan cerita yang hampir sama dikemukakan dengan AA002 iaitu AA003, beliau pula berkata-kata begini:

“...kalau *you* tengok pelarian Vietnam semasa masuk ke Malaysia lari ke Malaysia dia tidak bawa pun duit, kenapa dia tidak bawa, cuba *you* cari kenapa dia tidak bawa, sebab kalau dia bawa, katakan dia bawa satu juta duit Vietnam *you* nak beli tidak duit dia, dia sudah tahu dah siapa nak beli duit dia, so dia smart dia bawa emas, sebab kalau emas ini ke mana dia pergi dia boleh guna sebab dinar emas bernilai”

Kenyataan daripada kedua-dua responden tersebut mengakui kelebihan dinar emas berbanding wang *fiat* adalah dari segi ukuran kestabilan. Hussin Salamon dan Zanirah Mustafa (2009) dalam kajian mereka menegaskan bahawa dinar emas tidak dapat digugat oleh mana-mana mata wang, termasuk dolar Amerika kerana dinar emas merupakan satu bahan komoditi yang mempunyai nilai yang amat stabil. Selain itu, pendapat yang lebih berfokus kepada amalan wakaf diutarakan oleh PW003 yang berpendirian begini, beliau dalam ungkapannya menyuarakan:

“...sebagai membantu kita menstabilkan nilai mata wang daripada sumbangan wakaf tunai itu adalah lebih baik kalau kita ada satu mekanisme yang boleh yang kita wujudkan dinar emas itu”

Pernyataan yang dikeluarkan oleh PW003 berpegang kepada hujah kestabilan dinar emas sebagai salah satu mekanisme yang baik berbanding wang *fiat*. Maka, dengan sebab itu, pendapat ketiga-tiga responden tersebut boleh dikategorikan sebagai golongan yang bersetuju bahawa dinar emas sesuatu instrumen yang stabil. Ekoran kestabilan tersebut PW003 yakin bahawa mekanisme tersebut sangat diperlukan bagi memastikan dana wakaf yang dikumpul dapat distabilkan dengan sesuatu mekanisme yang

perlu difikirkan. Bagi item kedua, adalah berkenaan ketiadaan unsur riba. Perkara ini juga turut dipersetujui. Pandangan ini dinyatakan oleh PW003 dalam ulasan yang disampaikan, antaranya sebagaimana berikut: “*sistem wang fiat yang ada pada hari ini adalah sistem riba yang ada money clash*”. Ungkapan yang diutarakan memperjelaskan bahawa wang *fiat* mempunyai permasalahan. Sementara itu, PW003 memberikan ulasan berhubung kelebihan dinar emas. Daripada pandangan yang beliau sampaikan, dapat diketengahkan beberapa item penting diulas berhubung aspek kelebihan. Ulasan tersebut telah membentuk tiga unsur yang secara langsung dapat dinyatakan sebagai item ketiga, keempat dan kelima.

Berdasarkan andainya yang dibuat oleh PW003, beliau menjangkakan berlaku peningkatan industri pengeluaran dinar emas ekoran kewujudan dinar emas sebagai medium berwakaf. Peningkatan ini berlaku ekoran permintaan terhadap dinar emas adalah tinggi kerana tumpuan masyarakat untuk memiliki dinar emas sebagai amalan berwakaf. Secara tidak langsung, sekiranya berlaku aktiviti tersebut dalam kalangan masyarakat di Malaysia maka perkara tersebut disifatkan dapat merancakkan lagi industri pengeluaran dinar emas. Hasil kerancakkan tersebut sedikit sebanyak dapat membawa kemajuan kepada masyarakat. Turut sama memberi penekanan kepada item kelima ini adalah PW001. Beliau memberi gambaran yang jelas tentang aktiviti yang akan berlaku sekiranya matlamat kajian ini tercapai. Menerusi kata-kata yang dikeluarkan oleh beliau, beliau menegaskan begini:

“...apabila perkara berkenaan mekanisme dinar emas sebagai medium ini sudah diluluskan, dia open kepada mana-mana pembekal ataupun mereka yang berminat untuk tujuan tersebut, so secara langsung industri pengeluaran dinar pun meningkat”

Dalam keadaan tersebut diperjelaskan lagi bahawa industri pengeluaran dinar emas meningkat. Item keenam pula, menegaskan tentang aspek pembentukan badan-badan yang bertanggungjawab mengawal selia dinar emas. Perbincangan tersebut telah diterangkan oleh PW001 yang menyatakan dalam ulasan pendeknya seperti berikut: “ *mungkin ada satu bank atau satu badan yang mengawal selia dinar emas itu, macam juga mengawal selia duit ringgit pada hari ini*”. Tugas mengawal selia melibatkan pihak kerajaan dan swasta. Dengan penglibatan pihak-pihak tersebut dapat memberi pelbagai impak yang baik kepada masyarakat.

Selain itu, apabila memahami secara langsung PW001 cuba memberi kefahaman yang jelas bahawa apabila pelaksanaan dinar emas sebagai medium berwakaf diwujudkan. Satu perancangan dan strategi yang rapi perlu diwujudkan. Kewujudan badan-badan yang bertanggungjawab terutama pihak kerajaan melancarkan lagi segala urusan pelaksanaan dinar emas sebagai medium wakaf. Di samping wujudnya sumber yang menyediakan kemudahan penjualan dinar emas dalam skala yang besar. Kemudian, menyentuh aspek pembangunan menjadi item ketujuh berkisar pada fokus perbincangan. Aspek ini telah disentuh oleh PW002, beliau menyifatkan bahawa dinar emas memberi nilai impak yang baik untuk pembangunan jangka masa pendek dan panjang. Beliau menyatakan dalam ulasan yang diungkapkan seperti ini:

“...kalau akan datang kita memang dasar kita pun guna dinar emas dalam ekonomi, memang sangat sesuai lah untuk digunakan dalam jangka panjang dan jangka pendek, jangka pendek atau jangka panjang memang sangat sesuai lah, sebab kita memang betul lah kita memang kita tak habiskan semua duit wakaf ini ada sedikit yang kita tinggalkan, kalau dinar emas akan naik lah nanti tak turun nilainya”

Hujah yang dikemukakan oleh beliau, berkait rapat dengan unsur dinar emas sebagai sumber pelaburan yang memberi pulangan kepada aspek pembangunan sesebuah negara. Dalam pada itu, aspek pembangunan juga disokong oleh pendapat AA002 dalam kenyataannya mengungkapkan sedemikian: *“instrumen pelaburan, so that is the disadvantages”*.

Kenyataan ini kerana, hasil sumbangan tidak digunakan sepenuhnya untuk pembelian aset kekal tetapi masih mempunyai faedah lain yang dapat dibangunkan, yang dilihat memberi keuntungan apabila peningkatan harga emas meningkat. Sekiranya diamati, kedua-dua responden yang menyentuh berkaitan aspek pembangunan ini bersetuju bahawa penggunaan dinar emas bakal membawa kemajuan kepada negara terutama hasil daripada aktiviti pelaburan dinar emas ke atas harta-harta wakaf. Kemudian, seorang lagi responden yang rancak berhujah tentang kelebihan penggunaan dinar emas sebagai medium wakaf adalah TA001. TA001 telah menggariskan tiga kelebihan dengan jelas. Secara dasarnya kelebihan yang disenaraikan tersebut mencakupi item kelapan, kesembilan dan kesepuluh. Item kelapan

diketengahkan mengenai sifatnya yang lebih selamat daripada wang *fiat*, beliau menegaskan begini:

“...wang dinar itu adalah dia lebih selamat digunakan untuk beli aset daripada wang fiat, sekarang ini kalau kita nak tukar duit di Indonesia dengan keadaan duit yang turun naik orang tidak terima, di Indonesia pun orang tak terima”

Aspek keselamatan telah ditekankan oleh TA001, dan beliau menghubungkan kait dengan kegawatan ekonomi memberi kesan langsung kepada kestabilan wang *fiat*, sifatnya boleh susut nilai pada bila-bila masa yang memungkinkan wang *fiat* mempengaruhi permintaan ke atasnya. Oleh itu, pandangan ini seolah-olah memihak kepada dinar emas yang dilihat lebih selamat. Perkara ini dikukuhkan oleh kenyataan yang dikeluarkan TA001, sekali lagi TA001 berpendapat begini:

“...kita nampak duit sekarang ini duit yang ada ini dia tidak bersandar kepada emas, diapungkan dia jadi macam ini lah, nilai itu dinilai oleh apungan....dinar emas lebih baik daripada kertas maksudnya kalau duit kertas ini dia kalau tidak jaga satu juta kita simpan kalau perang ke apa akhirnya jadi duit jepun, tak bernilai langsung, tetapi kalau dia simpan dengan duit emas dengan dinar emas macam mana pun dia tidak akan susut, dia kekal, lebih selamat”

Maka, pandangan yang diutarakan kesemua memihak kepada sifat dinar emas yang dilihat lebih menguntungkan. Begitu juga, item kesembilan yang menekankan tentang lebih *afdal* yang bermaksud penggunaan dinar emas lebih dituntut berbanding wang *fiat*. Kemudian, jelas menunjukkan responden mengakui bahawa dinar emas mempunyai kelebihan tersendiri. Bagi aspek digalakkan yang menggambarkan kelebihan ini disenaraikan sebagai item kesepuluh. Mengambil kefahaman tentang maksud digalakkan yang dinyatakan oleh TA001 berikut, beliau melihat bahawa adalah amat menjadi keperluan menjadikan dinar emas sebagai medium berwakaf. Usaha ini dilihat sebagai salah satu usaha yang baik. Kedua-dua perkara tersebut telah diutarakan oleh TA001 secara jelas, TA001 berkata-kata begini:

“Yang *afdal* begitulah macam di zaman kita, kita tidak menggunakan dinar emas kalau hasilnya akan datang nak tukar supaya lebih selamat boleh lah setiap wakaf itu dibeli pula dengan duit emas supaya menggantikan kemudian beli aset. Lebih baiklah *afdal* begitulah dan digalakkan, memang sepatutnya begitulah sebab wakaf itu bila wakaf kita kena jaga supaya dia berkekalan hukum wakaf”

Di samping sifatnya yang lebih *afdal* dan digalakkan, pelaksanaannya turut mengetengahkan item kesebelas apabila dinyatakan dapat menghidupkan semula martabat dinar emas. TA001 sekali lagi melontarkan pendapatnya begini: “*makna orang bagi wakaf menggunakan dinar emas, boleh juga kita akan memulakan menghidupkan dinar emas*”. Lanjutan daripada itu, bagi item keduabelas berikut merangkumi sifatnya yang dikatakan memenuhi fungsi wang. AA003 sangat menekankan hal ini, misalnya beliau mengungkapkan begini:

“saya melihat dinar emas ini dapat memenuhi fungsi wang sebagai instrumen pertukaran, sebagai instrumen penyimpanan nilai tadi dia menepati fungsi tersebut”

Kesesuaian dinar emas memenuhi fungsi wang diakui oleh AA003 terhadap elemen-elemen yang perlu ada pada mekanisme yang dijadikan wang. Selari dengan kekuatan tersebut peluang untuk menerapkan dinar emas menjadi mekanisme awal adalah lebih terbuka luas. Sementara itu, kelebihan seterusnya dinyatakan berkenaan kepelbagaian fungsinya yang dikategorikan sebagai item ketiga belas. Perkara ini dijelaskan oleh AA003 begini, beliau menerangkan sedemikian:

“kalau wanita dia boleh guna macam-macam sebagai instrumen perhiasan, dalam perubatan digunakan dan mempunyai nilai yang diterima sebagai wang”.

Sememangnya terbukti penggunaan dinar emas boleh diaplikasi secara meluas dan tidak menjadi kebimbangan sekiranya dinar emas ini dapat diamalkan sebagai amalan wakaf kerana peluang untuk memberi manfaat kepada masyarakat adalah sangat tinggi. Penggunaannya boleh diadaptasi dalam pelbagai sektor sekaligus pengagihan kekayaan daripada amalan wakaf dapat dirasai secara menyeluruh.

Akhir sekali, berkenaan item keempat belas dikemukakan. Aspek dinar emas menepati aspek *maqasiq* wakaf setelah dibandingkan dengan wang *fiat*. Menurut kata-kata yang dikeluarkan oleh AA003 beliau meluahkan sebagaimana berikut: “Sedangkan *secara umumnya pun wang fiat memang tidak clear dari segi syarak apa lagi dalam konteks wakaf sendiri*”. AA003 secara jelas menyatakan wang *fiat* tidak menepati *maqasid* wakaf. Maka atas dasar tersebut dinar emas dijadikan mekanisme yang lebih menepati *maqasiq* wakaf. Kesudahan bagi item-item yang dibincangkan oleh responden, dapat dijadikan ukuran bagi tahap potensi yang dapat dicapai. Oleh yang demikian, perbincangan mengenainya dirumuskan sebagaimana akan dijelaskan dengan lebih berfokus melalui Jadual 1.1 yang dikemukakan berikut. Secara umumnya, Jadual 1 menunjukkan tentang kelebihan yang menjurus ke arah pembentukan dinar emas sebagai medium berwakaf di Malaysia:

Jadual 1: Aspek Kelebihan Ke arah Potensi Dinar Emas Sebagai Medium Berwakaf di Malaysia

Bil	Kelebihan Wakaf Dinar Emas	Potensi yang terhasil
1	Instrumen menstabilkan nilai	Tidak tergugat dengan kegawatan ekonomi
2	Tiada unsur riba	Tidak mengandungi ciri-ciri penyelewengan
3	Peningkatan industri pengeluaran dinar	Memperluaskan industri emas dan peluang pekerjaan
4	Diakui berpotensi	Sokongan daripada Pakar Sepenuhnya
5	Wujud badan mengawal setia	Pembentukan institusi, gabungan pakar pelbagai bidang
6	Pembangunan	Penerokaan bidang sains, ekonomi dan kewangan
7	Keselamatan	Jaminan daripada Muflis
8	Lebih <i>afdal</i>	Mempunyai kekuatan berbanding wang <i>fiat</i>
9	Digalakkan	Diakui oleh masyarakat sebagai logam berharga
10	Menghidupkan dinar emas	Melakukan perubahan, sejarah sebagai kayu ukur
11	Mekanisme pelaburan	Jaminan dan kesesuaian bagi tempoh yang panjang

12	Memenuhi fungsi wang	Ciri dan fungsi wang yang bersesuaian dalam Islam
13	Kepelbagaian fungsi	Pentabiran progresif daripada pihak urus tadbir wakaf
14	Memelihara <i>maqasiq</i> wakaf	Jaminan elemen kekekalan 'ayn wakaf

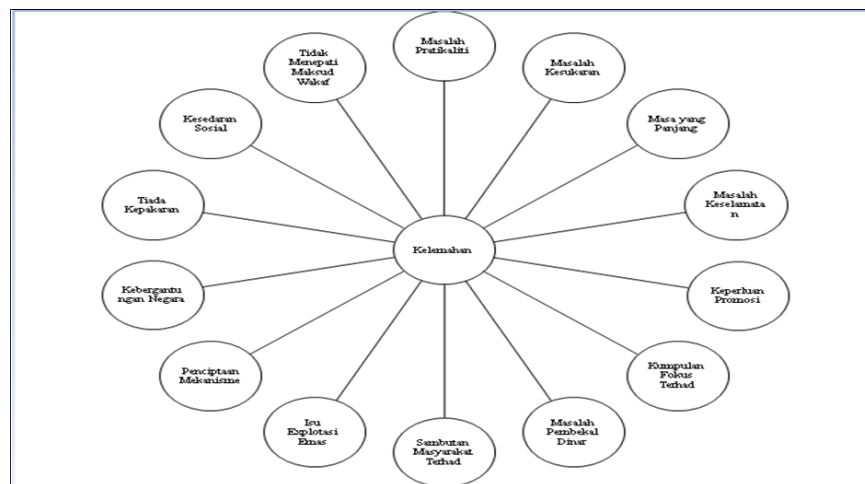
Sumber: Analisis penyelidik berdasarkan data temu bual

Daripada keseluruhan Jadual 1.1 dapat dirumuskan bahawa potensi cukup besar dapat terhasil daripada pembentukan produk baharu wakaf seperti yang dibincangkan sebelum ini. Pada permulaannya, apabila kita melihat kepada situasi ekonomi yang berlaku di Malaysia, berlaku turun naik harga barangan. Perkara sebegini sudah tentu memberi kesan kepada simpanan pewakaf yang disimpan. Tetapi sekiranya dinar emas digunakan kemungkinan besar perkara ini dapat diatasi. Ditambah pula, dinar emas sering kali diteliti kurang mengandungi ciri-ciri penyelewangan dalam urusan muamalat.

Selain itu, sekiranya perkara berkaitan dinar emas sebagai medium berwakaf ini terhasil, dijangka aktiviti pengeluaran dan industri emas semakin meningkat. Ekoran berlakunya peningkatan ini maka secara tidak langsung dapat memberi peluang pekerjaan kepada masyarakat. Begitu juga dengan sokongan daripada pihak pakar. Aspek ini dilihat dapat memberi peluang kepada pembentukan sebuah institusi yang kuat apabila berlaku gabungan pakar-pakar dalam pelbagai bidang untuk memastikan penyeliaan dan pemantauan dinar emas di Malaysia. Kepakaran pelbagai bidang mencakupi bidang kejuruteraan, sains, ekonomi, kewangan, pentadbiran dan agama dapat membentuk sebuah kekuatan.

Dalam pada itu, jaminan keselamatan terhadap dinar emas dilihat lebih baik berbanding wang *fiat*. Perkara ini berikutan, sekiranya berlaku segala kemungkinan seperti peperangan dan bencana alam, wang dinar masih boleh berfungsi kerana tidak akan muflis. Oleh kerana sifatnya lebih memberi pulangan, serta ciri dan fungsi wang yang bersesuaian dalam Islam, maka penerimaan masyarakat semakin bertambah. Sementara itu, memandangkan sifatnya sebagai sumber pelaburan juga memberi jaminan bagi tempoh yang panjang, termasuklah memberi lebih kepercayaan kepada masyarakat. Sekiranya terhasilnya dinar emas sebagai medium berwakaf,

perkara ini membuka ruang kepada pihak pentadbiran menjalankan kegiatan wakaf yang lebih progresif. Di samping menjaga elemen kekekalan *'ayn* kepada pewakaf. Kemudian, perbincangan artikel ini diteruskan dengan bahagian kedua iaitu aspek kelemahan. Aspek kelemahan diutarakan agar dapat meneliti ukuran potensi dinar emas sebagai medium berwakaf yang menjadi matlamat kajian ini. Maka, dalam Rajah 2 menunjukkan kelemahan dinar emas sebagai medium berwakaf sebagaimana berikut:



Rajah 2: Kelemahan Dinar Emas Sebagai Medium Berwakaf
(Sumber: Temu bual ke atas responden)

Berdasarkan kelemahan yang dikemukakan, didapati terdapat empat belas item yang disenaraikan berkaitan dengan kelemahannya, perbincangan responden menumpukan kepada item pertama iaitu masalah praktikal. Daripada tujuh responden, lima daripadanya adalah mereka yang menyentuh berkaitan aspek penggunaan yang dianggap tidak praktikal. Kelima-lima daripada mereka memberikan hujah masing-masing dengan penjelasan tentang kepentingan aspek tersebut diteliti antaranya dibincangkan oleh PW003, PW001, PW002, TA001 dan AA002. Kemudian, daripada kelima-lima responden, dua daripadanya menyentuh secara langsung berkenaan dengan aspek praktikal. Perbincangan mereka adalah sebagaimana berikut, misalnya pendapat PW003 dan PW001, menurut mereka begini:

“Apa yang saya nampak di sini praktikal nya, praktikal nya akan timbul masalah kalau boleh buat perkara itu lagi baiklah, cuma saya nampak itu dari segi pelaksanaannya”

Kemudian, PW001 pula yang memberi hujah, beliau berkata-kata begini:

“...tempoh hari ada juga orang datang mahu bagi dinar emas, kita kata tidak boleh sebab dinar kena ditukar kepada tunai, pastu dia marah kenapa begini, kita bukan maksudnya menolak terus tapi dari segi praktikal tidak boleh jadi kita tidak terima lah”

Daripada hujah-hujah tersebut, fokus tertumpu kepada persoalan pada masa ini. Perkara ini mencakupi realiti sebenar yang perlu diterima kerana hakikat pilihan yang ada pada masa ini adalah wang *fiat* yang digunakan sebagai instrumen pertukaran ekonomi. Sedangkan, dinar emas hanya berperanan sebagai instrumen perhiasan atau alat pelaburan. Dengan sebab itu, PW001, PW002, TA001 dan AA002 sangat bersetuju dinar emas perlu dijadikan sebagai medium pertukaran terlebih dahulu, sekiranya perkara ini tidak terlaksana maka permasalahan ini membawa kepada masalah praktikal. Misalnya TA001 dan AA002 mereka berkata begini:

“...selagi mana dinar emas belum menjadi mata wang, mata wang rasmi negara Malaysia *so* secara tidak langsung dinar emas boleh jadi emas sahaja dia tidak boleh jadi mata wang”

“...kita tetap perlu tukar kepada *value* semasa, bukan emas sahaja yang kita simpan tak, kita simpan *value* emas itu untuk tukar kepada tunai”

Dasar utama yang ditekankan oleh TA001 dan AA002 berhubung perkara medium pertukaran tersebut mengambil kira aspek dinar emas perlu dicairkan terlebih dahulu, memandangkan perlunya mencairkan dinar emas tersebut, penggunaan dinar emas tersebut dilihat seolah-olah melaksanakan kaedah yang dikatakan dua kali kerja atau kerja berganda. Perkara ini jelas diutarakan oleh AA002, menurut beliau begini:

“...kita nak gunakan dinar untuk menggantikan *fiat money for the purpose of waqf* dia akan ada *Tree Pa Tide* punya circle, you

need still to use fiat money to buy for dinar dan dinar itu akan diwakafkan”

Justeru, apabila permasalahan sebagai medium pertukaran masih belum terlaksana dengan sebab pelbagai halangannya. Memandangkan isu pelaksanaan adalah antara halangannya, secara tidak langsung matlamat artikel ini adalah menjadi kesukaran untuk dicapai. Aspek kesukaran yang juga digariskan sebagai item kedua dapat dibahagikan kepada lima permasalahan yang sukar diatasi. Pertama mengenai elemen birokrasi, kedua ketidakseediaan pihak bank untuk menerima dinar emas. Ketiga, memerlukan penglibatan ramai pihak. Keempat pula mencakupi sifat dinar emas itu sendiri iaitu aspek ketulenan dan ukuran serta berat dinar emas. Kelima, keperluan urus niaga secara tidak tangguh. Aspek birokrasi yang dimaksudkan adalah dijelaskan begini oleh PW003 misalnya seperti berikut:

“...kita lah yang patut sediakan kemudahan-kemudahan itu kepada mereka, daripada kita meletakkan ataupun makkik beli satu dinar emas pada harga RM1000.00 sekeping dinar emas makkik wakafkan, so itu meletakkan lagi birokrasi, saya rasa dia akan menambahkan lagi birokrasi daripada proses mewakafkan harta daripada penyumbang-penyumbang itu sendiri”

Birokrasi akan wujud akibat penyumbang terpaksa mempunyai dinar emas terlebih dahulu sebelum berwakaf. Oleh itu, hal ini dilihat sukar kepada masyarakat ditambah pula situasi kini pihak bank tiada menerima sebarang bentuk dinar emas sebagai mata wang dan segala urus niaga emas tidak boleh dilakukan secara bertangguh akan menyukarkan lagi proses tersebut. Sementara itu, kesukaran juga wujud apabila sifat dinar emas itu sendiri yang dikatakan berat serta aspek ketulenan juga turut menjadi isunya. Kesukaran mengesan aspek ketulenan diperkatakan oleh PW001, beliau menegaskan begini:

“...dari segi ketulenan pula perlu ada satu instrumen yang membolehkan pihak berwajib menyemak seperti instrumen mengesan ketulenan, betul atau tidak ini dinar emas, ada isu juga untuk menyemak ketulenan emas yang dibawa oleh orang untuk berwakaf, kalau datang betul ke emas, berapa nilai”

Selain itu, penglibatan oleh pelbagai pihak yang saling bekerjasama antara sumber tertentu yang perlu diambil pertimbangan. Peranan sektor kerajaan dan swasta dalam pelaksanaan memberikan fungsi yang pelbagai, apabila kesediaan pelbagai pihak secara tidak langsung dapat meringankan kesukaran yang wujud.

Seterusnya, item ketiga iaitu berhubung pengambilan masa yang panjang. Bagi PW003 dan PW001 masing-masing mempunyai persamaan pendapat berhubung pengambilan masa yang panjang, ini kerana bagi mereka untuk merealisasikan produk wakaf berasaskan dinar emas, satu jangka masa yang lama diperlukan. PW001 menjelaskan bahawa pelaksanaan mungkin mengambil masa yang panjang kerana perkara tertentu memerlukan perbincangan secara terus menerus. Justeru, bagi PW003 beliau menerangkan begini: *“maknanya kena ambil masa yang jauhlah untuk kita capai ke tahap itu”*.

Dalam pada itu, PW003, PW001 dan TA001 mempunyai perspektif yang sama apabila masing-masing menyuarakan tentang item keempat iaitu isu berkaitan keselamatan. Bagi PW003, misalnya beliau mengungkapkan begini: *“kita nak bawa satu dinar itu kita takut, kita bayangkan satu dinar tunai mungkin nilai sudah RM600.00”*. Ekoran nilai dinar emas yang tinggi berbanding wang *fiat* beliau bimbang akan risiko terhadap faktor kehilangan dan rompakan. Dengan sebab itu, PW001 berpandangan bahawa perlunya tempat khas untuk menyimpan dinar emas yang diwakaf atas faktor keselamatan. Kegusaran beliau tentang permasalahan ini dilontarkan seperti mana berikut: *“aspek keselamatan juga lah, kita memang niat untuk orang berwakaf tetapi emas itu bagaimana? nak menyimpannya adalah satu isu”*. Berbanding PW001 dan PW003, TA001 yang juga menyentuh aspek keselamatan tetapi menjelaskan isu berkaitan dinar emas tiruan serta kerosakan fizikal seperti dikikis dan ditebok. Permasalahan ini diungkapkan begini oleh TA001, beliau berkata-kata:

“...pada keadaan zaman sekarang ini kena ada baik dan buruknya, kertas pun orang boleh palsu dan sebagainya kalau emas lagi macam-macam orang boleh buat, jadi perkara ini kena dinilai semula sebab zaman ini memerlukan difikirkan bagaimana agaknya kalau duit itu ditebok dan dikikis”

Selain memikirkan isu keselamatan, item kelima pula dikhuatiri antaranya keperluan kepada promosi. Perkara ini dinyatakan, sekiranya sesuatu produk wakaf yang baharu diperkenalkan maka pengenalan kepada masyarakat adalah satu keperluan. Dengan sebab itu, PW003 dalam kenyataannya mengungkapkan sedemikian:

“...mungkin kita kena ada satu program mempromosi wakaf dinar itu sendiri, di mana orang itu sekurang-kurangnya dia bawa dalam program kita RM300.00, RM400.00 untuk ditukarkan pada dinar emas”

Sehubungan dengan itu, keperluan promosi berhubung perkara itu adalah sesuatu yang penting apabila membabitkan masyarakat. Dengan sebab itu, perkara berkaitan kesedaran sosial turut sama menjadi kepentingan. Kesedaran sosial masyarakat secara tidak langsung disenaraikan sebagai item keenam. Dikatakan bahawa aspek ini penting kerana cara untuk memberi pemahaman kepada masyarakat memerlukan cara dan kaedah yang betul. Pernyataan terbabit dikemukakan oleh PW001 dan PW002. Mereka melontarkan tentang perkara ini, misalnya PW002 berkata begini:

“...bukan senang kita nak brand wash, kadang-kadang masyarakat wakaf pun dia tidak tahu itu apa, mungkin orang yang bergiat langsung macam kita ini mungkin kita tahu lah sikit-sikit, bukan tahu semua tahu lah sikit-sikit”

Sementara itu, PW001 pula mengungkapkan begini: *“isu kita nak memahamkan masyarakat Islam sendiri pun ambil masa, ini kan pula dengan bukan Islam kan”*. Daripada kedua-dua pandangan yang diberikan, mereka seakan-akan risau tentang perkara yang perlu diambil tindakan bagi memastikan kefahaman masyarakat. Dengan sebab itu, pelaksanaan wakaf dinar emas ini sekiranya ingin dicapai memerlukan waktu yang panjang. Begitu juga, promosi secara menyeluruh perlu dilaksanakan oleh pihak berkuasa. Bersangkutan permasalahan masyarakat, item ketujuh juga mengetengahkan isu berkaitan masyarakat. PW003 dan PW002 misalnya, secara langsung mengetengahkan aspek kemampuan masyarakat. Perkara ini disuarakan oleh PW003 terlebih dahulu, kemudian diikuti oleh PW002. Mereka menyuarakan pandangan masing-masing dengan berhujah sedemikian:

“...maknanya dulu kita buat wakaf tunai sebanyak RM10.00 orang bagi duit dekat kita, sekarang wakaf tunai RM5.00 pun susah, kalau kita buat dinar emas nanti lagi lah orang nak kena bawa banyak duit untuk berwakaf pula”

“...mungkin kalau wakaf guna dinar perlu tiga empat ratus, berbanding kemampuan kita, mungkin kita hanya mampu menyumbang RM10.00 jadi itu dia punya kelemahan”

Kerana kesempitan tersebut, kadar penyumbang wakaf mungkin berkurang kerana memerlukan modal yang tinggi untuk melaksanakan amalan tersebut. Perkara tersebut memberi kelemahan yang ketara. Sedangkan penawaran serendah RM5.00 pada zaman sekarang masih kurang kemampuan bagi masyarakat, apatah lagi dinar emas yang kemungkinan besar sekeping harga dinar emas mencecah RM600.00 sehingga ke RM800.00. Dengan itu dinyatakan, kadar gaji masyarakat perlu difikirkan. Pendapat ini disokong oleh PW002, beliau dalam ungkapannya menyatakan begini:

“...yang RM5.00 itu pun, dengan ekonomi macamana sekarang ini kan, orang pun kalau gaji berapa sangat yang tinggal, wakaf pula tinggal lah sikit”

...lagipun amalan wakaf ini tidak wajib, lagilah masyarakat tolak ketepi wakaf itu, tetapi kalau macam bulan Ramadhan ramai lah saya tengok orang akan berwakaf, pahala bulan Ramadhan itu”

Ekoran permasalahan ini, item ketujuh diujahkan berkenaan hanya memfokuskan kepada golongan tertentu sahaja. Sama ada fokus kepada golongan yang berpendapatan tinggi sahaja ataupun umat Islam yang mempunyai harta semata-mata. Oleh yang demikian, bagi golongan yang berpendapatan rendah agak sukar untuk berwakaf yang menyebabkan penggunaannya tidak berkembang. Perkara ini dipersetujui oleh PW003, PW001 dan AA001. Misalnya PW003 berkata begini:

“...mungkin kita hanya boleh menerima orang-orang tertentu sahaja, dari segi *marketing* itu jadi agak sukar skopnya hanya boleh orang-orang tertentu sahaja”

“perkara penggunaan dinar emas sebagai medium boleh berjalan, tetapi dalam kelompok tertentu sahaja, penggunaannya tidak boleh meluas, benda itu boleh berlaku”

Tumpuan hanya kepada golongan berpendapatan tinggi atau berharta sahaja menyebabkan kebarangkalian untuk berlaku pengurangan ke atas bilangan pewakaf adalah tinggi. Bagi item kelapan pula responden menyuarakan tentang masalah pembekal. PW001 dan PW002 menyuarakan berhubung hal ini. Bagi mereka penggunaan dinar emas menyukarkan kerana memerlukan sumber emas yang banyak daripada pihak pembekal sedangkan bekalan emas adalah terhad. Kemudian, bagi item kesembilan pandangan yang diberikan menjurus ke arah mewujudkan satu mekanisme. Perkara ini ditekankan oleh PW003 dan AA002. PW003 dan AA002 mencadangkan perlu adanya satu mekanisme atau sistem untuk memastikan pelaksanaannya. Cadangan mereka adalah seperti berikut, beliau menerangkan begini:

“...alangkah baiknya kita ada satu mekanisme untuk menstabilkan nilai mata wang itu dalam keadaan mencari ruang-ruang dan masa untuk harta itu, ada mekanisme menstabilkan...
“*Very difficult in the way of* harga emas ini naik setiap hari kadang-kadang setiap jam, kadang setiap saat kan, *so how are you going to evaluate* harga barang tersebut dengan nilai emas masa kita beli, *so* itu yang kita cari satu *mechanism*”

Seorang lagi responden menyokong pandangan ini adalah TA001. TA001 membuat perumpamaan seperti mana berikut, beliau berkata-kata begini:

“...perlu ada satu sistem, sistem yang macam dinar, maka kita boleh kita nak beli kereta tidak akan kita nak bawa satu guni kita bawa, dia kena mesti ada satu sistem lah, sistem makna kita kena wujudkan dulu sistem baharu itu”

Melalui ketiga-tiga pandangan yang diberikan, untuk memastikan dinar emas sebagai medium berwakaf terlaksana, dapat diputuskan bahawa satu mekanisme perlu dicipta untuk menjadikan dinar emas sebagai medium wakaf. Dalam pada itu, AA001 dan AA002 mereka mempunyai pandangan berbeza, AA001 melihat aspek ketiadaan pakar turut membawa kelemahan

kepada amalan ini sekiranya ingin dicapai. Unsur ketiadaan pakar ini telah disenaraikan sebagai item kesepuluh. Berikut merupakan kenyataan yang dikeluarkan oleh AA001:

“Pelaksanaannya barangkali kepakaran tidak ada, orang yang tahu dua dunia tidak ada dia tahu agama sahaja dia tidak tahu urusan dunia, begitu juga, dia tahu urusan dunia dia tidak tahu agama.

...kepakaran tidak ada, maka kita nak memastikan emas itu sentiasa ada mana kita tahu, di Malaysia dimana lubang emas yang kita cakap, kita tidak tahu kan, orang kata di Kelantan ada tapi dicari-cari sampai sekarang pun orang tak jumpa, kita hanya membaca kita tidak pakar kita tidak tahu”

Keperluan kepakaran dalam bidang emas mencakupi pencarian emas, penempatan emas adalah menyumbang kepada pembentukan dinar emas sebagai medium berwakaf. Berhubung pandangan berbeza yang diperkatakan, AA002 mempunyai pandangan yang lebih bersifat global. AA002 dalam berhujah tentang item keduabelas, melihat isu kebergantungan negara terhadap negara-negara luar yang menjadi keterbatasan Malaysia untuk melaksanakan amalan wakaf yang dicadangkan. Ekoran permasalahan ini disentuh oleh kajian oleh Hassanuddeen (2009) yang menegaskan bahawa negara-negara Islam sendiri patut mengambil langkah untuk bersatu dan menubuhkan kesatuan ekonomi sendiri dan mengurangkan kebergantungan pada sistem Barat. Justeru, ekoran pergantungan kepada kuasa besar tersebut jelas melalui penegasan AA002 berhubung perkara ini dinyatakan begini:

“...for Malaysia is quite difficult because kita ini negara yang bergantung kepada *commodity*. Maksudnya *export* kita adalah kelapa sawit, kalau orang tidak beli kelapa sawit kita, kita tak boleh nak *sustain* lah”

Walau bagaimanapun, menurut beliau lagi sesebuah negara itu sebenarnya boleh untuk menghasilkan sistem mereka sendiri. Sebagai contoh negara Brunei, kebarangkalian untuk menggunakan dinar emas adalah tinggi kerana negara tersebut tidak mempunyai pergantungan secara meluas dengan negara luar. Sehubungan dengan itu, kebergantungan tersebut

menjadikan agak sukar untuk memartabatkan penggunaan dinar emas di Malaysia. Selanjutnya, tumpuan kepada permasalahan eksploitasi emas sebagai item ketigabelas, manakala isu berkenaan turun naik harga turut sama dipersoalkan. Misalnya PW003, yang menerangkan begini:

“Masalah sekarang emas itu sendiri orang dah jadi bahan dagangan kan, jadi itu pun satu benda saya duk fikir juga kalau setahun dua lepas nilai emas dah sampai RM200 ke satu gram, sekarang dah tinggal RM120 kan, so apa sebenarnya yang berlaku, saya bukan ahli ekonomi, bila emas itu sendiri di eksploitasi sebegitu rupa”

Daripada pernyataan yang diberikan, PW003 cuba memberi gambaran tentang emas turut dimanipulasi dalam sistem ekonomi. Maka perkara tersebut turut menjadi kebimbangan terhadap perkara berkaitan emas.

Seterusnya, mengenai item keempat belas pula, perkara yang dikatakan tidak menepati maksud keperluan wakaf menjadi aspek terakhir dalam perbincangan ini. Secara umumnya, keperluan wakaf tunai adalah bermatlamat untuk menghasilkan aset kekal seperti pembinaan bangunan dan pelbagai aset kekal yang lain. Pembinaan aset kekal tersebut tidak mengundang kepada isu kekekalan harta wakaf. Permasalahan ini telah diutarakan oleh PW001, beliau menegaskan begini:

“Tapi kita fokus utama untuk pembangunan wakaf, bukan untuk urusan jual beli, bila sampai tahap kita bangun kita bangun terus tak perlu sampai tahap tunggu lagi tunggu lagi, sebab tu *secondry* bukan objektif untuk buat pelaburan”

Hujah tersebut sekali lagi seakan-akan disokong, PW002 sependapat dengan PW001 berhubung perkara ini. Misalnya beliau mengungkapkan begini:

“Kita punya *target* itu bukan untuk *investment long time* apa semua tapi sekarang ini, kita hanya nak orang tu berwakaf orang dapat pahala hikmah-hikmah dia sahaja, pahala itu lepas itu untuk nak bangunkan ekonomi sendiri lah”

Berdasarkan pernyataan yang diberikan oleh kedua-duanya, penelitian mendapati mereka menekankan kepada pembelian aset kekal. Sehubungan dengan itu, tiada keperluan untuk menstabilkan nilai mata wang. Oleh demikian, mereka mengutamakan bahawa matlamat wakaf tersebut sudah tercapai dengan menukarkan kepada aset kekal. Walau bagaimanapun, terdapat juga responden yang tidak sependapat tentang itu. Perkara ini disebabkan, dana wakaf yang disimpan mengambil masa untuk ditukarkan kepada aset kekal. Bentuk sokongan mengenainya diutarakan oleh AA002, beliau sangat menekankan kepada keperluan menukarkan dana tersebut dengan segera. Sebagaimana dinyatakan begini:

“pandangan saya sebagai seorang pakar kewangan, bila orang mewakafkan sesuatu dia untuk tolong memanfaatkan harta dia ini. Kalau 10 tahun baharu boleh memanfaatkan harta dia you berdosa tau. Kalau dia mati duit yang diberi itu tak dapat apa-apa lagi *dividen* untuk dia untuk mati dia itu”.

Oleh yang demikian, beliau menekankan kepada keperluan pemberian wakaf secara aliran tunai seperti perbelanjaan untuk pembelajaran seseorang pelajar agar matlamat wakaf tercapai. Daripada cadangan yang dikemukakan oleh beliau, beliau tidak mencadang kepada menstabilkan nilai wang *fiat*, tetapi lebih kepada dalam bentuk sumbangan terus kepada masyarakat. Sehubungan dengan kesemua item-item yang dikemukakan, perbincangan akan mengambil kira kepada aspek potensi yang dapat dikenal pasti hasil daripada kelemahan yang disenaraikan. Perkara ini dirujuk dalam Jadual 2 berikut:

Jadual 2: Aspek Kelemahan dan Kekangan Pelaksanaan

Bil	Kelemahan Wakaf Dinar Emas	Kekangan Pelaksanaan
1	Masalah praktikal	Masalah kuantiti
2	Masalah kesukaran	Masalah fizikal dinar emas
3	Masa yang panjang	Pelaburan yang memerlukan jangka panjang
4	Masalah keselamatan	Kes kecurian, perbuatan mengikis, ketulenan
5	Keperluan promosi	Pentadbiran perlu merangka sesuatu yang baharu

6	Kumpulan fokus terhad	Bergantung kepada sumber pendapatan
7	Masalah pembekal dinar	Bekalan emas yang tidak mencukupi
8	Sambutan masyarakat terhad	Kesukaran masyarakat kurang pendedahan
9	Isu eksploitasi emas	Isu-isu emas
10	Penciptaan mekanisme	Perlukan satu mekanisme bagaimana orang berwakaf menggunakan dinar
11	Kebergantungan negara	Bergantung kepada kuasa besar
12	Tiada kepakaran	Kepakaran yang terhad
13	Kesedaran social	Kurang amalan berwakaf
14	Tidak menepati maksud wakaf	Niat adalah tunjang utama

Sumber: temu bual ke atas responden

Berdasarkan Jadual 2, sebagaimana perbincangan sebelum ini, pertama sekali didapati bahawa kebergantungan negara kepada mata wang asing seperti dollar AS dalam sistem kewangan negara telah menyukarkan apa sahaja bentuk pelaksanaan dinar emas yang ingin dilaksanakan. Kedua, kesukaran ini juga berpunca daripada aplikasi harian yang sedia ada. Penggunaan wang *fiat* adalah sebagai instrumen pertukaran harian di Malaysia. Maka, segalanya menjadi penghalang kepada matlamat yang ingin dilaksanakan. Ketiga, mencakupi peranan yang perlu dimainkan oleh pihak berkuasa, badan-badan pentadbiran yang bertanggungjawab menjaga harta wakaf di Malaysia seperti MAIN yang memerlukan ahli-ahli institusi tersebut mempunyai kepakaran dalam ilmu tentang emas. Keempat, keperluan kepada merangka sesuatu yang baharu kepada masyarakat dalam bentuk promosi yang lebih meluas berkenaan wakaf dinar emas. Kelima, asas utama yang sebagaimana dinyatakan, iaitu pembentukan mekanisme utama. Keenam, kekangan dari sudut pratikal seperti kesukaran membawa dinar emas dalam kuantiti yang banyak, bentuk dan fizikal dinar emas. Ketujuh, wakaf menggunakan dinar emas dijangka akan memberi peluang kepada golongan berpendapatan tinggi sahaja. Kelapan, begitu juga risiko keselamatan yang perlu diambil pertimbangan. Seterusnya, bagi pihak masyarakat pula, kesedaran sosial adalah sesuatu yang penting kerana akibat daripada kurangnya pendedahan kepada masyarakat mengakibatkan

masyarakat tidak mengambil tahu tentang perkembangan produk wakaf yang baharu. Secara keseluruhan, perbincangan mengenai aspek kelemahan telah dikemukakan dengan jelas. Begitu juga dengan aspek kelebihan yang telah dibincangkan terlebih dahulu lagi. Kedua-dua aspek yang diujahkan, telah membawa satu gambaran tentang ukuran potensi yang menjadi perkara yang ingin dilihat.

Sokongan Responden Terhadap Dinar Emas sebagai Medium Berwakaf di Malaysia

Bahagian ini merupakan perbincangan tentang pandangan responden terhadap sokongan ke atas penggunaan dinar emas sebagai medium berwakaf. Reaksi responden boleh dibahagikan kepada dua iaitu kategori yang menyokong dan kategori yang tidak menyokong. Taburan reaksi responden ke atas aspek sokongan dinar emas sebagai medium berwakaf diringkaskan dalam Jadual 3 seperti berikut:

Jadual 3: Taburan Sokongan Responden Terhadap Penggunaan Dinar Emas Sebagai Medium Berwakaf

RESPONDEN	POTENSI PENGGUNAAN DINAR EMAS SEBAGAI MEDIUM BERWAKAF	
	Sokong	Tidak Sokong
AA001	✓	
AA002	✓	
AA003	✓	
PW001	✓	
PW002	✓	
PW003	✓	
TA001		✓
Jumlah (orang)	6	1
Peratusan	85.71 peratus	14.29 peratus

Sumber: temu bual ke atas responden

Dalam Jadual 3 ini, taburan reaksi responden terhadap aspek sokongan terhadap dinar emas sebagai medium berwakaf didapati tidak seimbang. Jumlah cendekiawan yang menyokong adalah seramai enam orang atau

sebanyak 85.71 peratus daripada keseluruhan responden dan bakinya adalah mereka yang tidak menyokong amalan ini sebanyak peratus 14.29 peratus atau seramai satu orang. Majoriti daripada responden boleh dikategorikan sebagai golongan yang menyokong dinar emas sebagai medium berwakaf. Daripada Jadual 3, responden yang tergolong dalam kategori ini ialah AA001, AA002, AA003, PW001, PW002, PW003. Mereka ini mengutarakan hujah masing-masing ke atas reaksi mereka terhadap amalan tersebut. Pertama sekali, bentuk sokongan ditegaskan oleh responden AA001, misalnya beliau mengungkapkan begini:

“..bagi saya kalau benda itu orang sekarang percaya bahawa dinar emas itu lebih bernilai daripada duit tidak mustahil kan, tidak mustahil, bagi saya tidak mustahil boleh berlaku wakaf menggunakan dinar ini”

Kemudian, dalam nada menambah beliau berkata begini:

“ ...perkara ini ada potensi cukup besar, sebab walaupun dari segi sudut lain benda ini perlu pada kajian mendalam lah ilmu, itu sahaja tetapi potensi cukup besar lah”

Berdasarkan pernyataan yang diungkapkan, beliau berkeyakinan bahawa dinar emas dalam amalan wakaf adalah sesuatu yang tidak mustahil untuk dilaksanakan. Dengan sebab itulah, beliau melihat penggunaan dinar emas sebagai medium berwakaf adalah sesuatu medium yang berpotensi untuk diwujudkan. Dalam pada itu, PW001 pula turut menzahirkan sokongan melalui pandangan beliau yang diluahkan sebegini: “*wakaf dinar emas boleh, perlu terus di bawah Bank Negara Malaysia (BNM) lah*”. Kemudian, beliau berhujah lagi:

“...Potensi tetap ada, cuma mengambil masa lah kalau kita sahaja di peringkat kita sahaja contohnya di peringkat akademik sahaja yang menekankan dia tidak ada *effect* melainkan di peringkat orang yang berkuasa, di peringkat autoriti, BNM, Kementerian Kewangan dan sebagainya”

PW001 bersetuju bahawa dinar emas berpotensi untuk dilaksanakan namun dengan memberi syarat bahawa perkara tersebut perlulah diangkat

sehingga ke peringkat yang lebih tinggi iaitu langsung kepada pihak pemerintah. Sependapat dengan PW001 ialah PW003, PW003 menjelaskan dengan ungkapan begini:

“Saya yakin, perkara ini kalau kita boleh sediakan kemudahan, boleh cipta antara sumbangan dalam bentuk nilai dengan mekanisme, dinar emas itu dia punya dia kelebihan benda ini lebih stabil”

Pendapat ini dikatakan hampir sama kerana PW003 seolah-olah menyokong pelaksanaannya, tetapi dengan meletakkan bahawa perlunya mewujudkan satu mekanisme ataupun kaedah bagi merealisasikan perkara tersebut. Bentuk sokongan terus menjadi hujahan responden antaranya diakui juga oleh AA003, AA003 menyingkapkan kata-katanya sebagaimana berikut:

“So kalau letak dinar emas, lagi bagus sebab dinar ini emas *value is increasing every year* dan tak ada lah nilai emas semakin kurang. Tapi emas itu perlu dicairkan sebab Malaysia masih menggunakan sistem *fiat money*. *Let's say for example* saya bagi dinar emas untuk diwakafkan. Dinar tidak boleh untuk digunakan, duduk kat situ tengok saja. *But if you want to use dinar you kena cairkan*”

Kenyataan AA003 ini seolah-olah memperlihatkan bahawa beliau memberi sokongan kepada amalan penggunaan dinar emas sebagai medium berwakaf. Walau bagaimanapun, beliau meletakkan pra-syarat bahawa dinar emas tersebut perlu dicairkan agar manfaat wakaf dapat diagihkan kepada umat Islam. Dalam pada itu, unsur sokongan ke atas amalan tersebut terus diutarakan, pandangan ini diluahkan AA003 sekali lagi, beliau berkata begini:

“potensi ada bukan tidak ada, pernah ada sejarah yang kita guna dinar emas untuk *because* bila dinar emas digunakan sebagai *medium of exchange*, *it's can used for whatever purpose* nak wakafkan ke apa lah boleh”

AA003 sangat percaya apa jua bentuk wakaf boleh dilaksanakan sekiranya dinar emas digunakan sebagai alat pertukaran urusan jual beli. Sementara itu, PW002 pula hampir mempunyai persamaan dengan AA003 apabila turut memberi sokongan kepada amalan yang dinyatakan, tetapi berlandaskan pra-syarat berikut:

“Ada potensi ke, atau tidak bidang itu *base on* potensi kepada kuantiti masyarakat, masyarakat ramai atau tidak yang nak mengadakan dinar emas itu untuk wakaf, kalau yang ada dinar emas itu kita punya kutipan wakaf akan naik lah dengan dinar emas itu tadi”

Berdasarkan kenyataan beliau tersebut, bermakna beliau menyokong amalan dinar emas sebagai medium berwakaf. Namun, bagi beliau perkara tersebut ditentukan oleh penerimaan masyarakat terhadap produk wakaf tersebut. Seterusnya, sokongan terus diutarakan oleh responden yang lain, misalnya AA003 sekali lagi menjelaskan secara panjang lebar senario dalam permasalahan wang *fiat* pada hari ini, beliau yakin bahawa isu yang timbul daripada wang *fiat* yang diguna pakai pada ini memberi kesan yang cukup besar kepada *maqasid* wakaf. Pandangan lengkap beliau adalah seperti berikut:

“...banyak wang *fiat* pada hari ini memang tidak patut syarak kan, sedangkan secara umum pun memang tak *clear* dari segi syarak apa lagi dalam konteks wakaf kan. oleh kerana dunia hari ini menggunakan wang *fiat*, tak ada pilihan wang *fiat* ini dia *legal tender*, *legal tender* ini maknanya digunakan medium, kita tak ada pilihan, tadi saya cadangkan, gunakan tadi tidak apa tetapi tukar kepada harta tetap, tukar terus, cuma persoalan bila hari ini esok atau lusa, sebab duit *almost* 3.8 peratus jatuh bayangkan, kalau kita lihat dari segi hukum wakaf sekalipun dia memang tidak betul dah, kalau hari ini nilai RM100 esok nilai RM80, nampak jatuhnya”

Pandangan AA003 kelihatan secara jelas beliau berada pada pihak yang menyokong. Justeru, beliau bersetuju dan mendapati terdapat permasalahan dalam sistem kewangan masa ini yang perlu diambil pertimbangan terutama berkaitan dengan wang *fiat* yang digunakan sebagai mekanisme wakaf tunai

pada masa ini. Oleh yang demikian, secara jelasnya responden secara keseluruhan menyokong akan dinar emas sebagai medium berwakaf dan mereka memberi pra-syarat tertentu yang perlu di atasi. Mereka seakan-akan sedar akan kepentingannya, dalam pada masa yang sama perkara-perkara yang menjadi kekangan perlu dititikberatkan.

KESIMPULAN

Kelebihan dan kelemahan penggunaan dinar emas sebagai medium berwakaf berdasarkan kesesuaian pada masa ini mempunyai 14 item utama. Daripada penekanan aspek kelebihan amalan ini dilihat mempunyai sokongan padu daripada responden, namun disebabkan faktor-faktor kelemahan yang ada menyebabkan amalan ini mempunyai beberapa kekangan. Pada hakikatnya, amalan ini adalah perkara yang baik serta ditunggu-tunggu oleh umat Islam khususnya. Walau bagaimanapun, aspek potensi nya begitu jelas dan disokong.

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RUJUKAN

Hassanuddeen A Aziz (2009). Dinar Sebagai Mata Wang Mengatasi Krisis Ekonomi Global 2008, Kertas kerja dibentangkan di Prosiding Seminar Antarabangsa Penjanaan Ekonomi Melalui Transaksi Wang Dinar di Institut Latihan Islam Malaysia (ILIM) Bangi, Selangor pada 27Ogos 2009.

Hussin Salamon & Zanirah Mustafa (2009). Pelaksanaan Dinar Dalam Sistem Ekonomi Moden: Cabaran Dan Prospek Masa Depan, Kertas kerja dibentangkan di Seminar Penjanaan Ekonomi Melalui Transaksi Wang Dinar 2009 di Institut Latihan Islam Malaysia (ILIM) Bangi, Selangor pada 27 Ogos 2009.

- Mohamad Zaim Ismail, Muhammad Ikhlas Rosele & Mohd Anuar Ramli (2015). “Pemeriksaan Wakaf Di Malaysia: Satu Sorotan”, dlm. Labuan e-Journal Of Muamalat and Society, 9, hlm. 1-13.
- Muhammad Sofiyuddin Zakaria & Mohd Zamro Muda (2015). Pelaksanaan Wakaf Tunai di Malaysia: Satu Sorotan Literatur, Kertas kerja dibentangkan di Prosiding Kolokium Antarabangsa Siswazah Pengajian Islam (KASPI) di Fakulti Pengajian Islam, Universiti Kebangsaan Malaysia, Selangor pada 8 Disember 2015.
- Muna Sulaiman, Mokhtar Ismail, Mohd. Isa Mohd. Deni & Hairullfazli Muhammad Som (2015). “Perkembangan Wakaf Pendidikan Di Singapura”, dlm. Journal Of Educational Policy, 2, hlm. 267-291.
- Razali Othman (2014). Penggunaan Wang Sebagai Instrumen Wakaf Tunai: Satu Kajian Teoretis. Tesis Ijazah Doktor Falsafah yang diserahkan kepada Pusat Pengajian Sains Kemasyarakatan, Universiti Sains Malaysia, USM, Pulau Pinang. Tidak diterbitkan.
- Syahnaz Sulaiman, Aznan Hasan & Ahmad Azam Sulaiman @ Mohamad (2016). “Pembangunan Dan Pelaburan Lestari Harta Wakaf Dari Perspektif Islam”, dlm. Jurnal Kanun, 28 (1), hlm. 68-100.
- Zool Hilmi Othman & Md Yazid Ahmad (2013). Saham Wakaf Pahang: Pengurusan dan Isu-isu Pelaksanaannya, Kertas kerja dibentangkan di Prosiding Kolokium Siswazah Jabatan Syariah di Bilik Seminar Siswazah I, Fakulti Pengajian Islam, UKM, Selangor pada 23 Disember 2013.

Hadith Palsu di Malaysia: Tinjauan Perkembangan dan Keberadaannya di dalam Kitab-Kitab Jawi Silam dan Buku-Buku Agama Terpilih

Mohd Shukri Bin Mohd Senin^{1*}

*¹Akademi Pengajian Islam Kontemporari, Universiti Teknologi MARA,
Cawangan Johor Kampus Pasir Gudang, Johor, Malaysia*

*Pengarang Penghubung
shukrisenin@uitm.edu.my

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ABSTRAK

Hadith Rasulullah SAW adalah sumber kedua agama Islam selepas al-Quran. Segala yang dinyatakan di dalam hadith Rasulullah SAW akan menjadi rujukan bagi semua umat Islam di seluruh dunia. Namun, bukan semuanya yang dinyatakan sebagai hadith adalah benar-benar bersumberkan Rasulullah SAW kerana terdapat pendustaan yang dinisbahkan kepada Rasulullah SAW yang dinamakan sebagai hadith palsu. Kebanyakan umat Islam yang tidak mendalami ilmu-ilmu khusus berkaitan pengajian hadith akan mudah mempercayai dan mengamalkan hadith tanpa mengambil berat akan statusnya samada ianya boleh diterima sebagai hujjah dalam pengamalan ataupun ditolak. Justeru, kajian ini cuba meneliti perbincangan berkaitan hadith palsu yang berlaku di Malaysia yang merangkumi aspek perkembangannya dan aplikasinya menerusi penulisan di dalam kitab-kitab jawi silam yang kerap kali menjadi rujukan dan pengajaran kepada masyarakat Islam. Metodologi yang digunakan di dalam kajian ini ialah metodologi penentuan subjek, metodologi pengumpulan data seperti metode perpustakaan, dokumentasi dan historis serta metodologi analisis



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data seperti induktif, deduktif dan komparatif. Hadith palsu sememangnya telah bertapak di Malaysia seiring dengan kemasukan dan perkembangan ilmu hadith. Kesannya dapat dilihat melalui bukti penulisan hadith di dalam kitab-kitab jawi silam. Walaupun jumlahnya tidaklah terlalu banyak tetapi pendustaan terhadap Rasulullah SAW mestilah dielakkan lantaran kecaman dan akibat penyebarannya amatlah berat dan mendapat ancaman ditempatkan di dalam neraka.

Kata Kunci: *Hadith Palsu, Perkembangan Hadith, Kitab Jawi, Mengenal Hadith, Penulisan Hadith*

ABSTRACT

The Prophet's Hadith is well known as the second source of Islam after the Quran. Everything mentioned in the hadith of the Prophet Muhammad will be taken as a source of reference to all Muslims worldwide. However, not everything said as hadith is actually the source of the Prophet's Messenger because there is a fabrication of hadith which called as fabricated hadith. Most Muslims without specialization in hadith studies will easily believe and practice the hadith without regard to its status whether it is accepted or rejected. Therefore, this study aims to examine the discussion regarding fabricated Hadith in Malaysia that cover aspects of its development and its application through writing in the Javanese books which are often being reference to the Muslim community. The methodology used in this study is subject matter methodology, data collection methodology such as library method, documentation method and historical method and data analysis methodology such as inductive, deductive and comparative. Fabricated hadiths have indeed been rooted in Malaysia since hadith studies been introduced and developed by preachers and religious leaders. The effect can be seen through the evidence of the hadith in ancient Javanese scriptures. Although the numbers of fabricated hadiths are not so great, the lies to the Messenger of Allah must be avoided because of the criticism and the consequences of its spread are very serious and the threat is placed in hell.

Keywords: *Fabricated Hadith, Hadith Development, Javanese Books, Knowing Hadith, Hadith Writing*

PENDAHULUAN

Hadith Rasulullah SAW telah diiktiraf secara ijmak bahawa ianya merupakan sumber kedua dalam perundangan Islam selepas al-Quran (Muhammad Mustafa Azami, 1989). Peningkaran terhadap kenyataan ini adalah umpama peningkaran terhadap dalil-dalil *qat'i* (Muhammad Abu Zahw, t.t). Sebuah hadith Rasulullah SAW berunsur peringatan yang diriwayatkan daripada Sayyidatina 'Aisyah RA bermaksud "*Sesiapa yang membuat perkara baru dalam urusan kami ini yang tidak ada perintahnya maka perkara itu tertolak*" (Sahih Al-Bukhārī, hadith 2697). Ini memberi amaran bahawa setiap perkara yang tiada asasnya daripada ajaran Rasulullah SAW akan tertolak. Penulisan hadith Rasulullah SAW. yang menghiasi halaman dalam buku-buku terbitan terkini yang menggunakan rujukan daripada kitab-kitab lama atau klasik tanpa pernyataan status yang jelas menyukarkan umat Islam khususnya di Malaysia untuk berpegang dan mengamalkan hadithberkaitan. Walaupun usaha takhrij dan analisis secara kritis kian banyak dilakukan oleh para pelajar diperingkat pengajian tertinggi (lanjutan) mahupun para ulama hadith yang berkeahlian, namun penyebaran hadith Rasulullah SAW yang mempunyai ciri-ciri kepalsuan yang jelas juga kian meningkat. Persoalannya adakah habuan dunia melalui keuntungan jualan buku-buku tersebut yang menjadi matlamat utama pengarang dan penerbit ataupun kekurangan ilmu yang menjadi penyebab utama pendorong ke arah penerbitannya. Walau apa jua jawapannya, berbagai usaha untuk memartabatkan dan mensucikan hadith Rasulullah SAW daripada kepalsuan dan rekaan merupakan agenda terpenting dan sangat mulia yang perlu dilakukan secara berterusan. Para Ulama hadith silam seperti pengarang kitab *sahih*, kitab *sunan* dan sebagainya telahpun menjalankan jihad dan ijtihad pemeliharaan hadith Rasulullah SAW pada zaman mereka. Justeru, usaha ini perlu dan mesti diteruskan agar kesinambungan jihad ilmu khasnya pemeliharaan hadith Rasulullah SAW agar senantiasa mendapat pembelaan yang selayaknya di sepanjang zaman.

METODOLOGI KAJIAN

Kajian ini menggunakan metodologi penentuan subjek yang memfokuskan pensejarahan hadith *mawdu'* dari segi kemunculannya, perkembangannya, faktor penyebab dan kaedah mengenalinya yang kemudiannya dikaitkan

dengan situasi di Malaysia sehingga meneliti keberadaannya di dalam penulisan kitab-kitab jawi silam. Segala data yang diperlukan, dikumpul menggunakan metodologi pengumpulan data seperti metode perpustakaan, dokumentasi dan historis. Data yang telah dikumpulkan pula dianalisis menggunakan metodologi analisis data seperti induktif, deduktif dan komparatif.

ANALISIS DAN PERBINCANGAN

Definisi Hadith *Mawdu'*

Hadith *Mawdu'* dari sudut bahasanya membawa beberapa maksud iaitu gugur (seperti gugurlah jenayah daripadanya), tinggal (seperti unta itu ditinggalkan di ladang) atau reka (seperti si fulan telah mereka cerita ini) (Muhammad 'Ajjaj al-Khatib, 1985). Manakala secara istilahnya hadith *mawdu'* ialah hadith yang dinisbahkan kepada Rasulullah SAW secara palsu dan dusta sedangkan Rasulullah SAW tidak pernah berkata sedemikian, melakukan sedemikian ataupun *mentaqrir*kan sedemikian (Muhammad 'Ajjaj al-Khatib, 1985). Dr. Muhammad Mustafa Azami mengkategorikan hadith-hadith palsu ini kepada dua iaitu pemalsuan hadith dengan sengaja (disebut hadith *mawdu'*) dan pemalsuan hadith secara tidak sengaja (disebabkan kesilapan atau kecuai dan disebut hadith *batil*) (Muhammad Mustafa Azami, 1989).

Hadith *Mawdu'* semasa Kehidupan Rasulullah SAW

Rasulullah SAW adalah rujukan utama bagi umat Islam pada zaman Baginda. Justeru, segala permasalahan yang berlaku yang memerlukan jawapan akan dijawab oleh Baginda SAW samada melalui wahyu Allah SWT ataupun hadith Baginda SAW. Semua hadith Rasulullah SAW pada zaman ini kekal suci dan bersih daripada unsur-unsur pendustaan atau pun penciptaan hadith yang bukan daripada kalam Baginda SAW (Muhammad 'Ajjaj al-Khatib, 1988).

Hadith *Mawdu'* selepas Kewafatan Rasulullah SAW

Bermulanya penciptaan hadith-hadith *mawdu'* adalah pada zaman selepas kewafatan Rasulullah SAW iaitu selepas perantikan Sayyidina

‘Uthman Ibn ‘Affan RA menjadi khalifah (Muhammad Abu Zahw, t.t). Kemudian, selepas perlantikan sayyidina ‘Ali pula sebagai khalifah, berlakunya perselisihan di antara sayyidina ‘Ali Ibn Abi Talib RA dan juga Mu’awiyah Ibn Abi Sufyan RA di dalam peperangan *Siffin* sehingga melahirkan beberapa kumpulan keagamaan dan politik (Muhammad ‘Ajjaj al-Khatib, 1985) seperti syi’ah dan khawarij. Penciptaan hadith palsu ini adalah bagi menyokong kumpulan masing-masing seperti mengagungkan pemimpin kumpulan mereka setelah mendapati tiadanya ruang di dalam ayat al-Quran mahupun hadith Rasulullah SAW yang *sahih* yang mampu menunaikan keinginan mereka. Kewujudan kumpulan ini juga merupakan antara faktor wujudnya pentaafsiran ayat al-Quran yang salah (Muhammad ‘Ajjaj al-Khatib, 1985) dengan metodologi *al-Ra’y al-Madhmum* (pandangan akal tercela) disebabkan mereka melakukan penta’wilan berasaskan akal semata-mata dan nafsu tanpa meletakkan kebenaran wahyu sebagai asas pentaafsiran. Pada peringkat awal, kemunculan hadith palsu adalah berkaitan kelebihan empat khalifah, kelebihan ketua kelompok dan kelebihan tokoh-tokoh parti (M. ‘Ajjaj al-Khatib, 1999). Hadith-hadith tersebut adalah bagi menyokong dan membenarkan pihak masing-masing akibat daripada ketiadaan nas daripada al-Quran dan juga hadith *sahih*. Seterusnya, hadith palsu ini semakin berkembang ke ruang lingkup yang meliputi seluruh aspek kehidupan seperti praktikal ibadah, sistem muamalah, sifat zuhud, doa, rawatan, penyakit dan sebagainya (M. ‘Ajjaj al-Khatib, 1999). Jumlah hadith palsu ini amat sedikit semasa kurun pertama hijrah dimana para sahabat dan tabi’in masih hidup lagi. Mereka memiliki daya ingatan dan hafalan yang luarbiasa dan sempat menyaksikan zaman kenabian. Justeru, keimanan dan kesetiaan mereka terhadap Rasulullah SAW amat tinggi sehinggakan mustahil bagi mereka ini termasuk di kalangan yang memalsukan hadith Rasulullah SAW (M. ‘Ajjaj al-Khatib, 1999). Allah SWT meredhai mereka dan mereka juga redha dengan setiap ketentuan Allah sebagaimana tercatat di dalam surah al-Bayyinah ayat 8. Rasulullah SAW juga pernah menyatakan bahawa kurun yang terbaik adalah kurun Baginda SAW, kemudian kurun sesudah mereka (sahabat) dan kurun sesudah mereka (tabi’in) sebagaimana direkodkan oleh al-Bukhari yang bermaksud: *Telah menceritakan kepada kami Sa’d bin Hafs telah menceritakan kepada kami Syayban dari Mansur dari Ibrahim dari ‘Abidah dari Abdullah mengatakan, pernah Nabi SAW ditanya; “Siapakah manusia yang terbaik?” Nabi SAW menjawab: “iaitu generasiku, kemudian generasi sesudah mereka, kemudian generasi sesudah mereka, kemudian akan datang suatu kaum yang kesaksian mereka*

mendahului sumpahnya, dan sumpahnya mendahului kesaksian mereka.” Kata Ibrahim: “dan kawan-kawan kami - ketika itu kami masih kecil - melarang kami bersumpah untuk melaksanakan kesaksian dan janji” (Sahih al-Bukhārī, hadith 6658)

Ciri-ciri Hadith *Mawdu’*

Antara ciri-ciri hadith *mawdu’* ialah sebagaimana yang dinyatakan oleh Ibn al-Qayyim al-Jawziyyah (1970) di dalam kitabnya:

Kandungannya yang berkaitan perumpamaan-perumpamaan yang tidak dituturkan oleh Rasulullah SAW.

1. Seluruh pancaindera menyaksikan pendustaan tersebut seperti sebuah hadith yang bermaksud “sekiranya seorang lelaki bersin ketika menyampaikan hadith maka hadith tersebut adalah benar”. Matan hadith tersebut “عطس الرجل عند الحديث فهو صدقاذا”
2. Hadith yang buruk maksudnya yang mendedahkan keadaannya untuk diperlekehkan seperti sebuah hadith yang bermaksud “kalaulah beras atau nasi itu seorang lelaki nescaya ianya tenang dan ianya tidak dimakan oleh orang yang lapar melainkan akan mengenyangkannya”. Matan hadith tersebut ialah “لو كان الرز رجلا لكان حليما , ما أكله جائع الا “أنشبعه”
3. Hadith yang bertentangan dengan sunnah. Setiap hadith yang kandungannya berkaitan kerosakan, kezaliman, pujian terhadap kebatilan, kejian terhadap kebenaran dan sebagainya. Contohnya adalah seperti hadith yang memuji orang yang namanya Ahmad atau Muhammad yang mana mereka ini tidak akan masuk neraka.
4. Hadith yang mendakwa bahawa Rasulullah SAW. melakukan sesuatu perkara yang nyata dengan kehadiran semua sahabat Baginda dan mereka semua bersepakat untuk menyembunyikan dan mereka tidak melakukannya.
5. Hadith yang menunjukkan kebatilannya secara nyata seperti maksud sebuah hadith “apabila Allah marah, maka Allah akan menurunkan

wahyu di dalam bahasa Parsi dan apabila Allah redha, maka Allah akan menurunkannya di dalam bahasa Arab”.

6. Hadith yang tidak menampakkan ianya adalah kata-kata para nabi. Lebih-lebih lagi kata-kata Rasulullah SAW yang merupakan wahyu seperti hadith yang bermaksud “melihat kepada wajah yang baik akan mencerahkan pandangan”.
7. Hadith yang mengandungi tarikh tertentu.
8. Hadith yang mengandungi unsur-unsur rawatan oleh pengamal perubatan seperti hadith yang bermaksud “makan ikan akan melemahkan jasad”.
9. Hadith berkaitan akal yang kesemuanya ada unsur pembohongan seperti hadith yang bermaksud “sesungguhnya seorang lelaki itu daripada kalangan ahli solat dan ahli jihad dan tidak diberikan ganjaran melainkan mengikut kadar akalnya”.
10. Hadith yang menyebut berkaitan Khidir dan kehidupannya.
11. Hadith yang mana terdapat hadith-hadith *sahih* yang membatalkannya.
12. Hadith yang bercanggah dengan nas al-Quran.
13. Hadith berkaitan solat di waktu siang dan malam.
14. Hadith yang berkaitan dengan solat di waktu malam nisfu Sya’ban.
15. Hadith yang mana lafaznya pelik dan buruk yang menimbulkan persoalan seperti hadith yang bermaksud “empat perkara yang tidak mengenyangkan empat perkara iaitu perempuan daripada lelaki, bumi daripada hujan, mata daripada pandangan dan telinga daripada berita”.
16. Hadith yang terdapat qarinah yang menunjukkan bahawa ianya adalah batil.

Hadith *Mawdu'* di Malaysia

Kedatangan Islam telah membawa satu kepercayaan terhadap ajaran yang dinyatakan di dalam al-Quran dan hadith Rasulullah SAW. Kedua-dua sumber ini merupakan sumber utama yang wajib dijadikan panduan oleh seluruh umat Islam. Hadith-hadith yang bermartabat *mawdu'* banyak terdapat di dalam pelbagai karya para ulama silam dan masakini yang kebanyakannya memuatkan hadith Rasulullah SAW sebagai penguat hujjah lantaran ianya merupakan sumber kedua di dalam pendalilan hukum syara' selepas al-Quran. Karya-karya tersebut boleh dipecahkan kepada dua jenis iaitu karya yang memfokuskan hanya kepada hadith Rasulullah SAW termasuklah karya yang menghimpun matan hadith atau karya yang mensyarahkan matan hadith. Kedua ialah karya-karya yang bukan memfokuskan hanya kepada hadith-hadith Rasulullah SAW sahaja. Karya-karya ini hanya mengambil hadith untuk dijadikan sebagai penguat hujjah terhadap hasil penulisannya. Antara karya-karya yang termasuk didalam kategori ini ialah karya fiqh, tawhid atau ketuhanan, tasawuf, fadilat-fadilat amalan dan sebagainya.

Kemunculan hadith *mawdu'* di Malaysia atau Tanah Melayu adalah seiring dengan perkembangan ilmu Islam umumnya dan ilmu berkaitan hadith khususnya. Ini kerana, ajaran Islam adalah berpaksikan ajaran yang bersumberkan al-Quran dan hadith Rasulullah SAW. Justeru, setiap kali ajaran Islam itu disebarkan oleh para pendakwah dan ilmuwan Islam, maka setiap kali itulah hadith Rasulullah SAW disebarkan secara tidak langsung. Cumanya hadith-hadith Rasulullah SAW tersebut yang disebarkan samada melalui perantaraan lisan atau buku atau kitab itu kebanyakannya tidak dinyatakan statusnya samada ianya hadith *sahih*, *hasan*, *da'if*, *mawdu'* atau bukan hadith Rasulullah SAW. Kenyataan ini dapat diketahui setelah ramai dari kalangan para pelajar ijazah tinggi atau pun individu yang berkemahiran di dalam bidang hadith melakukan kajian terhadap hadith (dari segi hukumnya) yang terdapat di dalam kitab para ulama silam atau pun masa kini. Terdapat beberapa hasil kajian takhrij hadith yang telah dijalankan oleh pelajar ijazah tinggi Universiti Malaya khususnya kitab hadith karya ulama silam. Antara kajian tersebut adalah melibatkan karya yang bertajuk *al-Fawa'id al-Bahiyyah Fi Ahadith al-Nabawiyyah* karangan Syaykh Nuruddin al-Raniri, *Bughyah al-Tullab* karangan Sheikh Daud al-Fatani, Kitab *Hidayah al-Salikin* oleh Syaykh 'Abd Al-Samad Al-Falimbani,

kitab *al-Durr al-Thamin* karangan Syaykh Daud al-Fatani, kitab *Kasyf al-Ghummah* karya Syaykh Daud al-Fatani dan lain-lain.

Semenjak awal abad ke-17, para ulama di Alam Melayu dan Sumatera telah menghasilkan pelbagai karya bercorak agama terutama berkaitan ilmu *tasawuf* seperti Syaykh Hamzah Fansuri, Syaykh Syamsuddin al-Sumaterani dari Pasai dan Syaykh Abdul Rauf Singkel (Ahmad Faisal Bin Abdul Hamid, 2007). Pada abad ke-19 pula menyaksikan penghasilan tulisan berkaitan ilmu *fiqh* dan *usuluddin* yang dihasilkan oleh ulama Patani seperti Syaykh Daud bin Abdullah al-Fatani, Syaykh Ahmad bin Muhammad Zain al-Fatani, Syaykh Muhammad bin Ismail bin Daud al-Fatani, dan ramai lagi. Antara contoh kitab *usuluddin* yang telah dikarang oleh ulama pada abad ke-19 ialah kitab *'Aqidah al-Najin* yang telah dihasilkan oleh Syaykh Zainal Abidin bin Muhammad bin Muhammad Dahhan bin Syaykh Wan Syamsuddin bin Syaykh Jaafar atau lebih dikenali dengan gelaran Tuan Minal. Terdapat sebanyak 91 buah hadith di dalam kitab ini yang mencakupi topik ketuhanan, kenabian, *al-Sam'iyat* dan lain-lain topik. Pelbagai gaya penulisan hadith dikesan di dalam kitab ini. Diantaranya Tuan Minal ada menyatakan status hukumnya sebagai sahih (tidak banyak), hanya menyatakan sabda Nabi SAW sahaja tanpa perawi sahabat atau sumber ambilannya, menyatakan sumber ambilan hadith (seperti diriwayatkan oleh Abi Dawud dan al-Hakim daripada Ibn 'Umar tetapi tanpa status hukum) dan meletakkan nama perawi di hadapan matan (Faizuri bin Abdul Latif, 2009). Berkaitan bidang hadith pula, menurut Haji Wan Mohd Saghir, penulisannya oleh para ulama Asia Tenggara pada peringkat awalnya telah dilakukan oleh dua orang tokoh utama iaitu Syaykh Nuruddin al-Raniri dan Syaykh Abdul Rauf bin al-Fansuri. Karya hadith yang terawal dan pertama yang ditulis dalam bahasa melayu yang telah ditemui ialah Kitab *al-Fawa'id al-Bahiyyah Fi Ahadith al-Nabawiyyah* karangan Syaykh Nuruddin al-Raniri. Selain dua nama tokoh ulama di atas, nama-nama tokoh ulama yang terlibat di dalam dunia penulisan hadith ialah Syaykh Abdullah bin Abdul Mubin al-Fatani, Syaykh Daud bin Abdullah al-Fatani, Syaykh Nawawi al-Bantani, Syaykh Wan Ali bin Abdul Rahman Kutan al-Kalantani, Syaykh Ahmad bin Muhammad Zain al-Fatani, Syaykh Ahmad bin Muhammad Yunus Lingga, Tuan Hussain Kedah, Syaykh Jalaluddin al-Kalantani, Syaykh Idris al-Marbawi, Haji Nik Abdullah bin Haji Wan Musa dan lain-lain lagi (Faizuri bin Abdul Latif, 2009). Di Tanah Melayu, salah seorang ulama yang menyumbang di dalam bidang hadith ialah Syaykh Idris al-Marbawi yang dilahirkan di Makkah

pada tahun 1893 dan semasa di Kaherah, beliau telah mempelajari ilmu hadith sehingga menyempurnakan pengajian Kitab Sahih Muslim. Antara sumbangan terbesar beliau di dalam bidang hadith ialah menulis kitab *Bahr al-Mazi* yang merangkumi perbincangan berkaitan dunia dan akhirat. Kitab ini merupakan terjemahan dan ulasan lengkap kepada Kitab *Sunan al-Tirmidhi*. (Ahmad Faisal Bin Abdul Hamid, 2007).

Faktor Perkembangan Hadith *Mawdu'* di Malaysia

Peranan insituti masjid sebagai pusat penyebaran ilmu Islam dapat dilihat melalui program kelas agama yang diadakan kepada masyarakat setempat (Azmi Budin, 2016). Dengan kewujudan pusat-pusat pengajian ilmu agama dan kelas-kelas agama yang dianjurkan di masjid, ilmu tersebut termasuk ilmu berkaitan hadith turut berkembang. Pendekatan pengajaran ilmu hadith yang digunakan oleh ilmuwan agama adalah mengikut kesesuaian tahap pemikiran individu yang hadir. Pengajian hadith di institusi-institusi pengajian tinggi adalah mengikut silibus tertentu dan sesuai dengan tahap pemikiran para pelajar. Manakala pengajian hadith di masjid-masjid pula adalah lebih meraikan tahap pemikiran ahli jemaah masjid yang hadir. Sekiranya masjid tersebut berada di kawasan perkampungan, maka pengajaran hadith adalah mengikut tahap pemikiran individu-individu yang berada di kampung tersebut. Sekiranya masjid tersebut berada di kawasan bandar, pengajian hadithnya perlulah meraikan tahap pemikiran masyarakat yang berada di bandar itu. Pengajian hadith di masjid pada keseluruhannya mempunyai persamaan dari segi metod, kitab yang diajar, pendekatan dan juga cara pengajiannya (Mohd Amru bin Isa, Najah Nadiah Amran, 2017).

Dengan berkembangnya ilmu hadith di pusat-pusat pengajian agama dan masjid, maka hadith-hadith yang berkemungkinan berstatus *mawdu'* juga turut berkembang.

Beberapa faktor yang mempengaruhi perkembangan penyebaran hadith *mawdu'* di Malaysia adalah seperti berikut:

1. Hadith *mawdu'* berkembang seiring dengan kemasukan dan penulisan kitab-kitab berunsur keagamaan seperti kitab-kitab agama berbahasa Arab yang dibawa atau dikarang oleh para pendakwah Islam untuk tujuan pengajaran seperti kitab *Durrah al-Nasihah* oleh al-Hindi.

Begitu juga kitab agama terjemahan dari bahasa Arab ke dalam bahasa Melayu dan kitab agama karangan ulama tempatan.

2. Selain itu, hadith *mawdu'* turut berkembang seiring perkembangan majlis-majlis ilmu sama ada secara formal seperti di sekolah atau pusat pengajian tinggi atau pun tidak formal seperti ceramah, khutbah Jumaat dan sebagainya di dalam pelbagai medium penyampaian sama ada melalui media massa atau elektronik.
3. Kelemahan daripada pihak penyampai ilmu iaitu penceramah atau penulis dari sudut keahlian atau kepakaran di dalam bidang ilmu hadith akan memberi kesan terhadap penggunaan dan pengambilan hadith yang berkemungkinan berstatus *mawdu'*.
4. Kelemahan dan kekurangan ilmu berkaitan hadith dalam kalangan umat Islam mengakibatkan mereka mengambil hadith yang disampaikan tanpa menapis dan meneliti status hadith tersebut.
5. Sikap dan kecenderungan umat Islam untuk memperolehi ganjaran pahala (Firdaus Khairi Abdul Kadir, Fadzli Adam, 2019) yang sangat besar sehinggakan sanggup menerima semua hadith berkaitan kelebihan amalan-amalan tertentu tanpa meneliti dan mendapatkan kepastian akan kesahihannya daripada ilmuwan agama yang berkeahlian di dalam bidang hadith.

Hadith *Mawdu'* di dalam Kitab Jawi Silam Terpilih

Karya penulisan kitab-kitab agama yang telah ditulis oleh ulama Islam di Nusantara mahu pun di Tanah Melayu tidak terlepas daripada menukilkan hadith yang berstatus *mawdu'*. Kenyataan ini dapat dibuktikan melalui hasil penyelidikan takhrij hadith yang telah dilakukan oleh beberapa pelajar ijazah tinggi di Universiti Awam di Malaysia seperti Universiti Malaya iaitu Abdul Azis Bin Awang Kechik (2009), Mohamed Bazri Che Harun (2012), Mohd Khairul Nizam Zainan Nazri. (2010) dan Wan Aminurrashid Bin Wan Abd Hamid (2010). Antara hasil penyelidikan mereka dapat dilihat menerusi jadual 1 dibawah.

Jadual 1: Status Hadith di dalam Kitab-Kitab Jawi Terpilih

Bil	Nama Kitab Jawi Silam	Jumlah Hadith Dikaji	Status Hadith								
			<i>S</i>	<i>SL</i>	<i>H</i>	<i>HL</i>	<i>D</i>	<i>DJ</i>	<i>M</i>	<i>TD</i>	<i>L</i>
1	Kitab <i>Risalah Fi Bayan Hukm al-Bai' Wa al-Riba'</i> karangan Syaykh Abdul Qadir Bin Abdul Rahim al-Fatani.	91 (100%)	38 (42%)	C	2 (2%)	3 (3%)	13 (14%)	5 (6%)	7 (8%)	12 (13%)	11 (12%)
4	Kitab <i>Sayr al-Salikin</i> karangan Syaykh 'Abd al-Samad al-Falimbani	116 (100%)	46 (40%)	-	8 (7%)	-	-	1 (1%)	31 (27%)	7 (6%)	-
5	Kitab <i>Bughyah al-Tullab</i> karangan Syaykh Wan Daud Bin Wan Abdullah al-Fatani	181 (100%)	108 (61%)	-	6 (3%)	-	28 (15%)	-	8 (4%)	31 (17%)	-
6	Kitab <i>Tafsir Marah Labid</i> karangan Syakh Nawawi al-Bantani	55 (100%)	27 (50%)	-	5 (9%)	-	9 (16%)	-	3 (5%)	11 (20%)	-
7	Kitab <i>l'tiqad Orang Yang Percaya Akan Quran Dengan Turun 'Isa 'Alaih al-Salam</i> karangan Syakh Abd. Qadir al-Mandili	34 (100%)	16 (47%)	-	3 (9%)	-	10 (29%)	-	1 (3%)	4 (12%)	-
9	Kitab <i>Pembantu Sekalian Orang Islam Dengan Harus Membaca al-Quran Dan Sampai Pahalanya Kepada Sekalian Yang Mati</i> karangan Syakh 'Abd. Qadir al-Mandili	35 (100%)	14 (40%)	-	1 (3%)	-	8 (23%)	-	5 (14%)	7 (20%)	-

Petunjuk : *S* : *Sahih*, *SL* : *Sahih Lighayrihi*, *H* : *Hasan*, *HL* : *Hasan Lighayrihi*, *D* : *Da'if*, *DJ* : *Da'if Jiddan*, *M* : *Mawdu'*, *TD* : Tidak Ditemui, *L* : Lain-Lain

Merujuk Jadual 1 di atas, keberadaan hadith-hadith mawdu' di dalam kitab-kitab jawi terpilih adalah jelas dan dinukilkan oleh pengarang kitab-

kitab tersebut. Terdapat tujuh hadith *mawdu'* (8%) di dalam kitab *Risalah Fi Bayan Hukm al-Bai' Wa al-Riba'* karangan Syaykh Abdul Qadir Bin Abdul Rahim al-Fatani, 31 hadith *mawdu'* (27%) di dalam kitab *Sayr al-Salikin* karangan Syaykh 'Abd al-Samad al-Falimbani, lapan hadith *mawdu'* (4%) di dalam kitab *Bughyah al-Tullab* karangan Syaykh Wan Daud Bin Wan Abdullah al-Fatani, tiga hadith *mawdu'* (5%) di dalam kitab *Tafsir Marah Labid* karangan Syakh Nawawi al-Bantani, satu hadith *mawdu'* (3%) di dalam kitab *I'tiqad Orang Yang Percaya Akan Quran Dengan Turun 'Isa 'Alaih al-Salam* karangan Syakh Abd. Qadir al-Mandili dan lima hadith *mawdu'* (14%) di dalam kitab *Pembantu Sekalian Orang Islam Dengan Harus Membaca al-Quran Dan Sampai Pahalanya Kepada Sekalian Yang Mati* karangan Syakh 'Abd. Qadir al-Mandili.

Hadith-Hadith *Mawdu'* di dalam Buku-Buku Agama Terpilih

Hadith-hadith *mawdu'* juga turut dinukilkan oleh pengarang buku agama terkini. Kenyataan ini juga dapat dibuktikan melalui hasil penyelidikan yang telah dijalankan oleh penulis. (Mohd Shukri Bin Mohd Senin, 2019). Antara buku-buku tersebut yang mengandungi hadith *mawdu'* adalah seperti di dalam jadual 2 di bawah.

Jadual 2: Status Hadith di dalam Buku-Buku Agama Terpilih

Bil	Tajuk Buku-Buku Agama Terpilih	Jumlah Hadith Dikaji	Status Hadith								
			<i>S</i>	<i>SL</i>	<i>H</i>	<i>HL</i>	<i>D</i>	<i>DJ</i>	<i>M</i>	<i>TD</i>	<i>L</i>
1	Keajaiban Solat Wajib 5 Waktu, Fadilat Dan Rahsia Ditulis oleh Abu Nur Muizuddin	87 (100%)	50 (58%)	6 (7%)	2 (2%)	-	14 (16%)	3 (3%)	5 (6%)	5 (6%)	2 (2%)
2	13 Keajaiban Amalan Surah-Surah Pilihan Ditulis oleh Fadzli Nuruddin Mohammad	52 (100%)	15 (29%)	3 (6%)	3 (6%)	-	8 (15%)	2 (4%)	7 (13%)	1 (2%)	13 (25%)
3	Rahsia Dan Khasiat Bismillah Ditulis oleh Abdul Shukur	27 (100%)	8 (30%)	-	-	-	4 (15%)	2 (7%)	2 (7%)	-	11 (41%)
4	Rahsia Al-Fatihah ditulis oleh Ustaz Dato Hj. Ismail Kamus	26 (100%)	9 (35%)	-	-	-	9 (35%)	1 (4%)	3 (11%)	-	4 (15%)

5	Fadilat Membaca Selawat Nabi SAW Ditulis oleh Said Bin Che Ros	20 (100%)	4 (20%)	2 (10%)	1 (5%)	1 (5%)	1 (5%)	2 (10%)	5 (25%)	-	4 (10%)
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Petunjuk : S : Sahih, SL : Sahih Lighayrihi, H : Hasan, HL : Hasan Lighayrihi, D : Da'if, DJ : Da'if Jiddan, M : Mawdu', TD : Tidak Ditemui, L : Lain-Lain

Merujuk Jadual 2 di atas, keberadaan hadith-hadith mawdu' di dalam buku agama terpilih adalah jelas dan dinukilkan oleh pengarang tersebut. Terdapat lima hadith *mawdu'* (6%) di dalam buku Keajaiban Solat Wajib lima Waktu, Fadilat Dan Rahsia ditulis oleh Abu Nur Muizuddin, tujuh hadith *mawdu'* (13%) di dalam buku 13 Keajaiban Amalan Surah-Surah Pilihan ditulis oleh Fadzli Nuruddin Mohammad, dua hadith *mawdu'* (7%) di dalam buku Rahsia Dan Khasiat Bismillah ditulis oleh Abdul Shukur, tiga hadith *mawdu'* (11%) di dalam buku Rahsia Al-Fatihah ditulis oleh Ustaz Dato Hj. Ismail Kamus dan terdapat lima hadith *mawdu'* (25%) di dalam buku Fadilat Membaca Selawat Nabi SAW ditulis oleh Said Bin Che Ros.

Sejumlah 22 buah hadith *mawdu'* ini adalah berdasarkan kajian, pandangan dan kritikan ulama hadith terhadapnya. Hadith *mawdu'* ini diertikan sebagai pembohongan yang dicipta dan direka yang kemudiannya dinisbahkan kepada Rasulullah SAW. Antara punca utama penetapan status sesuatu hadith itu sebagai *mawdu'* adalah disebabkan oleh perawinya yang dinyatakan sebagai pembohong (*al-kadhdhab*) dan kritikan-kritikan yang seumpamanya seperti pencipta (*wadda'*), dajjal (*dajjal*) dan berbohong (*yakdhib*).

Antara kitab-kitab yang menjadi sandaran di dalam pengambilan hadith-hadith mawdu' di dalam buku agama terpilih ini ialah:

Kitab *Al-Asrar al-Marfu'ah Fi al-Akhbar al-Mawdu'ah* oleh Mulla 'Ali al-Qari.

Kitab *Silsilah al-Ahadith al-Da'ifah Wa al-Mawdu'ah Wa Atharuha al-Sayyi' Fi al-Ummah* oleh Muhammad Nasir al-Din al-Albani.

Kitab *Mawsu'ah al-Ahadith Wa al-Athar al-Da'ifah Wa al-Mawdu'ah* oleh 'Ali Hasan 'Ali al-Halabi.

Kitab *Tanzih al-Syari'ah al-Marfu'ah 'An al-Ahadith al-Syani'ah al-Mawdu'ah* oleh al-Kinani.

Kitab *Al-La'ali' al-Masnu'ah Fi al-Ahadith al-Mawdu'ah* oleh al-Suyuti.

Kitab *al-Fawa'id al-Majmu'ah Fi al-Ahadith al-Mawdu'ah* oleh al-Syawkani.

Kitab *Kitab Tadhkirah al-Mawdu'at* oleh al-Maqdisi.

Kitab *al-Ziyadat 'Ala al-Mawdu'at Wa Yusamma Dhayl al-La'ali' al-Masnu'ah* oleh al-Suyuti.

Kitab *al-Mawdu'at* oleh Ibn al-Jawzi al-Qurasyiy.

Contoh Hadith-Hadith *Mawdu'* di dalam Buku-Buku Agama Terpilih

1. Contoh Hadith *Mawdu'* di dalam buku bertajuk Keajaiban Solat Wajib 5 Waktu, Fadilat Dan Rahsia ditulis oleh Abu Nur Muizuddin

Pengarang buku ini ada menukilkan sebuah hadith:

Rasulullah SAW bersabda: “ان اعظم آية في القرآن آية الكرسي من قرأها بعث الله ملكا يكتب من حسناته ويمحو من سيئاته الى الغد من تلك الساعة.

Maksudnya:

“sesungguhnya seagung-agung ayat di dalam al-Quran adalah ayat Kursi. Barangsiapa yang membacanya nescaya Allah mengutus malaikat untuk menulis dari kebbaikannya dan menghapus keburukan-keburukannya dan ketika itu sampai esok hari.”

Hadith ini direkodkan oleh al-Wahidi dan Ibn al-Jawzi. Ibn 'Adiy menyatakan hadith ini adalah batil dan tidak diriwayatkan oleh Ibn Jurayj melainkan oleh Isma'il yang mengambil hadith-hadith batil daripada perawi *thiqah* (dipercayai). Ibn Hibban pula menyatakan beliau ini meriwayatkan hadith-hadith *mawdu'* (palsu) daripada perawi *thiqah* (dipercayai). Al-Daruqutni pula menyatakan beliau

ini *kadhdhab matruk* (pendusta dan ditinggalkan). Al-Syawkani menyatakan hadith diriwayatkan oleh Ibn 'Adiy daripada Jabir r.a secara *marfu'* tetapi sanadnya adalah batil. Hadith ini adalah *mawdu'* (palsu) disebabkan terdapat perawi pendusta.

2. Contoh Hadith Mawdu' di dalam buku bertajuk 13 Keajaiban Amalan Surah-Surah Pilihan ditulis oleh Fadzli Nuruddin Mohammad

Pengarang buku ini ada menukilkkan sebuah hadith:

Rasulullah s.a.w bersabda : “ من داوم على يس كل ليلة ثم مات مات شهيدا ”
Maksudnya: “Barangsiapa mengamalkan bacaan surah Yasin setiap malam lalu ia meninggal maka ia mati syahid.”

Hadith Anas Bin Malik RA ini direkodkan oleh al-Tabrani, al-Haythami, al-Syawkani, al-Suyuti dan al-Khatib al-Baghdadi. Al-Suyuti mengakui hadith ini sanadnya adalah *da'if*. Al-Haythami pula menyatakan perawi Sa'id Bin Musa al-Azdiy yang terdapat di dalam jalur sanad adalah *kadhdhab* (pendusta). Al-Syawkani pula berpandangan di dalam sanad hadith ini terdapat perawi yang *muttahaam* (dituduh berdusta). Dr. Basysyar 'Awwad Ma'ruf (pentahqiq *Tarikh Baghdad*) menyatakan hadith ini adalah *mawdu'* (palsu) disebabkan perawi Sa'id Bin Musa al-Azdiy adalah *kadhdhab* (pendusta) dan *wadda'* (pencipta hadith palsu). Disebabkan terdapat perawi pendusta maka selayaknya hadith ini dinyatakan *mawdu'* (palsu) sebagaimana pandangan al-Haythami dan Dr. Basysyar 'Awwad Ma'ruf.

3. Contoh Hadith Mawdu' di dalam buku bertajuk Rahsia Dan Khasiat Bismillah ditulis oleh Abdul Shukur

Pengarang buku ini ada menukilkkan sebuah hadith:

وروي في تفسير الكبير عن ابي هريرة رضي الله عنه قال : يا ابا هريرة اذا توضأت فقل بسم الله الرحمن الرحيم فان حفظتك لا تستريح ان تكتب كل الحسنات حتى تفرغ واذا غشيت اهلك فقل بسم الله فان حفظتك يكتبون لك الحسنات حتى تغتسل من الجنابة فان حصل لك من تلك الواقعة ولدا كتبت لك الحسنات بعدد انفاس ذلك الولد بعدد اعقابه ان كان له عقب “ حتى لا يبقى منهم احد.

Maksudnya: riwayat di dalam Tafsir al-Kabir dari Abu Hurairah RA Nabi bersabda: Apabila engkau berwudhuk ucapkanlah Bismillaahirrohmaanirrohim, kerana malaikat penjagamu tidak berhenti menuliskan kebajikan sehingga engkau selesai. Dan apabila engkau bersebadan pada isterimu ucapkanlah Bismillah kerana sesungguhnya malaikat penjagamu menuliskan kebajikan kepadamu sampai selesai engkau mandi junub. Jika berhasil dari persetubuhan itu anak akan dituliskan bagimu kebijaksanaan sebilangan nafasnya dan sejumlah anak cucunya. Jika ia mempunyai cucu sampai tidak yang tinggal seorang dari mereka.

Hadith ini tidak ditemui di dalam kitab-kitab hadith mu'tabar. Pengarang buku ini mengambil riwayat ini daripada kitab Tafsir al-Razi. Hadith Abu Hurayrah RA ini direkodkan oleh al-Razi, al-Naysaburi dan Ibn al-Jawzi. Ibn al-Jawzi menyatakan hadith ini tiada asal baginya. Di dalam jalur sanadnya terdapat ramai perawi yang tidak dikenali (*majahil*). Antara perawi yang dikenali ialah Hammad Bin 'Amru yang dinyatakan oleh Yahya sebagai berdusta dan mencipta hadith palsu. Ibn Hibban pula menyatakan Hammad ini mencipta hadith palsu ke atas perawi yang *thiqah* (dipercayai). Al-Juzjani menyatakan Hammad ini adalah *yakdhib* (berdusta). Al-Nasa'i pula menyatakannya *matruk al-hadith*. Hadith ini berstatus *mawdu'* kerana terdapat perawi yang dinyatakan berdusta.

4. Contoh Hadith Mawdu' di dalam buku bertajuk Rahsia Al-Fatihah ditulis oleh Ustaz Dato Hj. Ismail Kamus

Pengarang buku ini ada menukilkan sebuah hadith:

Rasulullah s.a.w pernah bersabda:

لو أن الدنيا بحذا فيرها بيد رجل من أمتي ثم قال الحمد لله لكان الحمد لله أفضل من ذلك

Maksudnya:

“Seandainya dunia dan seisinya diletakkan di atas tapak tangan seorang umatku, lalu orang itu berkata رب العلمين الحمد لله Sungguh ucapan tersebut lebih berat dan berharga dari dunia dan segala-gala yang menjadi miliknya”. (Riwayat Imam Al Qurthuby dari Anas b. Malik RA)

Hadith Anas Bin Malik RA ini direkodkan oleh Ibn 'Asakir di dalam kitab *Tarikhnya*, al-Qurtubi, Ibn Kathir. Hadith al-Qurtubi dan Ibn Kathir ini adalah mengambil riwayat yang direkodkan oleh Ibn 'Asakir. Al-Albani menyatakan bahawa hadith ini adalah *mawdu'* kerana di dalam jalur sanad yang direkodkan oleh Ibn 'Asakir ini terdapat *Abu al-Mufaddal*. Al-Khatib menyatakan beliau ini meriwayatkan *ghara'ib al-hadith* (hadith yang pelik-pelik) dan soalan-soalan syaykh lalu orang ramai menulis daripadanya. Beliau juga mencipta hadith untuk golongan *al-Rafidah*. Hamzah Bin Muhammad Bin Tahir al-Daqqaq menyatakan beliau ini mencipta hadith palsu. Al-Azhari pula menyatakan beliau ini *dajjal*. Hadith ini *mawdu'* kerana terdapat perawi yang dinyatakan mencipta hadith palsu dan dinyatakan sebagai *dajjal*.

5. Contoh Hadith Mawdu' di dalam buku bertajuk Fadilat Membaca Selawat Nabi SAW ditulis oleh Said Bin Che Ros

Pengarang ada menukilkkan sebuah hadith:

Sabda Nabi SAW bermaksud:

“Tiga macam orang yang dapat memberikan syafaat pada hari kiamat ialah para nabi, para ulama dan para syuhada.”

Hadith ini telah diriwayatkan oleh 'Uthman Bin 'Affan RA ini diriwayatkan oleh Ibn Majah, Ibn Abi al-'Izz dan al-'Uqayli dan al-Naysaburi. Al-'Uqayli ada menukilkkan pandangan al-Bukhari yang menyatakan 'Anbasah Bin 'Abd al-Rahman (di dalam jalur sanad ini) adalah *matruk* (ditinggalkan) dan pandangan 'Abd al-Samad Bin 'Abd al-Warith yang menda'ifkan 'Anbasah. Ibn al-Jawzi menukilkkan beberapa pandangan pengkritik sanad berkaitan 'Anbasah ini. Antaranya ialah *laysa bi syay'* (pandangan Yahya), *matruk* (pandangan al-Nasa'i), *yada' al-hadith*¹ (pandangan Ibn Abi Hatim), memiliki sesuatu yang dicipta palsu yang tidak boleh dijadikan hujah (pandangan Ibn Hibban), *da'if* (pandangan al-Daruqutni) dan *kadhdhab* (pandangan al-Azdiy). Al-Albani meletakkan status *mawdu'*

¹ Ibn Hajar al-'Asqalani juga ada merekodkan pandangan Ibn Abi Hatim yang menyatakan 'Anbasah ini mencipta hadith palsu. Lihat Ibn Hajar al-'Asqalani, *Taqrib al-Tahdhib*, 756 (no. 5241).

bagi hadith ini. Hadith ini adalah *mawdu'* kerana di dalam sanadnya terdapat 'Anbasah Bin 'Abd al-Rahman yang dinyatakan sebagai mencipta hadith palsu dan pendusta.

KESIMPULAN

Pelbagai usaha telah dilakukan oleh para sahabat Rasulullah SAW, *tabi'in*, *atba' al-tabi'in* dan para ulama hadith silam untuk memastikan hadith-hadith Rasulullah SAW sentiasa terpelihara daripada pendustaan. Antara usaha-usaha mereka ialah memastikan setiap riwayat-riwayat hadith mestilah disandarkan kepada sanadnya, sentiasa melakukan perbincangan sesama mereka dan berhati-hati di dalam menerima dan meriwayat hadith, memerangi golongan pendusta hadith dengan menjejaki mereka dan menghebahkannya kepada umat Islam, menjelaskan latar belakang perawi hadith dan meletakkan garis panduan di dalam mengenalpasti hadith-hadith palsu (Muhammad 'Ajjaj al-Khatib, 1985). Seiring dengan perkembangan ilmu hadith yang semakin berkembang, usaha-usaha daripada golongan ilmuwan Islam di Malaysia khususnya untuk memastikan penyebaran hadith-hadith palsu dapat ditangani juga semakin bertambah. Antara usaha-usaha tersebut:

1. Menjalankan kajian penyelidikan terhadap hadith Rasulullah SAW yang terdapat di dalam buku berunsur keagamaan.
2. Menghasilkan karya-karya ilmiah yang menghimpunkan hanya hadith-hadith yang diterima di sisi ahli hadith.
3. Menerangkan kepada umat Islam berkaitan hadith-hadith Rasulullah SAW khususnya berkaitan hadith *da'if* dan *mawdu'* samada melalui wadah penulisan ataupun lisan seperti ceramah dan tazkirah di masjid atau surau, radio atau televisyen, laman sesawang atau media sosial seperti "facebook" dan sebagainya.
4. Mewujudkan pengajian hadith secara formal di institusi pengajian tinggi, pusat-pusat pengajian, sekolah, madrasah, pondok-pondok ataupun secara tidak formal seperti di masjid dan surau. Pengajian hadith secara formal dengan silibus pengajian yang tersusun dan

sistematik telah pun dilakukan di institusi-institusi pengajian tinggi di Malaysia. Kewujudan beberapa jabatan khusus berkaitan al-Quran dan al-Hadith di beberapa buah universiti merancakkan lagi pengajian hadith (Faisal Ahmad Shah, 2010). Antara universiti yang mempunyai jabatan al-Quran dan al-Hadith ialah Akademi Pengajian Islam Universiti Malaya, Fakulti Pengajian Islam Universiti Kebangsaan Malaysia, Fakulti Ilmu Wahyu Dan Kemanusiaan Universiti Islam Antarabangsa Malaysia dan Universiti Sains Islam Malaysia. Selain universiti, beberapa kolej Islam negeri juga turut menawarkan pengajian hadith seperti Kolej Universiti Antarabangsa Selangor dan beberapa kolej lain (Faisal Ahmad Shah, 2010). Pengajian hadith secara tradisional juga telah diamalkan di Malaysia seperti pengajian di pondok-pondok. Antara pusat pengajian pondok yang terdapat di Malaysia ialah Pusat Pengajian Pondok, Kandis, Bachok di Kelantan (Faisal Ahmad Shah, 2010), Pusat Pengajian Pondok al-Madrasah al-Latifiyyah di kampung Kuak Hulu, Pengkalan Hulu di Perak (Faisal Ahmad Shah, 2010), Pondok Lubuk Tapah di Kelantan (Faisal Ahmad Shah, 2010) dan lain-lain. Selain itu, pengajian hadith juga telah diamalkan di Madrasah Miftah al-'Ulum, Bandar Baru Seri Petaling, Pusat Pengajian al-Quran Darul Kautsar, Pusat Khidmat Sosial Islam (PAKSI), Madrasah al-Quran Kubang Bujuk di Kuala Terengganu, Darul al-'Ulum Li Ihya' 'Ulum al-Din, Langgar di Kedah dan lain-lain (Faisal Ahmad Shah, 2010).

5. Mewujudkan Sistem pencarian dan penentuan martabat Hadith melalui penggunaan teknologi maklumat. Beberapa laman sesawang di Malaysia telah pun mewujudkan koleksi atau himpunan hadith-hadith dengan dinyatakan sumbernya, terjemahan, status hukumnya dan pengajaran daripada hadith tersebut. Antara laman sesawang tersebut ialah <http://www.islam.gov.my/e-hadith> yang dikendalikan di bawah Jabatan Kemajuan Islam Malaysia (JAKIM), <http://semakhadith.com/> yang dikendalikan oleh tim semakhadith.com, <http://sigir.uitm.edu.my/webhadith/> yang dikendalikan oleh Universiti Teknologi Mara dan lain-lain. Selain laman sesawang, terdapat juga aplikasi hadith yang boleh digunakan melalui telefon pintar. Antara aplikasi hadith yang telah pun dihasilkan dan sedang ditambahbaik penggunaannya ialah aplikasi Digital Hadith yang menghimpunkan hadith-hadith dalam bentuk digital bertemakan ilmu daripada *Sahih*

al-Bukhari, *Sahih* Muslim, *Sunan* Abu Dawud, *Sunan* al-Tirmidhi, serta himpunan hadith-hadith *mawdu'* (palsu) daripada pelbagai sumber yang menfokuskan kepada beberapa aspek autentikasi hadith. Lima aspek autentikasi yang difokuskan ialah aspek teks (matan) al-hadith, aspek terjemahan bahasa Malaysia, aspek visualisasi dan keterangan *sanad* al-hadith (rantai perawi-perawi hadith), aspek sumber dan aspek *fiqh* al-hadith (pengajaran hukum dari hadith). Aplikasi ini masih lagi di dalam fasa pembangunan dan akan dinaik taraf dari semasa ke semasa. Aplikasi ini merupakan projek utama Preserving the Authenticity of The Digital Hadith RP003B-14HNE di bawah kumpulan kajian hadith digital Jabatan al-Quran dan al-Hadith Universiti Malaya, Kuala Lumpur. Aplikasi Mobil Smart Hadith pula dibangunkan dengan kerjasama antara Suruhanjaya Multimedia Malaysia (MCMC) dan Jabatan Kemajuan Islam Malaysia (JAKIM). Aplikasi ini merupakan satu platform yang mudah digunakan oleh pengguna bagi mendapatkan hadith yang sahih. Terdapat pelbagai koleksi hadith berdasarkan kitab, bab, perawi dan lain-lain lagi.

Semoga dengan pelbagai usaha yang dijalankan dan digerakkan secara bersama oleh segenap lapisan masyarakat Islam di Malaysia khususnya dapat membantu meletakkan martabat hadith Rasulullah SAW di tempat yang mulia sebagaimana mulianya Rasulullah SAW di sisi Allah SWT.

RUJUKAN

- Abdul Azis Bin Awang Kechik. (2009). Hadith-Hadith Dalam Bughyah al-Tullab Karangan Syaykh Daud al-Fatani (Jilid Dua): Takhrij Dan Analisis. Disertasi Master. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.
- Ahmad Faisal Bin Abdul Hamid. (2007). Drs. Abdul Ghani Azmi Bin Idris: Tinjauan Terhadap Sumbangan Dan Penulisan Beliau Dalam Majalah Pengasuh Mengenai Ilmu Hadith. *Jurnal Usuluddin*, 25: 61.
- Ahmad Muhammad Syakir. (t.t). *al-Ba'ith al-Hathith Syarh Ikhtisar 'Ulum al-Hadith Li al-Hafiz Ibn Kathir*. Bayrut: Dar al-Kutub al-'Ilmiyyah.

Al-Bukhārī, Abī ‘AbdīLāh Muhammad bin Ismā’īl. (1400H). *Sahih al-Bukhārī*. Qahirah: al-Maktabah al-Salafiyyah.

Al-Suyuti, Jalal al-Din ‘Abd al-Rahman Bin Abi Bakr. (1979M/1399H). *Tadrib al-Rawi Fi Syarh Taqrib al-Nawawi*. Bayrut: Dar al-Kutub al-‘Ilmiyyah.

Al-Suyuti, Jalal al-Din ‘Abd al-Rahman Bin Abi Bakr. (1996 M/1417H). *Tadrib al-Rawi Fi Syarh Taqrib al-Nawawi*. Bayrut: Dar al-Kutub al-‘Ilmiyyah.

Al-Tirmidhi, Muhammad Bin ‘Isa Bin Sawrah. (t.t.). *Sunan al-Tirmidhi*. Riyad: Maktabah al-Ma’arif.

Azmi Budin. (2016). Keberkesanan Kelas Takmir Dalam Pengajian Hadith Di Masjid Daerah Melaka Tengah: Pendekatan Dan Penambahbaikan. *Jurnal ‘Ulwan*. 88-110.

Badaruddin Haba. (2012). Kajian Hadith Dalam Kitab Tafsir Marah Labid Karya Syaykh Nawawi al-Bantani: Tumpuan Kepada Surah al-Baqarah. Disertasi Master. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.

Digital Hadith. <https://apkpure.com/digitalhadith-kitab-ilmu/com.mohdizham.digitalHadith>. Diakses pada 21 Jun 2020.

Faisal Ahmad Shah. (2010). *Pengajian Hadith Di Malaysia*. Kuala Lumpur: Universiti Malaya.

Faizuri bin Abdul Latif. (2009). Tradisi Penulisan Hadith Dalam Karya ulama Melayu: Kajian Terhadap Kitab ‘Aqidah al-Najin. *Jurnal Usuluddin*. 30: 98, 101-106.

Firdaus Khairi Abdul Kadir, Fadzli Adam. (2019). Hadith Palsu : Kajian Terhadap Faktor Penyebaran Dan Cara Mengatasinya. *Proceedings Of The International Conference On Islamic Civilization And Technology Management*. 507-516

- Ibn al-Qayyim al-Jawziyyah, (1970). *al-Manar al-Munif Fi al-Sahih Wa al-Da'if*, tahqiq 'Abd al-Fattah Abu Ghuddah. t.t.p: t.p.
- Jawiah Dakir. (2009). Hadith Masyhur Dalam Masyarakat Melayu: Takhrij Dan Analisis. *Jurnal Usuluddin*. 29: 122.
- Koleksi Hadith Jabatan Kemajuan Islam Malaysia. <http://www.islam.gov.my/e-hadith>. Diakses pada 21 Jun 2020
- M. 'Ajjaj al-Khatib. (1999). *Hadith Nabi Sebelum Dibukukan*. Jakarta: Gema Insani Press.
- Mohamed Bazri Che Harun. (2012). *Hadith-Hadith Dalam Karya Syeikh 'Abd. Qadir al-Mandili: Takhrij Dan Analisis*. Disertasi Master. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.
- Mohd Amru bin Isa, Najah Nadiyah Amran. (2017). *Pengajian Hadith di Masjid Malaysia*. *Fikiran Masyarakat*. 14-20.
- Mohd Khairul Nizam Zainan Nazri. (2010). *Hadith-hadith Muamalat Maliyyah Dalam Kitab-kitab Jawi Terpilih: Takhrij Dan Analisis*. Tesis P.hD. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.
- Mohd Shukri Bin Mohd Senin. (2019). *Takhrij Hadith Masyhur Berkaitan Al-Fada'il: Kajian Kefahaman Dan Pengamalannya Dalam Kalangan Guru-Guru Pendidikan Islam Di Negeri Johor*. Tesis P.hD. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.
- Muhammad Abu Zahw. (t.t). *Al-Hadith Wa al-Muhaddithun Aw 'Inayah al-Ummah al-Islamiyyah Bi al-Sunnah al-Nabawiyyah*. T.T.P: T.P.
- Muhammad 'Ajjaj al-Khatib. (1985). *Al-Mukhtasar al-Wajiz Fi 'Ulum al-Hadith*. Bayrut: Muassasah al-Risalah.
- Muhammad 'Ajjaj al-Khatib. (1988). *al-Sunnah Qabl al-Tadwin*. Qahirah: Umm al-Qura.

Muhammad Bin Muhammad Abu Syahbah. (t.t.). *al-Wasit Fi 'Ulum Wa Mustalah al-Hadith*. T.T.P: T.P.

Muhammad Mustafa Azami. (1989). *Kajian Metodologi Dan Penulisan Hadith*. Selangor: Percetakan Dewan Bahasa Dan Pustaka.

Muslim, al-Imam Abi al-Husayn Muslim Bin al-Hajjaj al-Qusyayriy al-Naysaburiy. (1993). *Sahih Muslim*. Bayrut: Dar Ihya' al-Kutub al-'Ilmiyyah.

Mutiara Hadith. <http://sigir.uitm.edu.my/webhadith/>. Diakses pada 21 Jun 2020.

Semak Hadith. <http://semakhadith.com/>. Diakses pada 21 Jun 2020.

Subhi al-Salih. (1996). *'Ulum al-Hadith Wa Mustalahuhu*. Bayrut: Dar al-'Ilm Li al-Malayin.

Wan Aminurrashid Bin Wan Abd Hamid. (2010). *Hadith-Hadith Dalam Kitab Sayr al-Salikin* Karangan Syaykh 'Abd al-Samad al-Falimbani: Satu Kajian Dalam Bab Solat. Disertasi Master. Akademi Pengajian Islam. Kuala Lumpur: Universiti Malaya.

Ketokohan al-Daraqutni dalam Disiplin Ilmu Hadith

Mohd Aizul bin Yaakob¹, Roshimah bt Shamsudin^{1*}

¹*School of Humanities, Universiti Sains Malaysia,
11800 USM, Penang, Malaysia*

*Pengarang Penghubung
roshimah@usm.my

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ABSTRAK

Ketokohan al-Daraqutni sebagai sarjana hadith kurun ke-empat hijrah tidak dapat disangkal lagi. Kehadiran karya-karya beliau antaranya seperti al-Sunan, al-'Ilal al-Waridah fi al-Ahadith al-Nabawiyyah, al-Ghara'ib dan al-Du'afa' wa al-Matrakun membuktikan kewibawaannya ilmunya. Namun demikian, al-Daraqutni juga tidak terlepas daripada kritikan oleh para sarjana hadith yang lain khususnya berkaitan penguasaan beliau dalam bidang 'ilal al-hadith. Sehubungan itu, artikel ini bertujuan mengkaji ketokohan al-Daraqutni dalam lapangan ilmu hadith dengan membincangkan latar belakang kehidupan beliau termasuklah kritikan yang diberikan terhadapnya. Bagi mencapai objektif tersebut, kajian berbentuk kualitatif yang melibatkan pengumpulan data dijalankan melalui kajian kepustakaan. Data-data yang diperoleh akan dianalisis berdasarkan kaedah induktif dan deduktif. Dapatan kajian menunjukkan bahawa al-Daraqutni merupakan antara tokoh hadith yang memperlihatkan penguasaan ilmu hadith yang mapan dan holistik. Malah beliau juga telah menguasai kemuncak ilmu ini iaitu disiplin 'ilal al-hadith. Ini bermakna beberapa



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kritikan terhadapnya tidak berupaya menjejaskan kredibilitinya sebagai tokoh hadith berwibawa.

Kata kunci: *Al-Daraqutni, Ilmu hadith, Ketokohan, 'Ilal al-hadith.*

The Prominence of al-Daraqutni in the Sciences of Hadith Discipline

ABSTRACT

There is no denying the prominence of al-Daraqutni as a hadith scholar of the 4th century Hijri. The presence of his works among others al-Sunan, al-'Ilal al-Waridah fi al-Ahadith al-Nabawiyyah, al-Ghara'ib and al-Du'afa' wa al-Matrukin are evidence enough of his credibility. In spite of the eminent recognition, al-Daraqutni was not immune from criticism by the hadith scholars in particular pertaining to his mastery over a sub-field of the sciences of hadith namely 'ilal al-hadith. In furtherance to the criticism, this article is written to study the finesse of al-Daraqutni in the discipline of hadith by studying the background of his life as well as the criticism levelled at him. In order to achieve the objectives, qualitative research was applied, involving data collection sourced from library research. The collected data were analyzed based on inductive and deductive methods which produced findings that illustrate that al-Daraqutni was undoubtedly one of the finest hadith scholars who showed impeccable and holistic mastery over the pinnacle of the sciences of hadith; that is 'ilal al-hadith. Thus it signifies that the criticism against him did not compromise his credibility as a profound hadith scholar.

Keywords: *Al-Daraqutni, Sciences of hadith, Prominence, 'Ilal al-hadith.*

PENGENALAN

Al-Daraqutni (m. 385 H) merupakan antara tokoh hadith yang menonjol pada kurun ke-empat Hijrah. Penguasaannya dalam pelbagai bidang ilmu diakui oleh ramai sarjana. Dalam hal ini, al-Dhahabi (m. 748 H) (1984) pernah menyifatkan beliau sebagai lautan ilmu dan merupakan antara salah

seorang Imam di dunia. Al-Azhari (m. 370 H) turut menyatakan bahawa apabila al-Daraqutni menyampaikan sesuatu ilmu dalam bidang apa jua sekalipun, pasti didapati beliau mengetahui segala-galanya (Al-Dhahabi, 1995). Antara bidang paling menonjol yang dikuasai oleh beliau adalah ilmu hadith. Perkara ini mendapat pengiktirafan para sarjana yang lain sama ada yang hidup sezaman dengannya atau selepas kematiannya.

Sehubungan itu, artikel ini akan membincangkan ketokohan al-Daraqutni dalam disiplin ilmu hadith, khususnya dalam bidang *'ilal al-hadith* di samping menjelaskan beberapa kritikan sarjana terhadap beliau dalam disiplin ilmu ini.

METODOLOGI KAJIAN

Kajian yang dijalankan ini adalah berbentuk kualitatif sepenuhnya dan melibatkan pengumpulan data melalui kajian kepustakaan. Oleh yang demikian, karya-karya utama khususnya berkaitan biografi al-Daraqutni dan disiplin hadith dijadikan sebagai rujukan oleh pengkaji bagi mendapatkan data-data primer. Justeru, antara karya penting yang dirujuk berkaitan latar al-Daraqutni adalah seperti kitab *al-Ilzamat wa al-Tatabbu'* oleh al-Daraqutni (m. 385 H), *Tarikh al-Baghdad* oleh al-Khatib al-Baghdadi (m. 463 H), *Wafayat al-A'yan wa Anba' Abna' al-Zaman* oleh Ibn Khallikan (m. 681 H), *Siyar 'A'lam al-Nubala'* oleh al-Dhahabi (m. 748 H), *Tabaqat al-Syafi'iyah al-Kubra* oleh al-Subki (m. 771 H), *al-Bidayah wa al-Nihayah* oleh Ibn Kathir (m. 774 H) dan beberapa lagi karya-karya yang lain. Dalam disiplin hadith pula, antara karya yang dirujuk adalah seperti *Sahih Muslim bi Syarh al-Nawawi* dan *al-Talkhis Syarh al-Jami' al-Sahih li al-Bukhari* oleh al-Nawawi (m. 676 H), *Syarh al-Nukbah Nuzhah al-Nazar fi Tawdih Nukhbah al-Fikar fi Mustalah Ahl al-Athar* dan *Tabaqat al-Mudallisin Ta'rif Ahl al-Taqdis bi Maratib al-Mawsufin bi al-Tadlis* oleh Ibn Hajar (m. 852 H) dan beberapa lagi karya yang lain. Selain itu, data-data turut dikumpulkan menerusi sumber sekunder yang dihasilkan oleh beberapa penulis kontemporari, antaranya seperti *Marwiyat al-Imam al-Zuhri al-Mu'allah fi Kitab al-'Ilal li al-Daraqutni* oleh Damfu, *Manhaj al-Imam al-Daraqutni fi Naqd al-Hadith fi Kitab al-'Ilal* oleh Judah, *Manhaj al-Imam al-Daraqutni fi Kitabih al-Sunan wa Atharih fi Ikhtilaf al-Fuqaha'* oleh Kilani, *al-Imam al-Nawawi wa Atharuh fi al-Hadith wa 'Ulumih* oleh

‘Abd al-‘Aziz di samping beberapa buah karya lain. Data-data yang telah dikumpulkan dianalisis berdasarkan dua kaedah utama, iaitu induktif dan deduktif.

DAPATAN KAJIAN

Latar Belakang Al-Daraqutni secara Ringkas

Nama penuh al-Daraqutni ialah ‘Ali bin ‘Umar bin Ahmad bin Mahdi bin Mas‘ud bin al-Nu‘man bin Dinar bin ‘Abd Allah Abu al-Hasan al-Daraqutni al-Baghdadi (Al-Subki, t.t.). Beliau dilahirkan pada tanggal Zulkaedah di sebuah kawasan yang bernama Dar al-Qutn di kota Baghdad (Al-Zirikli, 2002). Berikutan itu, beliau lebih dikenali dengan *laqab* al-Daraqutni yang merupakan nisbah kepada tempat kelahirannya (Ibn Kathir, 1998). Para sejarawan bersepakat bahawa al-Daraqutni telah dilahirkan pada awal kurun yang ke-empat Hijrah. Namun begitu, mereka berselisih pandangan mengenai tahun kelahiran beliau secara tepat. Sebahagian daripada mereka berpandangan al-Daraqutni dilahirkan pada tahun 305 Hijrah, manakala sebahagian yang lain pula menyatakan pada tahun 306 Hijrah (Al-Khatib, 2001). Biarpun begitu, beberapa pengkaji kontemporari seperti Kilani (2010) dan Damfu (1999) memilih tahun 306 Hijrah sebagai tahun kelahiran al-Daraqutni kerana mengambilkira pengakuan al-Daraqutni sendiri apabila beliau didapati berkata: “...telah meninggal Abu al-‘Abbas Ahmad bin Muhammad bin Surayj al-Qadi al-Faqih pada tahun 306 Hijrah dan aku dilahirkan pada tahun tersebut” (Al-Sulami, 1988).

Pendidikan awal al-Daraqutni bermula di tempat kelahirannya sendiri iaitu kota Baghdad. Direkodkan bahawa terdapat beberapa nama tokoh ilmunan yang menjadi gurunya di kota tersebut, antaranya adalah ayahnya sendiri iaitu ‘Umar bin Ahmad bin Mahdi (Al-Khatib, 2001), Abu al-Qasim ‘Abd Allah bin Muhammad al-Baghawi (m. 317 H), Yahya bin Muhammad bin Sa‘id (m. 318 H) dan Abu Bakr bin Abi Dawud (m. 316 H) (Anonymous, 1984). Pada tahun 320 Hijrah iaitu ketika berusia empat belas tahun, beliau melangkah ke kota Basrah untuk meluaskan lagi pencarian ilmu pengetahuannya. Ketika di Basrah, beliau telah bertemu dengan beberapa sarjana seperti Muhammad bin Sulayman al-Maliki al-Basri, Ya‘qub bin Yusuf al-Khallal, Ahmad bin Muhammad al-Hizzani (m.

332 H), ‘Ali bin Ishaq (m. 334 H), Ahmad bin Muhammad al-‘Attar (Kilani, 2010), ‘Ali bin ‘Abd Allah al-Dibaji dan ramai lagi (Damfu, 1999). Di samping itu, al-Daraqutni turut melakukan *rihlah ‘ilmiyyah* ke Kufah dan bertemu dengan beberapa ilmuan seperti Abu ‘Abd Allah bin Muhammad bin al-Qasim bin Zakariya al-Kufi al-Sudani (m. 326 H) dan ‘Abd Allah bin Yahya al-Talhi (Kilani, 2010). Al-Daraqutni juga direkodkan telah pergi ke Wasit dan bertemu dengan Ahmad bin Amru bin ‘Uthman al-Mu‘addil, Ahmad bin Ahmad bin Sa‘dan al-Saydalani, Muhammad bin Mahmud bin Muhammad, al-Husayn bin Ibrahim al-Khallal (Damfu, 1999) dan ‘Ali bin ‘Abd Allah bin Mubasysyir al-Wasiti (m. 324 H) (Kilani, 2010). Beliau juga turut bermusafir ke Tabariyyah dan bertemu dengan Muhammad bin Khazar al-Tabarani (Al-Daraqutni, 1986). Ketika pergi ke Mekah untuk melaksanakan haji, beliau mengambil peluang untuk mengambil faedah daripada para ilmuan yang berada di sana, antaranya seperti al-Hasan bin al-Khadr al-Mu‘addil (Damfu, 1999). Beliau turut direkodkan pernah mengembara ke Khuzestan untuk bertemu dengan beberapa ilmuan di sana (Al-Daraqutni, 1986).

Pada tahun 357 Hijrah iaitu ketika al-Daraqutni berusia lima puluh satu tahun, beliau telah melakukan kembara ilmu ke Mesir (Anonymous, 1984). Kedatangan beliau adalah atas jemputan daripada salah seorang pembesar Mesir ketika itu iaitu Abu al-Fadl Ja‘far bin al-Fadl bin Hinzabah (m. 391 H) atau lebih dikenali dengan *kunyah* Ibn Hinzabah (Ibn Khallikan, t.t.) bagi bertujuan membantunya menghasilkan sebuah kitab *Musnad* (Ibn Kathir, 1998). Sepanjang berada di Mesir, al-Daraqutni tidak melepaskan peluang untuk bertemu dan mengambil ilmu daripada beberapa ilmuan yang tidak kurang hebatnya. Antara ilmuan tersebut adalah seperti Muhammad bin ‘Abd Allah al-Naysaburi (m. 338 H), ‘Abd Allah bin Muhammad bin al-Nasih (m. 365 H), ‘Abd al-Rahman bin Isma‘il al-‘Arudi, (Damfu, 1999) Abu Tahir al-Qadi Muhammad bin Ahmad, ‘Ali bin Ahmad bin al-Azraq, ‘Ali bin ‘Abd Allah bin al-Fadl dan ramai lagi (Kilani, 2010).

Ketokohan al-Daraqutni dalam lapangan ilmu tersebar ke serata pelosok tanah Arab. Ramai dalam kalangan pelajar datang kepadanya untuk menimba dan mendengar ilmu daripadanya. Mereka yang direkodkan pernah bertemu dengan al-Daraqutni dan mengambil ilmu daripadanya adalah terdiri daripada tokoh-tokoh yang masyhur seperti Abu Nu‘aym al-Asbahani (m. 430 H), Abu Bakr al-Barqani (m. 425 H), Abu al-Qasim bin

Bisyran, Hamzah bin Muhammad bin Tahir (m. 424 H), ‘Ubayd Allah bin Ahmad bin ‘Uthman al-Azhari (m. 435 H), al-Khallal, al-Hasan bin ‘Ali bin Muhammad bin al-Hasan bin ‘Abd Allah al-Jawhari (m. 454 H), al-Tanukhi, ‘Abd al-‘Aziz bin ‘Ali al-Azaji, Abu Bakr Muhammad bin ‘Abd al-Malik bin Bisyran al-Qurasyi (m. 448 H), Abu al-Hasan al-‘Atiqi, al-Qadi Abi Tayyib al-Tabari (Al-Khatib, 2001), Abu ‘Abd Allah al-Hakim (m. 405 H), ‘Abd al-Ghani al-Azdi (m. 409 H), Tammam bin Muhammad al-Razi (m. 414 H), al-Faqih Abu Hamid al-Isfirayayn, Abu Nasr bin Jundi, Ahmad bin al-Hasan al-Tayyan, Muhammad bin al-Husayn bin Muhammad Abu ‘Abd al-Rahman al-Sulami (m. 412 H), Abu Mas‘ud al-Dimasyqi (m. 401 H), Ahmad bin Muhammad bin al-Harith al-Asbahani al-Nahwi, Abu al-Hasan bin Simsar al-Dimasyqi, Abu Hazim bin al-Farra’, Abu Nu‘man Turab bin ‘Umar al-Misri, Abu al-Ghana’im ‘Abd al-Samad bin al-Ma’mun, Abu al-Husayn bin Muhtadi bi Allah, Abu al-Husayn bin al-Abanusi Muhammad bin Ahmad bin Muhammad, Abu al-Husayn Muhammad bin Ahmad bin Muhammad bin Hasnun al-Nursi, Hamzah bin Yusuf al-Sahmi (m. 427 H) (Al-Dhahabi, 1984).

Pada tahun 385 Hijrah iaitu ketika umur al-Daraqutni mencecah hampir lapan puluh tahun, beliau telah dijemput ke pangkuan Ilahi buat selamanya. Kematiannya pada tahun tersebut seolah-olah telah dirasainya. Dalam hal ini, Abu al-Husayn bin al-Fadl menceritakan bahawa al-Daraqutni telah berkata kepadanya pada hari Jumaat bulan Muharam tahun 385 Hijrah: “Wahai Abu al-Husayn, hari ini aku telah memasuki tahun di mana aku akan dipanggil oleh Allah SWT iaitu ketika usiaku menjengah lapan puluh tahun” (Al-Khatib, 2001). Ternyata perasaan dan firasat al-Daraqutni ini adalah benar. Abu al-Husayn bin al-Fadl menyatakan hampir sebelas bulan selepas daripada itu iaitu pada bulan Zulkaedah, al-Daraqutni telah menghembuskan nafasnya yang terakhir. Menurut al-‘Atiqi, al-Daraqutni telah meninggal dunia pada hari Rabu kedua, bulan Zulkaedah pada tahun 385 Hijrah (Al-Khatib, 2001). Jenazah al-Daraqutni telah diimamkan oleh al-Faqih Abu Hamid al-Isfarayini di salah satu masjid di Dar al-Qutn dan dikebumikan di perkuburan Bab al-Dayr berhampiran dengan kubur seorang ilmuwan Baghdad iaitu Ma‘ruf al-Karkhi (Al-Daraqutni, 1986). Al-Khatib (2001) meriwayatkan dari Abu Nasr bin ‘Ali bahawa dia pernah bermimpi mengenai al-Daraqutni pada salah satu dari malam-malam Ramadan. Dalam mimpi tersebut beliau bertanya berkenaan keadaan al-Daraqutni di akhirat. Maka dikatakan kepadanya bahawa al-Daraqutni dipanggil dalam syurga dengan gelaran Imam.

Al-Daraqutni telah meninggalkan legasi ilmu yang sangat besar kepada umat Islam di setiap penjuru dunia. Walaupun telah meninggal dunia, karya-karyanya tetap segar dalam simpanan para penuntut ilmu dan dijadikan rujukan dalam kajian-kajian mereka. Al-Ruhayli telah menghimpunkan sebanyak enam puluh satu buah kitab merentasi pelbagai bidang dan disiplin ilmu (Al-Ruhayli, 2000). Jumlah ini sekaligus telah membuktikan bahawa beliau adalah seorang yang sangat prolifik pada zaman tersebut. Justeru, tidak menghairankan apabila al-Subki memujinya dan menyifatkannya sebagai *sahib al-musannafat*. Antara karyanya yang masyhur adalah seperti *al-Ilzamat*, *al-Du'afa' wa al-Matrukin min al-Muhaddithin*, *al-Sunan*, *al-'Ilal al-Waridah fi al-Ahadith al-Nabawiyyah*, *al-Ru'yah*, *al-Fawa'id al-Muntaqah al-Ghara'ib* dan pelbagai lagi (Al-Subki, t.t.).

PERBINCANGAN

Ketokohan Al-Daraqutni dalam Disiplin Ilmu Hadith

Perjalanan dan pertemuan al-Daraqutni dengan para ilmuan dari pelbagai latar dan negeri telah membina karakter al-Daraqutni sebagai tokoh sarjana yang hebat. Dicatatkan bahawa beliau telah menguasai beberapa bidang ilmu, antaranya adab dan sastera Arab, fiqh, *qira'at* dan yang paling menonjol adalah disiplin ilmu hadith.

Penguasaan al-Daraqutni dalam bidang hadith diakui oleh sesiapa sahaja yang mengenalinya. Muridnya sendiri iaitu 'Abd al-Ghani memuji ketokohnya dalam bidang ini, malah beliau berkata: “Sebaik-baik perkataan tentang hadith Nabi SAW terdapat pada tiga orang iaitu 'Ali bin al-Madini pada zamannya, Musa bin Harun pada zamannya dan al-Daraqutni pada zamannya” (Ibn Khallikan, t.t.). Demikian juga muridnya yang lain iaitu Abu 'Abd al-Rahman al-Sulami (m. 412 H) berkata: “Aku bersaksi demi Allah, sesungguhnya tiada sesiapa yang boleh menandingi guru kami iaitu al-Daraqutni di atas permukaan bumi ini dalam pengetahuan terhadap hadith Nabi SAW, *athar Sahabat*, *tabi'in* dan *atba' al-tabi'in*” (Al-Dhahabi, 1984). Al-Qadi Abu al-Tayyib al-Tabari menceritakan bahawa beliau pernah menghadiri majlis ilmu al-Daraqutni yang pada ketika itu sedang membacakan hadith-hadith tentang wuduk terbatal disebabkan oleh menyentuh kemaluan. Penjelasan al-Daraqutni mengagumkan Abu al-

Tayyib sehingga beliau berkata: “Sekiranya Ahmad bin Hanbal hadir dalam majlis ini, pasti dia akan mendapat faedah darinya” (Al-Khatib, 2001). Pada ketika yang lain Abu al-Tayyib memuji kehebatan al-Daraqutni dalam hadith dan menyifatkan beliau sebagai *amir al-mu'minin fi al-hadith* (Al-Khatib, 2001). Ibn Khallikan (m. 681 H) (t.t.) juga turut memuji kehebatannya dalam ilmu hadith dengan berkata: “...dan beliau bersendirian sebagai Imam dalam hadith pada zamannya...”. Manakala al-Subki (m. 771 H) (t.t.) pula menggelarkannya sebagai *syaykh ahl al-hadith*. Pujian serta beberapa gelaran yang dinyatakan di atas sudah memadai untuk membuktikan ketokohan al-Daraqutni dalam bidang hadith.

Penguasaan Al-Daraqutni dalam ‘Ilal al-Hadith

Penguasaan al-Daraqutni dalam disiplin ilmu hadith begitu menonjol khususnya dalam cabang *‘ilal al-hadith*. Cabang ilmu ini merupakan kemuncak penguasaan seseorang sarjana hadith dalam wacana kritikan hadith. Tidak semua dalam kalangan ilmuan hadith mampu menguasai disiplin ini kerana ia memerlukan pengetahuan yang luas dan menyeluruh tentang setiap aspek sama ada berkaitan *sanad* ataupun *matan* sesuatu hadith. Sungguhpun begitu, al-Daraqutni termasuk salah seorang sarjana yang diakui kepakarannya dalam cabang disiplin ilmu ini. Buktinya, al-Khatib (m. 463 H) (2001) pernah memujinya dengan berkata: “...berakhir kepadanya ilmu *athar* dan pengetahuan tentang *‘ilal al-hadith*, nama-nama *rijal* dan keadaan-keadaan mereka...”. Begitu juga dengan al-Dhahabi (m. 748 H) (1984) yang didapati turut memujinya dengan pujian yang hampir sama iaitu: “...berakhir kepadanya *al-hifz* dan pengetahuan tentang *‘ilal al-hadith* dan perawi-perawinya”. Selain itu, Ibn Kathir (m. 774 H) (1998) dalam *al-Bidayah wa al-Nihayah* turut menyifatkannya sebagai imam pada zamannya tentang *asma’ al-rijal, sina’ah al-ta’lil, al-jarh wa al-ta’dil...*.

Tahap penguasaan dan kepakaran al-Daraqutni dalam disiplin ilmu ini lebih menyerlah apabila melihat kepada jawapan yang diberikan terhadap hadith-hadith *al-mu’al* yang dimuatkan dalam kitab *al-‘Ilal*nya. Pada dasarnya, kitab *al-‘Ilal* merupakan himpunan jawapan yang diberikan oleh al-Daraqutni daripada hadith-hadith *al-mu’al* yang diajukan oleh al-Barqani. Secara lebih spesifik, kitab ini memuatkan lebih daripada empat ribu buah hadith beserta jawapan dan penjelasan daripada al-Daraqutni mengenai setiap jalur *sanad* serta *‘illah* yang berlaku padanya. Menurut al-Barqani,

kesemua jawapan dan penjelasan yang diberikan oleh al-Daraqutni ini diberikan secara *imla'* melalui hafalannya (Al-Dhahabi, 1984). Berikutan itu, al-Dhahabi (1984) menzahirkan rasa kagum terhadap kemampuan al-Daraqutni ini sehingga menurut beliau, sekiranya benar kitab *al-'Ilal* ini disampaikan secara *imla'* oleh al-Daraqutni melalui hafalannya sebagaimana yang diceritakan oleh al-Barqani, maka ia sesuatu yang menakjubkan dan membuktikan bahawa al-Daraqutni adalah penghuni dunia yang paling *hafiz*. Kitab ini juga sentiasa diberikan perhatian yang serius oleh para sarjana hadith khususnya dalam memahami disiplin ilmu *'ilal al-hadith*.

Selain daripada kitab *al-'Ilal*, karyanya yang lain iaitu *Sunan al-Daraqutni* turut membuktikan penguasaan al-Daraqutni dalam disiplin *'ilal al-hadith*. Menurut Kilani (2010), penguasaan al-Daraqutni dalam disiplin *'ilal al-hadith* terpancar dalam kitab *al-'Ilal* dan *al-Sunan*. Al-Ruhayli (2000) turut berpandangan bahawa sekiranya kitab *al-Sunan* dilihat melalui kaca mata ilmu *'ilal al-hadith*, maka kitab ini hampir memiliki persamaan dengan kitab-kitab yang membicarakan tentang *'ilal al-hadith* seperti kitabnya sendiri iaitu *al-'Ilal al-Daraqutni*, *al-'Ilal Ibn al-Madini* dan *al-'Ilal Ibn Abi Hatim*.

Kritikan Terhadap Al-Daraqutni dalam Bidang Hadith

Meskipun al-Daraqutni dikenali sebagai seorang figura yang hebat dalam bidang hadith, kajian mendapati beliau turut dikritik oleh beberapa sarjana. Antaranya adalah kritikan daripada Muhammad bin Tahir al-Maqdisi (m. 507 H) yang menyifatkan al-Daraqutni sebagai seorang *mudallis*. Kritikan ini bertitik tolak daripada penggunaan lafaz *quri'a 'ala Abi al-Qasim al-Baghawi haddathakum fulan* oleh al-Daraqutni pada hadith yang beliau tidak mendengarnya daripada al-Baghawi (Al-Maqdisi, 1998). Berasaskan kritikan ini juga, Ibn Hajar telah memasukkan nama al-Daraqutni sebagai salah seorang perawi *mudallis* dalam karyanya *Tabaqat al-Mudallis* (Ibn Hajar, t.t.). Seorang pengkaji semasa iaitu al-Ruhayli tidak bersetuju dengan dakwaan ini berdasarkan beberapa justifikasi. Antaranya menurut beliau, tiada seorang pun dalam kalangan sarjana sama ada *muta'akhhirin* atau *mu'asirin* menyifatkan sedemikian kepada al-Daraqutni melainkan Ibn Tahir sahaja (Al-Ruhayli, 2000). Menurut al-Ruhayli (2000) lagi, berkemungkinan Ibn Tahir menyangka bahawa al-Daraqutni tidak mendengar secara langsung daripada al-Baghawi tetapi

realiti sebenarnya adalah al-Daraqutni benar-benar mendengar daripada al-Baghawi. Ini kerana al-Baghawi adalah guru beliau sendiri. Justeru, menurut al-Ruhayli (2000), boleh jadi juga al-Daraqutni mengatakan demikian kerana mengikut metode *tahdith* dengan cara *al-wijadah* tanpa sesekali memasang niat untuk mengelirukan orang ramai. Sehubungan itu, keadaan ini tidak menjadikannya sebagai seorang *mudallis* kerana syarat *tadlis* adalah bertujuan untuk mengelirukan orang ramai (Al-Ruhayli, 2000).

Di samping itu, al-A'zami (1995) menegaskan bahawa *tadlis* yang disifatkan kepada al-Daraqutni tidak memudaratkan, atas justifikasi Ibn Hajar meletakkannya pada *tabaqah* pertama. Ini kerana perawi yang berada pada *tabaqah* ini sangat jarang disifatkan dengan *tadlis* dan sekiranya mereka melakukan *tadlis*, ia hanyalah daripada perawi *thiqat* sahaja.

Selain Ibn Tahir, al-Nawawi turut melontarkan kritikan terhadap manhaj penta'*lilan* al-Daraqutni. Kritikan ini bermula apabila al-Daraqutni mengkritik beberapa buah hadith dalam *Sahih al-Bukhari* dan *Sahih Muslim* sebagaimana yang terkandung dalam kitab *al-Tatabbu'*. Menurut al-Nawawi (2008), kritikan al-Daraqutni terhadap hadith-hadith tersebut adalah *fasid*, terbina atas kaedah sebahagian *ahl al-hadith*, kaedah yang sangat lemah dan bercanggah dengan majoriti *ahl al-fiqh* dan *al-usul*. Pada tempat yang lain, al-Nawawi sekali lagi didapati menyatakan bahawa kritikan al-Daraqutni terbina atas kaedah yang *ma'ruf* baginya dan kebanyakan *ahl al-hadith* iaitu apabila berlaku percanggahan antara riwayat *mawquf* dan *marfu'*, *mursal* dan *mawsul* mereka akan mentarjihkan riwayat *mawquf* dan *mursal*. Ujar al-Nawawi lagi, kaedah ini adalah kaedah yang lemah dan tidak dibenarkan (*mamnu'ah*). Kaedah yang tepat adalah sebagaimana yang dipraktikkan oleh *al-usuliyyun*, *al-fuqaha'*, al-Bukhari, Muslim dan *muhaqqiq ahl al-hadith* iaitu dengan mentarjihkan riwayat *marfu'* dan *mawsul* kerana ia termasuk dalam perbincangan *ziyadah al-thiqah* (2001).

Menurut beberapa pengkaji seperti al-Wadi'i (Al-Daraqutni, 1985), 'Abd al-'Aziz (1988) dan 'Ata Ibrahim (2008), kritikan yang dijawab oleh al-Nawawi kebanyakannya adalah berkisar sekitar persoalan *ziyadah al-thiqah* iaitu tentang pentarjihan antara riwayat *marfu'* dan *mursal* atau *mawsul* dan *mawquf*. Dalam konteks ini, pendirian beliau adalah mengambil pandangan mereka yang menerima secara mutlak *ziyadah al-thiqah*. Hal ini bertepatan dengan kenyataan beliau dalam *Muqaddimah Syarh Sahih Muslim* bahawa

ziyadat al-thiqah maqbulah lantaran ia adalah pandangan yang dipegang oleh majoriti *ahl al-hadith*, *ahl al-fiqh* dan *al-usul* (Al-Nawawi, 2001). Berikutan itu, al-Nawawi (2001) berpandangan bahawa sekiranya berlaku pertembungan antara riwayat *marfu'* dan *mursal* atau *mawsul* dan *mawquf*, maka pandangan yang lebih sahih adalah mentarjihkan riwayat *marfu'* dan *mawsul*, sekalipun perawi yang bercanggah dengan riwayat ini sama bilangannya atau lebih ramai dan lebih *ahfaz*. Penilaian demikian menurut al-Nawawi (2000) kerana *ziyadah al-thiqah* adalah diterima dan beliau menegaskan bahawa pendirian ini merupakan pegangan para *muhaqqiqun* dalam kalangan *ahl al-hadith* dan dipegang juga oleh *fuqaha'* dan *ashab al-usul* serta disahihkan oleh al-Khatib al-Baghdadi.

Apabila menimbang manhaj al-Nawawi dan al-Daraqutni terhadap isu *ziyadah al-thiqah*, ternyata ia adalah berbeza antara satu dengan yang lain. Ini kerana al-Nawawi berpandangan bahawa ia diterima secara mutlak, sedangkan al-Daraqutni menilai elemen *ziyadah al-thiqah* berdasarkan indikasi *qarinah* yang terdapat pada hadith-hadith tersebut. Dalam erti kata lain, jenis periwayatan ini tidak diterima secara mutlak oleh al-Daraqutni dan juga tidak ditolak secara mutlak. Hal ini diakui oleh beberapa pengkaji seperti Kilani (2010) dan Judah (2011) melalui kajian mereka.

Oleh kerana manhaj al-Daraqutni tidak sama dengan al-Nawawi dalam isu ini, maka wajar untuk al-Nawawi tidak bersetuju dengan kritikan al-Daraqutni terhadap beberapa hadith dalam *al-Sahihayn*. Biarpun begitu, manhaj yang dipraktikkan oleh al-Daraqutni bukanlah kaedah yang lemah dan *fasid* sebagaimana yang didakwa oleh al-Nawawi. Malah realitinya, kaedah tersebut sebenarnya tidak asing dalam kalangan *ahl al-hadith* terutamanya dalam kalangan *mutaqaddimin*. Hal ini sebagaimana diisyaratkan oleh al-'Alla'i (m. 761 H) apabila beliau menyatakan bahawa para Imam *mutaqaddimin* seperti Yahya bin Sa'id al-Qattan, 'Abd al-Rahman bin Mahdi, 'Ali bin al-Madini, Ahmad bin Hanbal, Yahya bin Ma'in, al-Bukhari, Abu Hatim, Abu Zur'ah, Muslim, al-Nasa'i, al-Tirmidhi, al-Daraqutni dan al-Khalili menilai elemen *al-ziyadah* berdasarkan *tarjih* yang paling kuat di sisi mereka pada setiap hadith. Jelas al-'Alla'i lagi, kumpulan sarjana ini tidak menilai elemen *al-ziyadah* dengan cara pukal bagi semua hadith. Kaedah mereka inilah yang benar (Kamil, 1986). Seiring dengan dengan pandangan ini, Ibn Hajar (m. 852 H) (2000) turut menyatakan bahawa para Imam hadith *mutaqaddimin* seperti 'Abd al-Rahman bin Mahdi, Yahya al-

Qattan, Ahmad bin Hanbal, Yahya bin Ma'in, 'Ali bin al-Madini, al-Bukhari, Abu Zur'ah, Abu Hatim, al-Nasa'i, al-Daraqutni dan selain mereka menilai elemen *al-ziyadah* berpandukan kepada *qarinah*. Tambah beliau lagi, tiada seorang pun dalam kalangan mereka menerima elemen ini secara mutlak. Memandangkan metode beliau dalam persoalan ini seiring dengan metode *ahl al-hadith mutaqaddimin*, maka pengkaji merasakan bahawa kritikan al-Nawawi terhadap al-Daraqutni tidak sedikitpun mempengaruhi kredibiliti al-Daraqutni sebagai seorang tokoh dalam '*ilal al-hadith*'.

KESIMPULAN

Penguasaan al-Daraqutni dalam disiplin ilmu hadith tidak boleh disangkal lagi. Malah boleh dirumuskan bahawa tahap penguasaan beliau tidak hanya berada pada peringkat dasar disiplin ini, bahkan sebenarnya telah sampai kepada kemuncaknya. Buktinya, salah satu daripada cabang ilmu hadith yang paling sukar iaitu '*ilal al-hadith*' telah berjaya dikuasai oleh beliau secara mapan dan holistik. Malah penguasaannya ini telah diakui oleh ramai para sarjana sama ada yang berada pada zamannya dan juga mereka yang datang selepas kewafatannya. Malah beberapa karyanya seperti *al-'Ilal al-Waridah fi al-Ahadith al-Nabawiyyah* dan *al-Sunan* turut membuktikan kepakaran beliau dalam cabang ilmu ini. Selain itu, kritikan yang dilemparkan kepadanya khususnya berkenaan metode penta '*ilal*'nya turut tidak mengurangkan kredibilitinya dalam bidang ini lantaran metode tersebut turut dipraktikkan oleh sarjana hadith *mutaqaddimin* dalam wacana kritikan hadith mereka.

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RUJUKAN

- ‘Abd al-‘Aziz, A. Q. H. (1988). *Al-imam al-Nawawi wa atharuh fi al-hadith wa ‘ulumih*. Unpublished Masters Dissertation. University of Umm al-Qura. Saudi Arabia.
- ‘Ata Ibrahim, A. H. (2008). *Al-sina ‘ah al-hadithiyyah fi syarh al-Nawawi ‘ala sahih muslim*. Cairo: Maktabah Zahra’ al-Syarq.
- Al-A‘zami, M. D. R. (1995). *Dirasat fi al-jarh wa al-ta‘dil*. c. 1. Madinah: Maktabah al-Ghuraba’ Al-Athariyyah.
- Al-Daraqutni, A. H. A. (1986). *Al-mu‘talif wa al-mukhtalif*. Muwafaq A. A. Q. (Ed.). c. 1. Bayrut: Dar al-Gharb al-Islami.
- Al-Daraqutni, A. H. A. (1985). *Al-Ilzamat wa al-tatabbu‘*. Muqbil H. W. (Ed.). Bayrut: Dar al-Kutub al-‘Ilmiyyah.
- Al-Dhahabi, A. M. (1984). *Siyar ‘a‘lam al-nubala’*. Syu‘ayb A. & Akram B. (Eds.). Bayrut: Muassasah al-Risalah.
- Al-Dhahabi, A. M. (1995). *Ma‘rifah al-qurra’ al-kibar ‘ala al-tabaqat wa al-a‘sar*. Tayyar Q. (Ed.). Istanbul: T.P.
- Al-Khatib, A. B. B. (2001). *Tarikh madinah al-salam wa akhbar muhaddithiha wa dhikr quttaniha al-‘ulama’ min ghayr ahliha wa waridiha*. Bassyar A. M. (Ed.). Bayrut: Dar al-Gharb al-Islami.
- Al-Nawawi, A. Z. (2001). *Sahih Muslim bi syarh al-Nawawi*. ‘Isam S. et.al. (Eds.). Cairo: Dar al-Hadith.
- Al-Nawawi, A. Z. (2008). *Al-talkhis syarh al-jami‘ al-sahih li al-Bukhari*. Nazar M. F. (Ed.). Riyadh: Dar al-Taybah.
- Al-Subki, T.D. (t.t.). *Tabaqat al-syafi‘iyyah al-kubra*. Mahmud M. T. & ‘Abd al-Fattah M. H. (Eds.). Halab: Dar Ihya’ al-Kutub al- ‘Arabiyyah.

- Al-Sulami, A. A. R. (1988). *Su'alat Abu 'Abd al-Rahman al-Sulami li al-Daraqutni*. Sulayman A. (Ed.). Riyadh: Dar al-'Ulum.
- Al-Zirikli, K. D. (2002). *Al-a'lam qamus tarajim li asyhar al-rijal wa al-nisa' min al-'arab wa al-mu'tarabin wa musytariqin*. Bayrut: Dar al-'Ilm li al-Malayin.
- Anonymous. (1984). *Su'alat Hamzah bin Yusuf al-Sahmi li al-Daraqutni wa ghayrihi min al-masyayikh fi al-jarh wa al-ta'dil*. Muwafaq A. A. Q. (Ed.). Riyadh: Maktabah al-Ma'arif.
- Damfu, A. M. (1999). *Marwiyyat al-imam al-Zuhri al-mu'allah fi kitab al-'ilal li al-Daraqutni*. Riyadh: Maktabah al-Rusyd.
- Ibn Hajar, A. A. (t.t.). *Tabaqat al-mudallisin ta'rif ahl al-taqdis bi maratib al-mawsufin bi al-tadlis*. 'Asim A. (Ed.). Jordan: Maktabah al-Mannar.
- Ibn Hajar, A. A. (2000). *Syarh al-nukbah nuzhah al-nazar fi tawdih nukhbah al-fikar fi mustalah ahl al-athar*. Nur al-Din I. (Ed.). Damsyik: Matba'ah al-Sibah.
- Ibn Kathir, A. F. (1998). *Al-Bidayah wa al-Nihayah*. 'Abd Allah A. M. T. (ed.). c. 1. Jizah: Dar al-Hajr.
- Ibn Khallikan, S. D. (t.t.). *Wafayat al-a'yan wa anba'abna' al-zaman*. Ihsan A. (Ed.). Bayrut: Dar al-Sadir.
- Ibn Tahir, A. F. (1998). *Atraf al-ghara'ib wa al-afrad min hadith Rasulillah aallallah 'alayh wa aallam li al-imam al-Daraqutni*. Mahmud M. M. & Al-Sayyid Y. (Eds.). Bayrut: Dar al-Kutub al-'Ilmiyyah.
- Judah, Y. D. (2011). *Manhaj al-imam al-Daraqutni fi naqd al-hadith fi kitab al-'ilal*. Cairo: Dar a-Kutub al-Misriyyah.
- Kamil, S. R. (1986). *Tahqiq kitab nazm al-fara'id lima tadammahu hadith dhi al-yadayn min al-fawa'id li Khalil bin Kaykaladi al-'Alla'i*. Baghdad: Matba'ah al-Ummah.

Kilani, M. K. (2010). *Manhaj al-imam al-Daraqutni fi kitabih al-sunan wa atharihi fi ikhtilaf al-fuqaha'*. Cairo: Dar al-Muhaddithin.

Analisis Isu Gender Berdasarkan Al-Quran bagi Menangkis Tuntutan Persamaan Hak antara Lelaki dan Wanita

Baterah Alias^{1*}, Mohd Asmadi Yakob¹, Rafeah Saidon¹,
Mukhammad Syamsul Huda Bin Lahuri^{1*}

¹ *Akademi Pengajian Islam Kontemporari,
Universiti Teknologi MARA
40450 Shah Alam, Selangor, Malaysia*

*Pengarang Penghubung
syamsulhudautm@gmail.com

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ABSTRAK

Isu gender merupakan satu topik yang sering dikaitkan dengan wanita. Gerakan feminisme barat menuntut hak kesamarataan antara lelaki dan wanita. Doktrin ini telah mempengaruhi pemikiran masyarakat Islam sehingga menuntut hak persamaan dalam hukum syara' antara lelaki dan wanita. Perbezaan hukum syara' dianggap tidak adil dan mewujudkan diskriminasi antara hak lelaki dan wanita sebagaimana yang didakwa oleh golongan feminisme. Beberapa petikan ayat al-Quran dikemukakan bagi menangkis tuntutan golongan feminisme dalam menuntut hak persamaan antara lelaki dan wanita. Permasalahan kajian ialah golongan feminisme telah meracuni pemikiran umat Islam dengan mengemukakan tuntutan supaya diberikan hak sama rata antara lelaki dan wanita dalam semua aspek kehidupan. Kajian ini menggunakan kaedah kualitatif dan data diperolehi berdasarkan kajian perpustakaan. Hasil kajian mendapati terdapat kekeliruan dalam memahami ayat al-Quran berkaitan isu gender sehingga mengakibatkan salah faham masyarakat dengan meletakkan akal



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fikiran menjangkau batasan syarak. Al-Quran telah memberikan garis paduan yang jelas berkaitan dengan gender dari segi asal usul wanita, kepimpinan dan pewarisan harta pusaka yang selayaknya diterima oleh wanita. Walaupun pada pandangan umum masyarakat, wanita berupaya berperanan dalam rumah tangga dari segi ekonomi dan menjamin kestabilan sosial tetapi hukum syarak perlu ditegakkan bagi melestari kelangsungan insan. Kesimpulannya, al-Quran perlu dijadikan panduan dalam menilai sesuatu hukum yang berkaitan dengan gender supaya tuntutan persamaan hak antara lelaki dan wanita sewajarnya mengikut tuntutan syarak dan mengelakkan umat Islam terpengaruh dengan pemikiran feminisme barat.

Kata Kunci: *Gender, Feminisme, Persamaan Hak, Tuntutan, Al-Quran*

Analysis of Gender Issues Based on the Quran to Reject the Claim of Equal Rights between Men and Women

ABSTRAK

Gender issues are topics that are often associated with women. The Western feminist movement demands equality between men and women. This doctrine has influenced the thinking of the Muslim community to the point of demanding equal rights in Islamic law between men and women. The differences in Islamic law were considered unfair and creates discrimination between the rights of men and women as claimed by feminists. Several verses from the Quran are presented to refute the demands of feminism pursuing equality between men and women. The problem of the study is that feminism has poisoned the minds of Muslims by submitting demands for equal rights between men and women in all aspects of life. Qualitative research methodology and data were obtained based on library research. The results of the study found that there is confusion in understanding the verses of the Quran related to gender issues that result in misinterpretation of society by placing the mind beyond the limits of Islamic law. The Quran has provided a clear guide related to gender in terms of women's origins, leadership and inheritance that should be accepted by women. In the general view of society, women were to play a role in the household in terms of economy and to ensure social stability, however Islamic law needs to be

upheld for human continuity. In conclusion, the Quran should be used as a guide in evaluating a law related to gender so that the demand for equal rights between men and women should be in accordance with Islamic law and to prevent Muslims from being influenced by Western feminist thinking.

Keywords: *Gender, Feminism, Equality Rights, Claim, Al-Quran*

PENDAHULUAN

Artikel ini menganalisis isu gender berdasarkan petikan ayat al-Quran bagi menangkis dakwaan gerakan feminisme yang menuntut persamaan hak antara lelaki dan wanita. Gender merupakan satu konsep yang digunakan untuk mengkaji perbezaan dan persamaan antara lelaki dan wanita dan tidak tertumpu kepada satu konstruksi sosial yang berhubung-rapat dengan perbezaan jantina. Secara etimologinya, gender (Donna L. Haraway, 2001) merupakan perkataan Inggeris yang dipinjam dari kosa kata lama Perancis *gendre genre* yang bererti *kind, genus, style*, yang mana sumberambilannya dari Bahasa Latin *gener* yang bermaksud *race, kind* (Walter W. Skeat, 1993). Dalam penggunaan biasa, ia bermaksud jenis kelamin atau jantina. Manakala dalam bahasa Malaysia, perkataan gender hanya masuk dalam daftar leksikon oleh Dewan Bahasa dan Pustaka pada tahun 2005. Namun pengertiannya masih sama dengan pengertian asalnya kerana gender dari segi literalnya diertikan sebagai jantina (Noresah Baharom *et al.*, 2005) ataupun klasifikasi seksual (Nor Azizah Abu Bakar *et al.* (eds.), 1999). Berdasarkan Barat, istilah gender lahir kesan daripada protes golongan wanita terhadap ketidakadilan kaum lelaki dalam masyarakat Barat (Muhammad 'Imarah, 2004).

Menurut Nasaruddin Umar (2001), dalam al-Quran atau al-Sunnah, tiada perkataan yang sinonim istilah gender. Namun ditakrifkan sebagai perbezaan antara lelaki dan perempuan yang tidak berkait dengan biologi. Terdapat beberapa istilah yang berkaitan seperti *al-rajul/al-rijal* (lelaki), *al-mar'ah/al-nisa'* (perempuan). Al-Quran konsisten dalam penggunaan istilah ketika mengungkap fenomena tertentu. Misalnya, dalam mengungkap lelaki dan perempuan dari aspek biologi, sering kali digunakan istilah *al-dhakar* (lelaki) dan *al-untha* (perempuan). Manakala penggunaan istilah lelaki dan perempuan dari aspek gender (*gender assignment*) pula, istilah *al-rajul/al-rijal* untuk lelaki dan *al-mar'ah/al-nisa'* untuk perempuan.

Di Barat kedudukan wanita tidak sama dengan kedudukan lelaki. Pada awal kebangkitan tamadun Yunani peranan golongan wanita hanya dijadikan sebagai alat untuk melepaskan nafsu kaum lelaki sahaja (Alfa Mardiyana, 2017). Tambahan pula, golongan wanita juga tidak dibolehkan untuk keluar dari rumah dan diharamkan dari memasuki dunia pendidikan (Zulkifli et.al, 2007). Ideologi budaya masyarakat Greek memandang golongan wanita sebagai sebuah barang dagangan yang boleh dijual beli dan dipindah milik (Harlina Siraj, 2015). Budaya masyarakat China, membunuh anak perempuan adalah dibolehkan (Mohd Anuar Ramli, 2010). Manakala bagi kepercayaan agama Hindu, hak hidup seorang wanita yang bersuami harus berakhir pada saat kematian suaminya (Nasaruddin Umar, 2001). Budaya masyarakat Hindu juga mengamalkan amalan “sati” iaitu bukti kesetiaan dan pengorbanan seorang isteri terhadap suami (Harlina Siraj, 2015).

Kedatangan Islam telah membawa rahmat kepada golongan wanita dan kehidupan masyarakat secara keseluruhannya (Alfa Mardiyana, 2017). Hak wanita yang diperjuangkan dalam Islam bukanlah menuntut untuk menyamaratakan hak lelaki dan wanita tetapi Islam memberikan hak yang sebenar kepada wanita dengan memberi keadilan dan peringatan kepada semua umat Islam agar menjaga hak golongan wanita daripada teraniaya dan didiskriminasi (Mohd Yakub et.al, 2015). Tuntutan untuk menyamaratakan hak lelaki dan wanita akan menyebabkan ketidakadilan sosial dalam masyarakat dan bercanggah sama sekali dengan tuntutan Islam berdasarkan ayat al-Quran dan surah al-Nisa’ ayat 34 menyatakan bahawa ‘lelaki adalah pemimpin kepada kaum wanita’. Oleh itu, artikel ini mengulas tentang tuntutan yang dilakukan oleh golongan feminisme hanyalah berdasarkan kepada akal dan persekitaran masyarakat yang wujud pada zaman tersebut.

LATAR BELAKANG KAJIAN

Latar belakang kajian ini untuk melihat bagaimana gerakan feminisme menuntut kesamarataan gender dan bagi memberikan hak kepada wanita supaya setara dengan lelaki dalam semua aspek kehidupan. Perkara yang dituntut oleh golongan feminisme ini bercanggah dengan al-Quran sehingga menimbulkan kekeliruan dalam masyarakat termasuklah dalam kalangan wanita Islam.

Dalam era globalisasi, masyarakat terdedah kepada pengaruh budaya luar di mana isu gender merupakan antara isu hangat yang sedang diperkatakan. Antaranya, termasuklah diskriminasi dan hak kesamarataan gender. Implikasinya, muncul isu kesamarataan dan keadilan antara hak lelaki dan wanita sehingga menyebabkan golongan intelektual dan pemikir moden telah menuntut hak sama rata antara lelaki dan wanita (Nur Zainatul Nadra, 2015).

Pada masa kini, atas nama permodenan, munculnya perjuangan wanita yang dipengaruhi oleh gerakan feminisme Barat yang membawa agenda memperjuangkan hak kesamarataan antara lelaki dan wanita bertujuan untuk membebaskan wanita dari ditindas sekaligus mendoktrin serta mengelirukan masyarakat dengan mempertikaikan undang-undang Islam. Di samping itu, mereka menolak segala bentuk tafsiran al-Quran yang dianggap lama dan tidak sesuai digunakan dalam konteks semasa. Mereka juga memperjuangkan hak sama rata dalam hukum Islam, kerana hukum syarak dianggap tidak adil dan mewujudkan unsur diskriminasi hak antara lelaki dan wanita (Mohd Fairuz et.al, 2013). Para feminisme menafsirkan ajaran agama disesuaikan dengan konteks semasa dan sosio budaya setempat khususnya untuk golongan wanita. Golongan Feminis Muslim dan intelektual wanita mempertikaikan ketidakadilan yang terdapat dalam kitab tafsir klasik. Golongan ini mendakwa tafsiran para ulama lebih cenderung bersifat bias gender, khususnya terhadap golongan wanita. Oleh itu, para mufasir klasik sering dituduh dan dilabel bersifat patriarki (Mohd Anuar Ramli et.al, 2013).

Mereka juga mempertikaikan perawi hadith yang kebanyakan terdiri daripada perawi lelaki dengan mendakwa berlakunya bias gender dalam hukum syariah (Mohd Fairuz Jamaluddin, 2015). Selain itu, pandangan ulama klasik dalam kitab fiqh, tafsir dan ilmu yang berkaitan dengan lelaki dan wanita dipertikaikan kerana kecenderungan untuk diskriminasi yang lebih didominasi oleh kaum lelaki. (Shalahudin, 2016). Selain daripada itu, para aktivis gender meletakkan naskhah teks al-Quran selari dengan naskhah yang lain dan tidak memiliki kesucian dan kemuliaan, mempersoal dan mempertikaikan sumber keaslian al-Quran (Umar, 2001).

METODOLOGI KAJIAN

Metodologi kajian ini berbentuk kualitatif yang menggunakan kajian perpustakaan bagi mendapatkan data autentik. Segala maklumat digunakan untuk menyokong, menambah, dan memperdalamkan kajian agar dapat dianalisis dengan baik. Termasuk juga aplikasi dalam kaedah tafsir tematik atau mawdu'i dalam kajian ini. Kaedah tafsir tematik yang dipilih adalah dengan menghimpunkan dan menyusun ayat al-Quran yang memiliki kaitan dengan tema kajian. Kaedah perpustakaan melibatkan pencarian bahan primer seperti al-Quran dan tafsir yang berkaitan. Disamping itu bahan sekunder juga turut dijadikan rujukan dalam kajian ini seperti buku ilmiah, jurnal, prosiding, kertas kerja, disertasi, tesis dan kajian ilmiah yang berkaitan.

DAPATAN KAJIAN DAN PERBINCANGAN

Perbincangan dalam kajian ini menjurus kepada isu ketidaksetaraan gender yang diperdebatkan oleh gerakan feminisme untuk menuntut hak sama rata antara lelaki dan wanita. Kajian ini mengambil pendekatan dengan mengemukakan ayat al-Quran berkaitan dengan gender bagi menangkis kekeliruan masyarakat sehingga mengakibatkan salah faham masyarakat dengan meletakkan akal fikiran menjangkaui batasan syarak. Walaupun pada masa kini, wanita berupaya berperanan dalam rumah tangga dari segi ekonomi dan menjamin kestabilan sosial tetapi hukum syarak perlu ditegakkan demi melestarikan kelangsungan insan sebagaimana yang ditetapkan oleh Allah SWT.

Isu Ketidaksetaraan Gender

Gender merujuk kepada kedudukan sosial (Fakih, 1999) terhadap wanita dan lelaki dan telah didefinisikan sebagai ketetapan dan ketentuan masyarakat terhadap peranan, hubungan, personaliti, sikap dan tingkahlaku, nilai, kekuasaan dan juga pengaruh yang dimainkan secara berbeza (Iiyas, 2015). Perbezaan jantina merujuk kepada baka genetik dan ciri anatomikal atau sifat biologinya (Harlina Halizah Siraj, 2015). Melihat dari perbezaan itu, definisi gender berbeza dengan jantina. Jantina adalah faktor biologik sedangkan gender adalah perbezaan tingkahlaku hasil daripada binaan

sosial dan sifatnya relatif iaitu tidak mutlak (Zulkifli Haji Mohd yusoff & Aunur Rafiq, 2007).

Gender berkait rapat dengan pembahagian peranan dan kedudukan antara lelaki dengan wanita dalam sesebuah masyarakat yang terhasil daripada proses sosialisasi dan budaya (Anwar et al., 2016) yang merupakan sebahagian daripada pemikiran feminisme (Zulkifli Yusoff dan Aunur Rafiq (2007). Sejarah telah membuktikan bahawa pemikiran gagasan Islam liberal dan feminisme mendukung gerakan emansipasi wanita atau hak kebebasan yang sentiasa menimbulkan isu kontroversi dalam menuntut hak persamaan gender yang bertentangan dengan syariah (Mohd Fairuz Jamaluddin, 2015).

Dalam konteks semasa, wanita sudah mendapat hak mereka untuk bersuara dan memperlihatkan kecemerlangan dalam pelbagai bidang termasuk pendidikan, ekonomi, politik, kerjaya dan pelbagai bidang professional yang lain (Fatimah Hanafi, 2017). Di Malaysia, wanita Islam telah mempunyai kedudukan sosial yang tinggi, di samping itu mereka juga mempunyai pendidikan dan kerjaya serta pendapatan yang baik. Apa yang menjadi persoalannya ialah kerana ada sebahagian daripada mereka terpaksa menggalas beban dan tanggungjawab ekonomi keluarga yang memberi tekanan kepada wanita (Harlina Halizah Siraj, 2015). Kesannya mengakibatkan wanita menjadi mangsa kepada pengabaian tanggungjawab kaum lelaki iaitu suami, bapa, pemimpin masyarakat sehingga munculnya kes perceraian, pengamalan poligami yang tidak adil, eksploitasi dan jenayah seksual (Harlina Halizah Siraj, 2015). Dalam masyarakat kontemporari, lahir bentuk hubungan gender yang tidak mesra, contohnya dalam rumahtangga sering berlaku keganasan, penderaan fizikal dan mental, pembunuhan, pemerkosaan dan pelecehan seksual (Mohd Anuar Ramli, 2010).

Gerakan Feminisme Barat

Fahaman liberalisme telah muncul pada abad ke-14, di mana fahaman ini telah memberi pengaruh kuat ke atas masyarakat Eropah terutamanya selepas revolusi perindustrian pada abad ke-18 (Ahmad Yunus Abu Bakar et.al., 2014). Fahaman liberalisme mula memperjuangkan hak wanita supaya mendapat hak peribadi serta kesamarataan (Ahmad Yunus Abu Bakar et.al., 2014) dan golongan liberal mula sedar akan kedudukan wanita ketika itu dan melihat punca utama penindasan yang berlaku terhadap wanita

adalah disebabkan tiada pendedahan terhadap pendidikan, buta huruf dan kemiskinan (Harlina Siraj, 2015). Gerakan Feminisme bermula pada akhir abad ke-18 dan dipelopori oleh gerakan Feminisme yang pertama di Eropah iaitu Lady Mary Wortley Montagu dan Marquis de Condorcet yang mencetuskan kebangkitan wanita dalam menuntut hak (Dennis Sherman, 1987).

Pada abad ke 19, mereka mula sedar kepekaan dalam perjuangan wanita semakin mendalam terhadap isu diskriminasi dan penindasan, mereka mendapati sekalipun wanita terdidik dan mampu mendapatkan pekerjaan yang baik wanita masih ditindas dan didiskriminasi serta tiada pembelaan yang adil terhadap mereka. Justeru itu, para pejuang wanita ini merumuskan kehidupan masyarakat masih bersifat patriaki dan kaum lelaki masih mendominasi ke atas kedudukan golongan wanita dimana ianya menjadi punca utama isu penindasan dan diskriminasi terhadap wanita tetap berterusan (Harlina Siraj, 2015).

Wanita seringkali menjadi mangsa ketidakadilan dan diskriminasi gender dalam kalangan masyarakat. (Mohd Anuar Ramli, 2010). Kesan daripada itu, muncul gerakan yang memperjuangkan hak wanita yang dikenali sebagai feminisme (Sabhamis, 2012). Gerakan ini memperjuangkan dan menuntut hak sama rata antara lelaki dan perempuan dalam pelbagai bidang dan menentang segala bentuk penindasan terhadap wanita (Fadlan, 2011). Disamping itu juga, golongan feminisme dan intelektual mula mempertikaikan ketidakadilan yang terdapat dalam tafsir mufasir klasik. Golongan ini mendakwa tafsiran para ulama lebih cenderung bersifat bias gender, khususnya terhadap golongan perempuan. Oleh itu, para mufasir klasik sering dituduh dan dilabel bersifat patriarki (Mohd Anuar Ramli, 2013).

Permasalahan berkaitan isu gender ini telah lama diperdebatkan sama ada melalui media massa mahupun media cetak. Kemunculan isu gender yang melanda dunia pada hari ini dipengaruhi oleh gerakan feminisme yang bermula pada tahun 1890an (Baterah Alias et.al, 2006). Terdapat tiga gelombang gerakan feminisme dalam menzahirkan rasa ketidakpuasan mereka terhadap hak yang diterima oleh golongan wanita. Gelombang pertama bermula pada tahun 1792 dengan kemunculan terbitan karya dari Mary Wollstonecraft yang berjudul *A Vindication of the Rights of Women*.

Karya terbitan beliau telah diiktiraf sebagai batu asas bagi pembinaan feminisme moden (Susan Osborne, 2001). Beliau membicarakan kerosakkan psikologi dan ekonomi yang di alami oleh golongan wanita berpunca dari penindasan yang dilakukan oleh kaum lelaki (Rowbotham, 2013). Aktiviti gerakan ini menyebabkan golongan wanita ditindas membuat kempen kesamarataan khususnya dari segi harta kebendaan, ekonomi dan hak untuk mengundi. Gelombang pertama mensasarkan hak politik dan ekonomi yang setara bagi kaum wanita. Golongan feminisme juga bertelingkah pendapat bahawa kaum wanita juga wajar diberi kesamarataan untuk menglibatkan diri dalam apa jua penglibatan oleh kaum lelaki. Justeru itu, pada tahun 1920 golongan Feminisme berjaya mendapatkan hak pemilikan kepada kaum wanita dan kebebasan dalam bidang pendidikan dan juga professional (Cudd, Ann E. and Robin O. Andreasen (ed), 2007).

Pada tahun 1949 telah menyaksikan gelombang kedua dengan kemunculan terbitan karya dari Simone de Beauvoir's berjudul *The Second Sex*. Gelombang kedua menyaksikan permulaan perubahan secara radikal bermula dari aspek kehidupan peribadi contohnya institusi pernikahan, *motherhood*, hubungan berlainan jenis, tarikan seksualiti sesama wanita sehingga ke politik. Di samping itu juga ia merupakan permulaan kritikan terhadap hak kaum lelaki dan diskriminasi seksualiti kepada golongan wanita (Cudd, Ann E. and Robin O. Andreasen (ed), 2007).

Pada akhir tahun 1980an, kempen kesamarataan gender telah memasuki gelombang ketiga di mana isu yang diketengahkan akhirnya membawa kepada keterbukaan transgender, bisexual dan juga lesbian (Chrisler, Joan C, et al, (ed), 2000). Salah satu dari fahaman relativisme yang dipraktikkan oleh golongan feminis adalah dengan memupuk amalan lesbian dan homoseksual dalam masyarakat. Sebagai contoh Charlotte Bunch (1978) menyatakan, lesbian adalah golongan yang paling jelas antitesis terhadap patriarki. Golongan Patriarki diketahui membenci wanita, sedangkan kami pencinta wanita. Patriarki juga menuntut akan kepatuhan dari wanita, manakala kami mencari kekuatan, ketegasan dan harga diri bagi wanita. Patriarki melihat pada kekuasaan dan mendefinisikan peranan seseorang melalui gender dan sumbangan fizikal mereka yang lain manakala bagi antithesis pula kami mengendalikan sesuatu pekerjaan itu tidak melihat pada peranan gender dan mencari dasar baru untuk membina kekuatan dan hubungan. (Chrisler, Joan C, et al, (ed), 2000).

Pada waktu yang sama, Malaysia tidak terkecuali dalam penyebaran Islam liberal dan feminisme yang memfokuskan kepada persamaan hak antara wanita dan lelaki menerusi gerakan feminisme (Mohammad Ariffin Bin Ismail, 2012). Dalam pada itu, golongan ini berkembang dengan pelbagai saluran, antaranya melalui jaringan internet dan memasukkan buku-buku yang berkaitan dengan liberalisme dari luar negara. Gerakan ini mendapat sokongan daripada orang bukan Islam, sama ada secara langsung atau tidak langsung. Hal ini menyebabkan ancaman pemikiran liberalisme di Malaysia semakin rumit untuk ditangani oleh pihak berkuasa agama (Mohd Hambali bin Rashid, Siti Suhaila binti Ihwani, Nik Mohd Zaim bin Ab Rahim, & Zaharah Mustaffa, n.d.).

Para ilmuwan Islam liberal menjadikan idea para orientalis sebagai rujukan utama dalam memahami Islam. Perkara ini boleh dianggap sebagai suatu usaha terancang untuk mendominasi pemikiran atau suatu doktrin penjajahan bukan fizikal pada zaman moden. (Muhamad Faiz Ismail & Azmi, 2012). Munculnya idea daripada mereka yang menggambarkan bahawa al-Quran mesti diolah dan dikaji semula, Tafsir al-Quran banyak ditafsir oleh para mufasir dari kalangan lelaki, Kaum wanita perlu mentafsir al-Quran menurut cara berfikir wanita, poligami tidak lagi sesuai, lelaki dianggap “superior” dalam keluarga juga sudah ketinggalan zaman. (Idris Zakaria, 2015).

Sementara itu di Malaysia, golongan minoriti ini tidak berani membuat pengisytiharan secara terbuka. Hal ini berlaku demikian kerana kerajaan Malaysia masih mengambil berat tentang soal dan masalah yang melibatkan agama. Oleh hal yang demikian, gerakan feminisme di Malaysia tidak mempunyai nama khusus yang melambangkan gerakan tersebut. Namun dari sudut pemikiran, mereka lebih bercirikan ideologi feminisme yang memperjuangkan demokrasi, pluralisme dan persamaan hak antara wanita dan lelaki. Meskipun begitu terdapat satu gerakan yang mula muncul pada penghujung tahun 1980-an yang dikenali sebagai Sister in Islam (SIS). SIS ditubuhkan sebagai Badan Bukan Kerajaan (NGO) di bawah pimpinan Zainah Anwar pada ketika itu. Golongan ini memperjuangkan hak wanita Muslim mengikut acuan feminis barat. Di samping itu, golongan ini juga berusaha untuk menegakkan dan menjadikan pandangan mereka sebagai satu aliran yang diiktiraf di Malaysia (Jamaluddin, 2014). Penubuhan SIS dilihat sebagai satu gerakan feminisme yang paling aktif dan secara terbuka

memperjuangkan ideanya dan sentiasa menimbulkan kontroversi. Selain itu, mereka juga memperjuang serta mendaulkan hak asasi manusia dan prinsip sejagat, serta pendekatan agama berasaskan tafsiran dari perspektif hak kemanusiaan (Jabatan Agama Islam Selangor, 2011).

Berdasarkan situasi yang berlaku di Malaysia. umat Islam di Malaysia perlu mempunyai pengetahuan berkaitan dalam memahami aliran pemikiran moden terutama yang berselindung di sebalik agama Islam. Mereka menjenamakan Islam seperti Islam liberal. Ini disebabkan, aliran pemikiran ini menggunakan hujah yang disandarkan kepada ayat al-Quran, hadith, ulama Islam, penggunaan istilah Islam yang dipelopori oleh tokoh yang berlatar belakang pendidikan Islam dan kebanyakannya muncul di negara Islam (Mohd Nasir Masroom & Wan Ismail Wan Dagang, 2011). Kesannya jika masyarakat Islam tidak mempunyai pengetahuan asas berkaitannya akan mudah terjebak dan terpengaruh dengan aliran pemikiran moden seperti Islam liberal dan feminisme yang melanda masyarakat pada masa kini.

Isu Gender Berdasarkan al-Quran

Kajian ini memetik beberapa ayat al-Quran berkaitan dengan gender serta pentafsiran para ulama bagi menolak hujah gerakan feminisme yang memperjuangkan hak kesamarataan gender antara lelaki dan wanita.

Asal Usul Penciptaan Wanita

Asal usul penciptaan wanita dijelaskan dalam firman Allah SWT:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ
مِنْهُمَا رَجُلًا كَثِيرًا وَنِسَاءً ۚ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ
عَلَيْكُمْ رَقِيبًا

Maksudnya:

“Wahai sekalian manusia! Bertaqwalah kepada Tuhan kamu yang telah menjadikan kamu (bermula) dari diri yang satu (Adam) dan yang menjadikan daripada (Adam) itu pasangannya (isterinya-Hawa), dan juga yang membiakkan dari keduanya zuriat keturunan lelaki dan wanita yang ramai. Dan bertaqwalah

kepada Allah yang kamu selalu meminta dengan menyebut-
yebut namaNya serta peliharalah hubungan (silaturrahim)
kaum kerabat; kerana sesungguhnya Allah sentiasa memerhati
(mengawasi) kamu”

(Surah al-Nisa: 4-1)

Berdasarkan ayat di atas, perkataan “ مِنْهَا ” mempersoalkan tentang penciptaan Hawa daripada tulang rusuk Nabi Adam atau diciptakan daripada tanah. Pentafsiran para ulama tentang ayat tersebut didakwa bias gender dan mewujudkan perbezaan pandangan dengan feminisme Muslim yang akhirnya menjadi isu kontroversi dan muncul pelbagai reaksi daripada para feminisme.

Isu penciptaan wanita menjadi perdebatan hangat dalam kalangan ulama tafsir sendiri dan mereka juga berbeza pandangan ketika mentafsirkan ayat “ نَفْسٍ وَاحِدٍ ”. Secara umumnya terdapat dua aliran pentafsiran dalam isu ini iaitu aliran klasik dan juga aliran moden. Aliran klasik mentafsirkan bahawa Hawa dicipta daripada tulang rusuk Nabi Adam manakala aliran moden mentafsirkan Hawa diciptakan daripada tanah. Namun begitu kebanyakan ulama tafsir lebih cenderung untuk menerima pandangan pertama yang mengatakan Hawa diciptakan daripada tulang rusuk Nabi Adam.

Imam Al-Tabari menafsirkan kalimah “ نَفْسٍ وَاحِدٍ ” dengan maksud nabi Adam, manakala “ زَوْجَهَا ” adalah Hawa. Ini bermaksud Hawa diciptakan dari tulang rusuk Nabi Adam. Pendapat ini disokong oleh tokoh tafsir lain seperti Al-Zamkhsyari, Ibn Kathir, Al-Alusi dan lain-lain tokoh tafsir. Selain itu, pendapat ini disokong oleh Prof. Hamka dalam kalangan mufassir moden. Penciptaan Hawa daripada tulang rusuk juga disokong daripada beberapa hadith yang menggambarkan berkaitan penciptaan wanita.

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
اسْتَوْصُوا بِالنِّسَاءِ فَإِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلْعٍ وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلْعِ
أَعْلَاهُ فَإِنْ دَهَبَتْ نُفْسُهُ كَسَرَتْهُ وَإِنْ تَرَكْتَهُ لَمْ يَزَلْ أَعْوَجَ فَاسْتَوْصُوا بِالنِّسَاءِ.

“Daripada Abu Hurairah RA berkata, Rasulullah SAW bersabda:
“Nasihatilah para wanita kerana wanita diciptakan dari tulang
rusuk yang bengkok dan yang paling bengkok dari tulang rusuk

adalah pangkalnya, jika kamu mencuba untuk meluruskannya maka dia akan patah namun bila kamu biarkan maka dia akan tetap bengkok. Untuk itu nasihatilah para wanita”

(Riwayat Bukhari, no. hadith 4787)

Terdapat hadith lain yang diriwayatkan oleh Abu Hurairah RA, bahawa Rasulullah SAW bersabda:

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلْعٍ لَنْ تَسْتَقِيمَ لَكَ عَلَى طَرِيقَةٍ فَإِنْ اسْتَمْتَعْتَ بِهَا اسْتَمْتَعْتَ بِهَا وَبِهَا عَوْجٌ وَإِنْ ذَهَبَتْ نُفَيْمُهَا كَسَرَتْهَا وَكَسَرُهَا طَلَّاقُهَا

“Daripada Abu Hurairah RA berkata, Rasulullah SAW bersabda: “Sesungguhnya wanita diciptakan dari tulang rusuk dan tidak dapat kamu luruskan dengan cara bagaimanapun, jika kamu hendak bersenang-senang dengannya, kamu dapat bersenang-senang dengannya dan dia tetap saja bengkok, namun jika kamu berusaha meluruskannya, nescaya dia akan patah dan mematahkannya adalah menceraikannya”.

(Riwayat Muslim, no. hadith 2670)

Pandangan kedua mengatakan bahawa Hawa tidak diciptakan daripada tulang rusuk sebaliknya daripada tanah. Abu Muslim menyatakan bahawa Allah tidak menciptakan Hawa daripada tulang rusuk tetapi dari tanah seperti penciptaan Adam. Abu Muslim memberi tafsiran ayat “وَخَلَقَ مِنْهَا زَوْجَهَا” adalah Dia (Allah) menciptakan Hawa dari jenis yang sama dengan penciptaan Adam. Sebagaimana ayat “جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا” maksudnya Dia menjadikan bagi kamu pasangan dari jenis kamu sendiri. Manakala Rashid Ridha membuat gambaran bahawa penciptaan wanita ada dikaitkan dengan Bible, selain itu beliau berpendapat penciptaan ini ada dalam perjanjian lama (Mohd Anuar Ramli, Paizah Hj Ismail, & Muhammad Ikhlās Rosele, 2013).

Pandangan yang menyatakan Hawa bukan diciptakan dari tulang rusuk tetapi diciptakan daripada tanah merupakan pandangan minoriti dari kalangan mufasir klasik seperti Abu Muslim dan beberapa mufasir moden seperti Muhammad Abduh, Rashid Rida dan Quraish Sihab. Mereka berpendapat bahawa perempuan diciptakan daripada tulang rusuk

hanyalah sekadar perumpamaan dan tidak menunjukkan hakikat penciptaan perempuan dan tidak diciptakan daripada tulang rusuk Adam sebaliknya dari unsur yang sama (Mohd Anuar Ramli, 2010).

Selain itu, feminis Muslim Riffat Hassan menjelaskan bahawa perkataan “نَفْسٌ وَاحِدٌ” tidak merujuk kepada Adam, kerana kalimah itu adalah neutral, boleh dimaksudkan lelaki atau wanita. Begitu juga perkataan زوج, tidak secara automatik bermakna isteri kerana dalam bahasa *zauj* memberi maksud pasangan yang boleh menjadi lelaki atau wanita. Kerana daripada perkataan زوج yang bermaksud isteri (wanita) hanya dikenali dalam kalangan masyarakat Hijaz (Nurjannah Ismail, 2012).

Melihat kepada perbezaan pendapat tersebut, pengkaji mendapati metodologi yang digunakan para mufassir yang berpendapat Hawa diciptakan daripada tulang rusuk Adam boleh diterima, kerana hujah dan tafsiran daripada majoriti mufassir lebih tepat dengan kaedah tafsir al-Quran bi al-Sunnah.

Kepimpinan

Golongan feminisme menuntut supaya wanita layak menjadi pemimpin tetapi al-Quran menjelaskan kepimpinan para lelaki dalam firman Nya:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ
أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ
تُشَوِّرُهُنَّ فَعَظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا
تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Maksudnya:

“Kaum lelaki itu adalah pemimpin dan pengawal yang bertanggungjawab terhadap kaum perempuan, oleh kerana Allah telah melebihkan orang-orang lelaki (dengan beberapa keistimewaan) atas orang-orang perempuan, dan juga kerana orang-orang lelaki telah membelanjakan (memberi nafkah) sebahagian dari harta mereka. Maka perempuan-perempuan yang soleh itu ialah yang taat (kepada Allah dan suaminya), dan yang memelihara (kehormatan dirinya dan apa jua yang wajib dipelihara) ketika suami tidak hadir bersama, dengan

pemeliharaan Allah dan pertolonganNya. Dan perempuan-perempuan yang kamu bimbang melakukan perbuatan derhaka (nusyuz) hendaklah kamu menasihati mereka, dan (jika mereka berdegil) pulaukanlah mereka di tempat tidur, dan (kalau juga mereka masih degil) pukulalah mereka (dengan pukulan ringan yang bertujuan mengajarnya). Kemudian jika mereka taat kepada kamu, maka janganlah kamu mencari-cari jalan untuk menyusahkan mereka. Sesungguhnya Allah Maha Tinggi, lagi Maha Besar.”

(Surah al-Nisa 4:34)

Persoalan berkaitan kepimpinan kekeluargaan mendapat perhatian gerakan feminisme dalam menilai kedudukan lelaki sebagai pemimpin. Mereka mempertikaikan konsep kepimpinan yang mana merupakan salah satu bentuk diskriminasi lelaki terhadap wanita kerana mereka memahami ayat 34 dari surah al-Nisa dianggap tidak adil dan bertentangan dengan konsep keadilan dalam institusi keluarga.

Terdapat penafsiran lain yang menyentuh tentang peranan dan tanggungjawab lelaki dan perempuan khususnya dalam surah an-Nisa di mana definisi *Qawwamun* telah ditafsirkan oleh beberapa ulama contohnya Imam al-Tabari (1997) di mana beliau mentafsirkan istilah *Qawwamun* sebagai kepimpinan. Lantaran kekuatan akal lelaki dan sempurna fizikalnya. Manakala Ibn Kathir (2009) mentafsirkan suami adalah *Qawwum* ke atas isteri yang bermaksud suami itu adalah pemimpin, pembesar dan penguasa. Al-Alusi (1994) juga turut menafsirkan bahawa tugas lelaki adalah pemimpin bagi kaum perempuan sebagaimana pemimpin memimpin rakyatnya dan al-Zamkhasari (1968) menafsirkan dengan kaum lelaki sebagai golongan yang memerintah. Daripada tafsiran berikut dapat dirumuskan bahawa tanggungjawab lelaki adalah lebih besar berbanding dengan perempuan dimana lelaki mempunyai hak untuk menjadi imam, berjihad, melaungkan azan, menjadi saksi, wali, nikah, talak, poligami dan rujuk. Golongan lelaki dianggap sebagai golongan yang lebih kuat fizikalnya berbanding dengan golongan perempuan khususnya sebagai pemimpin. Sementara itu, Muhammad Abduh menambah bahawa tugas pemimpin hanyalah mengarahkan bukan memaksa (Mohd Anuar Ramli, 2010).

Walau bagaimanapun, Asghar membuat kritikan kepada para mufassir ini di mana pentafsiran yang dibuat memberi kelebihan kepada golongan lelaki kerana pemahaman dari ayat ini bersifat teologi dengan mengabaikan pendekatan sosiologi di mana seharusnya para mufassir menggunakan pendekatan sosio-teologi iaitu dengan mengambil kira keadaan sosio-budaya masyarakat (Asghar Ali Engineer, 1994:61). Oleh yang demikian, pengkaji mendapati isu yang dibangkitkan oleh feminisme adalah berkaitan dengan penafsiran mufassir itu sendiri dan bukannya pada ayat al-Quran (Nurjannah Ismail, 2012), di mana golongan feminisme melihat penafsiran ayat al-Quran itu dipengaruhi dengan bias dominasi oleh golongan lelaki terhadap perempuan (Adibah et.al., 2017).

Harta Pusaka

Isu harta pusaka di jelaskan dalam firman Allah SWT:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُ وَلَدٌ ۚ فَإِن لَّمْ يَكُن لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِلْمِثْلَيْنِ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِلْأُمِّهِ السُّدُسُ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ لِأَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Maksudnya:

“Allah perintahkan kamu mengenai (pembahagian harta pusaka untuk) anak-anak kamu, iaitu bahagian seorang anak lelaki menyamai bahagian dua orang anak perempuan. Tetapi jika anak-anak perempuan itu lebih dari dua, maka bahagian mereka ialah dua pertiga dari harta yang ditinggalkan oleh si mati. Dan jika anak perempuan itu seorang sahaja, maka bahagiannya ialah satu perdua (separuh) harta itu. Dan bagi ibu bapa (si mati), tiap-tiap seorang dari keduanya: satu perenam dari harta yang ditinggalkan oleh si mati, jika si mati itu mempunyai anak. Tetapi jika si mati tidak mempunyai anak, sedang yang mewarisinya hanyalah kedua ibu bapanya, maka bahagian ibunya ialah satu pertiga. Kalau pula si mati itu mempunyai beberapa orang saudara (adik-beradik), maka bahagian ibunya ialah satu perenam. (Pembahagian itu) ialah sesudah diselesaikan wasiat

yang telah diwasiatkan oleh si mati, dan sesudah dibayarkan hutangnya. Ibu-bapa kamu dan anak-anak kamu, kamu tidak mengetahui siapa di antaranya yang lebih dekat serta banyak manfaatnya kepada kamu (Pembahagian harta pusaka dan penentuan bahagian masing-masing seperti yang diterangkan itu ialah) ketetapan dari Allah; sesungguhnya Allah adalah Maha Mengetahui, lagi Maha Bijaksana.”

(Surah al-Nisa: 4:11)

Isu pembahagian harta pusaka yang difaraidkan kepada lelaki dan wanita juga menjadi perdebatan dalam kalangan feminisme. Golongan feminisme berpendapat pembahagian faraid perlu di samaratakan antara lelaki dan wanita. Ini kerana pembahagian yang dibahagikan dalam Islam mewujudkan ketidakadilan dalam mewarisi harta sedangkan kaum wanita kini sudah berdaya saing mempunyai kedudukan sosial yang tinggi, di samping itu mereka juga mempunyai pendidikan dan kerjaya serta pendapatan yang baik.

Secara umumnya, tuntutan persamaan hak bagi lelaki dan wanita ditangkis dengan membawa beberapa petikan ayat al-Quran dalam menjelaskan asal usul penciptaan wanita, kepimpinan dan pembahagian harta pusaka sebagaimana yang disyariatkan Islam. Islam memartabatkan wanita dengan memberikan keadilan kepada mereka bukannya menyamaratakan hak sebagaimana yang dituntut oleh golongan feminisme. Oleh itu, umat Islam perlu kembali kepada al-Quran dalam mendasari hukum hakam supaya penyelewengan fakta yang didakwa oleh ideologi pemikiran liberal dapat ditangkis demi keharmonian hidup dalam beragama.

KESIMPULAN

Isu gender ini telah lama diperdebatkan dengan kemunculan gerakan Islam liberal yang mengundang pelbagai kesan negatif kepada masyarakat. Golongan wanita seringkali diprovokasi dengan tanggapan negatif tentang ajaran Islam. Oleh itu, umat Islam perlu merujuk kepada al-Quran sebagai sumber yang autentik bagi mencari jalan penyelesaian berkaitan dengan tuntutan persamaan hak antara lelaki dan wanita bukannya merujuk kepada ideologi pemikiran feminisme Barat yang hanya berdasarkan kepada akal dan persekitaran masyarakat yang wujud pada masa tersebut.

Peranan masyarakat Islam mempelajari ilmu akidah sangat penting untuk mengenal dan menjaga keimanan daripada dipengaruhi oleh unsur yang boleh merosakkan Islam. Kekurangan ilmu akidah juga antara faktor mudahnya penyebaran ideologi fahaman liberal yang menggunakan logik akal untuk berhujah. Idea hak kebebasan pemikiran mutlak sehingga mendakwa al-Quran dan hadith tidak lagi sesuai diamalkan pada zaman kini dan memerlukan penafsiran semula yang lebih moden. Ini kerana golongan liberal ini mengangkat akal melebihi autoriti wahyu dan meragui terhadap kebenaran al-Quran.

Selain daripada itu, golongan ini meragui penurunan al-Quran untuk semua bangsa sedangkan al-Quran diturunkan dalam Bahasa Arab. Justeru itu, pengaruh daripada ideologi liberal sangat merbahaya kepada akidah masyarakat kerana mempengaruhi generasi muda kita terutama melalui medium komunikasi terkini. Kefahaman dan mendalami ilmu akidah adalah senjata yang ampuh untuk menghalang pengaruh feminisme untuk menuntut persamaan hak antara lelaki dan wanita secara langsung mahupun tidak langsung memberi kesan kepada masyarakat Islam. Oleh itu, isu gender harus ditangani dengan berhemah supaya tuntutan persamaan hak antara lelaki dan wanita berlandaskan tuntutan syara' dapat ditegakkan bagi menjamin maqasid syariah terlaksana dalam masyarakat.

PENGHARGAAN

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RUJUKAN

- Abu Ja'afar Muhammad ibn Jarir al-Tabari, 1997, Tafsir al-Tabari: al-musamma jami' al-bayan fi-ta'wil al-Quran, Dar al-Kutub al-'Ilmiyyah.
- 'Abdullah ibn Muhammad ibn 'Abd al-Rahman ibn Ishaq Al Shaykh. 2009, Tafsir Ibnu Katsir, Pustaka Imam Asy-Syafii.
- Adibah Muhtar, Akmaliza Abdullah, Norhafizah Musa, Siti Suhaila Ikhwan, Indriaty Ismail, Meninjau Ulang Wacana Kesetaraan Gender oleh Feminis Muslim. <http://Conference.Kuis.Edu.My/Isra/Eprosiding/Pdf/015-ISRA-2017.Pdf>
- Ahmad Yunus Abu Bakar, Mohd Fairuz Jamaluddin (2014), Menjawab Islam Liberal, Pendedahan Agenda Jaringan Islam Liberal (JIL) dan Sister in Islam (SIS), PTS Islamika Sdn. Bhd., h.2,60.
- Alfa Mardiyana (2017) Peran Istri Dalam Pembentukan Keluarga Sakinah Menurut Al-Quran Perspektif Tafsir Al-Misbah dan Tafsir Al-Azhar, Kontemplasi, Volume 05 Nomor 01, Agustus 2017, h. 77 – 103.
- Anwar, S., Salmah, D., Noor, J., Jabatan, M., Melayu, B., Moden, F. B., & Komunikasi, D. (2016). Perhubungan Gender Dalam Masyarakat Tradisional Berdasarkan Hikayat Patani. *Journal Of Business And Social Development*, 4(2), 25–47.
- Asghar Ali Engineer (1994) The Rights of Women In Islam, Terjemah: Farid Wajdi Dan Cici Farkha Assegaf, Yogyakarta: Yayasan Bentang Budaya, h.61.
- Asyraf Hj Ab. Rahman, Wan Ibrahim Wan Ahmah, Zainab Ismail (2018), Peranan Wanita Dalam Pembangunn Keluarga Dari Perspektif Fi Zilal Al Quran, *Journal Of Governance and Development*, Vol 6 , 2010, h.14 – 21.
- Baterah Alias & Che Zarrina Saari, (2006), Islam dan Emansipasi Wanita (Islam and Women Emancipation). Penerbit Universiti Malaya, h. 24.

- Chrisler, Joan C, et all, (ed), 2000, *Lectures on The Psychology of Women*, Second Edition, Mc Grawhill, Boston, h.174.
- Cudd, Ann E. and Robin O. Andreasen (Ed), 2005, *Feminist Theory; A Philosophical Anthology*, Blackwell Publishing Ltd, Cornwall, h. 7-8.
- Dennis Sherman (1987) *Western Civilization Images and Interpretations*, Jil 2, New York: Alferd A, Knopt, h.168.
- Donna L. Haraway (2001), "Gender' for a Marxist Dictionary: The Sexual Politics of a Word", dalam Elizabeth Anne Castelli & Rosamond C. Rodman (eds.), *Women, Gender, Religion: A Reader*. New York: Palgrave Macmillan.
- Fadlan, (2011), Islâm, Feminisme dan Konsep Kesetaraan Gender Dalam Al-Quran. *Karsa*, 19(2), 105–110.
- Fakih, M. (1999). *Analisis Gender Dan Transformasi Sosial*. Yogyakarta : Cetakan 4 : Pustaka Belajar.
- Fatima Umar Nasif (2001), *Women In Islam: A Discourse In Rights And Obligations*, (terj.) Burhan Wirasubrata & Kundan D. Nuryakien, *Menggugat Sejarah Wanita: Mewujudkan Idealisme Gender Sesuai Tuntutan Islam*. Jakarta: Penerbit Cendekia, h. 17 dan 24.
- Fatimah Hanafi (2017) *Penglibatan Wanita Melayu Dalam Pilihanraya Di Malaysia 1999 – 2008*. (Tesis PhD, Fakulti Sastera dan Sains Sosial .UM) h. 5.
- Jabatan Agama Islam Selangor. (2011). *Sister In Islam: Wajah Gerakan Liberalisme Di Malaysia?* *Jabatan Agama Islam Selangor*, 51–79.
- Harlina Siraj (Prof Madya Dr) (2015), *Kesaksamaan & Persamaan Gender: Pro dan Kontra Dari Perspektif Sosial dan Agama*, Jabatan Agama Islam Selangor (JAIS) September 2015, h. 2-3.
- Idris bin Zakaria. (2015). *Ancaman Dan Tentangan Terhadap Islam Dan Muslim; Tumpuan Kes: Liberalisma / Pluralisma*. (Sebuah catatan

ringkas). (Bahagian fatwa & Jabatan Mufti Negeri Pulau Pinang, Eds.). Jabatan Mufti Negeri Pulau Pinang Tingkat 48, KOMTAR, 10000 Georgetown, Pulau Pinang.

Ilyas, P. D. (2015). *Kesetaraan Gender Dalam Al - Qura'n : Studi Pemikiran Para Mufassir*. Cetakan 2, Itqan Publishing.

Mahmud al-'Allama Abu l-Fadl Sihab al-Din al- Alusi al-Bagdadi, 1994, *Ruh al-ma'ani fi tafsir al-Quran al-'azim wa l-sab' al-Matani*, Dar al-Kutub al-'Ilmiyya.

Mustafa al-Sawi al-Juwayni, 1968, *Manhaj al-Zamakhshari fi tafsir al-Quran wa-bayan i'jazuh Volume 9 of Maktabat al-dirāsāt al-adabīyah*, Dar al-Ma'arif.

Mohd Anuar Ramli (2010) Bias Gender dalam Masyarakat Muslim: Antara Ajaran Islam Dengan Tradisi Tempatan, *Jurnal Fiqh*, No. 7, h. 49-70.

Mohd Anuar Ramli, Paizah Hj Ismail dan Muhammad Ikhlas Rosele, (2013). *Tafsir Feminis: Antara Rekonstruksi Tafsiran Mesra Gender Dengan Dekonstruksi Tafsiran Ulama Klasik. Muqaddas 3*, H. 186–205.

Mohd Anuar Ramli. (2012). Analisis Gender Dalam Hukum Islam. *Journal of Fiqh*, 9(9), 137–162.

Mohammad Ariffin Bin Ismail. (2012). Cabaran Akidah : Pemikiran Islam Liberal. *Pejabat Mufti Wilayah Persekutuan, Jabatan Perdana Menteri*.

Mohd Fairuz Jamaluddin Latifah Abdul Majid. (2013). Persepsi Pelajar-Pelajar Pengajian Islam Ipts Terhadap Isu-Isu Fahaman Islam Liberal (The Perception On Liberal Islam Thoughts Among Islamic Studies Students In IPTS). *Jurnal Hadhari*, 5(1), 1–19.

Mohd Fairuz Jamaluddin. (2015). Persepsi Masyarakat Islam Di Malaysia Terhadap Isu-Isu Gender: Satu Tinjauan Di Lembah Klang, 2015(March), h. 9–10.

- Muhamad Faiz Ismail, A. H. T., & Azmi, J. K. (2012). Pengaruh Elemen Islam Liberal Terhadap Aqidah Pelajar Sekolah Menengah Kebangsaan: Satu Tinjauan Awal. *International Conference On Research In Islamic And Arabic Language Education 2012 (Icrale 2012)*, 61(3), 290–299.
- Mohd Hambali bin Rashid, Siti Suhaila binti Ihwani, Nik Mohd Zaim bin Ab Rahim, & Zaharah Mustaffa. (n.d.). Pengaruh Ideologi Liberal Dalam Pendidikan Masyarakat Islam Di Lembah Kelang, Tinjauan Awal Dan Faktor Penularan.
- Muhammad ‘Imarah (2004), *Ma’rakah al-Mustalahat Bayna al-Gharb wa al-Islam*. c. 2, Mesir: Nahdah Misr li al-Tiba’ah
- Mohd Nasir Masroom, & Wan Ismail Wan Dagang. (2011). Cabaran Islam Liberal Kepada Umat Islam, 1–12.
- Mohd Yakub @ Zulkifli Hj. Mohd Yusoff, A. H. A., Siti Rohaya Sudiro, (2015). Isu-Isu Wanita Dalam Tafsir Al-Azhar: Kajian Terhadap Surah Al-Nisā. *Jurnal Usuluddin*, Volume 33(Issue 33), h.84–107.
- Nasaruddin Umar (2001), *Argument Kesetaraan Gender “Perspektif Al Quran”* Paramadina: Jakarta, h. xxviii.
- Nur Zainatul Nadra. (2015). *Konsep Adalah Dan Musawah Menurut Pemikiran Nasr Hamid Abu Zayd*. Universiti Kebangsaan Malaysia Bangi.
- Nurjannah Ismail (2012), Penafsiran Mufassir dan Feminis Muslim Terhadap Ayat Ayat Al-Quran Yang Berwawasan Gender, *Jurnal Studi Gender dan Islam Serta Perlindungan Anak*, Volume 1, No 1, Januari – Jun. Pusat Studi Wanita Iain Ar Raniry Banda Aceh.
- Noresah Baharomet *al.*(eds.) (2005), *Kamus Dewan*. e. 4, Kuala Lumpur: Dewan Bahasa dan Pustaka
- Nor Azizah Abu Bakar *et al.*(eds.) (1999), *Kamus Inggeris-Melayu Dewan*. c. 2, Kuala Lumpur: Dewan Bahasa dan Pustaka.

- Osborne, Susan, 2001, *Femenism : The Pocket Enssentials Ideas*, cox-wyman, Great Britain.
- Rowbotham, Sheila, 2013, *Women in Movement, Feminism and Social Action*, Routledge Revivals.
- Sabhamis (2012) Pendekatan Feminis Terhadap Penafsiran Al-Quran Dan Bibel, *Jurnal Al-Ta'lim*, Jilid 1, No. 3, November 2012, h. 224-230.
- Shalahudin, H. (2016). *Wacana Kesetaraan Gender Dalam Pemikiran Islam Di Institusi Pengajian Tinggi Islam Negeri Di Indonesia : Kajian Kes Di Universitas Islam Negeri Sunan Kalijaga Yogyakarta Akademi Pengajian Islam*. Universiti Malaya Kuala Lumpur.
- Umar, N. (2001). *Argumen Kesetaraan Gender “ Perspektif Al - Quran “*. Jakarta: Paramadina.
- Walter W. Skeat (1993), *The Concise Dictionary of English Etymology*. Hertfordshire, UK: Wordsworth Editions, h. 173; Friedrich Kluge & Frederick Lutz (2008), *English Etymology*. Charleston, South Carolina: Biblio Bazaar.
- Zakiyuddin Baidhawi, ed., (1997), *Wacana Teologi Feminis*, Yogyakarta: Pustaka Pelajar, h. ix.
- Zulkifli Hj. Mohd Yusoff, Aunur Rafiq, (2007), *Isu-Isu Gender: Perspektif Ulama' Al-Azhar*, h.2.

Kepatuhan Syariah dalam Pelancongan Alam Semulajadi

Mohd Takiyuddin bin Ibrahim^{1*}, Tengku Maaidah binti Tengku A Razak¹,
Huzaimah Hj Ismail², Mohd Razlan Ahmad²,
Mohamad Norzamani Sahroni¹, Mushtak Ahmad Mustaffa³

¹Centre of Foundation Studies, Universiti Teknologi MARA,
Cawangan Selangor, Kampus Dengkil, 43800 Dengkil,
Selangor Darul Ehsan, Malaysia

²Akademi Pengajian Islam Kontemporari (ACIS), Universiti Teknologi MARA
40450 Shah Alam, Selangor Darul Ehsan, Malaysia

³Tourism Malaysia, Tingkat 9, No.2, Menara 1, Jalan P5/6, Presint 5,
62200 Putrajaya, Malaysia

*Pengarang Penghubung
mtaki986@salam.uitm.edu.my

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ABSTRAK

Pelancongan alam semulajadi menjadi daya tarikan utama kedatangan pelancong ke Malaysia. Statistik kedatangan pelancongan Muslim ke Malaysia pada tahun 2016 adalah seramai 5,527.142 juta dan pada tahun 2017 seramai 5,384.008 juta orang. Penurunan statistik pelancongan Muslim memberi kesan kepada sektor ekonomi dan pendapatan negara. Tujuan kajian ini adalah untuk mengenalpasti isu dan cabaran dalam Islam terhadap industri pelancongan alam semulajadi yang menyebabkan kemerosotan kedatangan pelancong Muslim. Kaedah kajian ini adalah berbentuk pendekatan kualitatif iaitu menganalisis kajian kepustakaan. Ianya melibatkan pencarian bahan berkaitan alam semulajadi dalam konteks pelancongan dan kaitannya dengan syariah. Hasil kajian mendapati bahawa kepatuhan syariah merupakan elemen penting bagi menjamin alam



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semula jadi sentiasa terpelihara keasliannya. Antara elemen kepatuhan syariah ialah penjagaan kebersihan, pembuangan sampah yang betul, penerokaan hutan secara terkawal, tiada pembakaran terbuka dan tiada penangkapan ikan secara yang tidak terkawal.

Kata kunci: *Pelancong Muslim, Pemulihan Alam Sekitar, Kepatuhan Syariah, Impak Ekonomi, Eko-Pelancongan*

Syariah Compliance in Eco-Tourism

ABSTRACT

Eco-tourism has been the main attraction for many tourists to visit Malaysia. Based on the statistics in 2016 and 2017, the number of Muslim tourists who visited Malaysia were 5,527,142 and 5,384,008 respectively. The decrease in the number of Muslim tourists has impacted the revenue and the relevant economic sectors of Malaysia. This study aimed to identify issues and challenges in Islamic perspective to eco-tourism which resulted in the reduction of the numbers of Muslim tourists coming to Malaysia. A qualitative approach was adopted by having a thorough analysis of references obtained from library and other authentic recourses. In this study, aspect of nature in the context of tourism and its relationship to syariah were analysed. The study showed that syariah compliance plays an important role in ensuring the conservation of nature. Among the elements of syariah compliance for nature conservation are cleanliness, proper disposal of waste, controlled de-forestation activities, prohibiting open burning and controlled catchment of fish

Keywords : *Muslim Tourists, Nature Conservation, Syariah Compliance, Economic Impact, Eco-tourism*

PENDAHULUAN

Pelancong Muslim seringkali ingin menjadikan negara yang mempunyai majoriti Muslim sebagai destinasi utama dalam perancangan pelancongan mereka. Malah Anuar Puteh (2004) mendapati bidang pelancongan dan pengembaraan dalam Islam bukanlah semata-mata untuk mendapat ganjaran

atau faedah berupa material sahaja tetapi bertujuan untuk menyelidiki, memahami dan mengakui kebesaran dan penciptaan Allah dan seterusnya mencari keredhaanNya. Menurut tradisi Islam, pelancongan dikenali sebagai '*rehlah*' (pengembaraan). Kegiatan ini telah bermula sejak awal Islam lagi melalui pengembaraan menuntut ilmu, urusan perniagaan, hubungan silaturrahim, hubungan diplomatik dan sebagainya. Rasulullah SAW sendiri terkenal sebagai seorang yang banyak mengembara bermula dari zaman kanak-kanaknya lagi terutamanya melibatkan urusan perekonomian dan perdagangan.

Sektor pelancongan merupakan salah satu sumber pendapatan ekonomi negara. (Ritchie, 2003; Goeldner, 2006; Badaruddin, 2008). Manakala alam semulajadi merupakan sebahagian daripada prasyarat dalam memajukan sektor pelancongan sesebuah negara (Johnes, J., & Mapjabil, J., 2020). Pertumbuhan ekonomi negara akan meningkat sekiranya pelancong sentiasa masuk ke dalam negara. manakala Department of Environment 1994, menyatakan pindaan yang dilakukan kepada Akta Kualiti Alam Sekeliling, 1974, di bawah Seksyen 34A pada tahun 1985, menjelaskan bahawa pembangunan rekreasi dan peranginan merupakan salah satu daripada aktiviti wajib dan memerlukan kajian dan laporan penilaian impak alam sekitar kepada Jabatan Alam Sekitar bagi kelulusan sebelum sesuatu projek dilaksanakan.

Maka dengan pindaan akta tersebut memberi satu tanggungjawab kepada negara untuk memelihara alam sekitar dengan baik, namun kemusnahan dan kerosakan alam semulajadi masih belum dapat dibendung sekiranya masyarakat dan komuniti masih tidak mempunyai kesedaran yang optimen dalam melaksanakan tanggungjawab ini. Malah keadaan ini telah menjejaskan sektor pelancongan dan juga menyebabkan kehidupan menjadi tidak selesa. Oleh itu, Mohammad Z.B (2016) menjelaskan bahawa keselesaan merupakan perkara penting dalam sektor pelancongan.

Dengan kelebihan negara Malaysia yang mempunyai alam semulajadi yang menarik dan cantik serta majoriti pendudukannya beragama Islam menjadi penyebab Malaysia menjadi tarikan kedatangan pelancong Muslim sepanjang masa. Walaubagaimanapun statistik penurunan kehadiran pelancong Muslim menjadi kebimbangan dalam sektor pelancongan. Hasil penemuan kemerosotan kehadiran pelancong Muslim adalah disebabkan kerosakan alam semulajadi.

Menurut Persatuan Pelancongan Asia Pasifik (PATA), industri pelancongan hanya akan berkembang lebih pesat jika alam semula jadi dan kebudayaan dikekalkan dalam bentuk sebenarnya. Para pelancong Islam dan penduduk setempat mestilah sentiasa terdidik agar menjaga alam semulajadi sepertimana yang diciptakan oleh Ilahi. Ketidakpatuhan kepada syariah adalah antara penyebab berlakunya kerosakan kepada alam semulajadi. Kepatuhan syariah dalam pemeliharaan alam semulajadi adalah merupakan suatu tuntutan agama yang amat penting. Oleh itu kertas kerja ini akan membincangkan kepentingan pemeliharaan alam semula jadi menurut pandangan syariah dan kepatuhannya di kalangan pelancong Islam.

LATARBELAKANG KAJIAN

Pelancongan alam semulajadi merupakan perkara penting dalam industri pelancongan. Menurut Salleh (2011), imej destinasi adalah penting dalam menentukan kualiti perkhidmatan pelancongan yang disediakan oleh pusat pelancongan, malah menurut beliau juga imej destinasi dapat menyumbang kepada permintaan yang berulang oleh pelancong ke suatu destinasi. Oleh itu alam semulajadi yang tercemar dan rosak juga akan menyebabkan kedatangan pelancong makin berkurangan serta boleh menjejaskan pendapatan negara (Sa'dan Man, 2016). Pelancongan alam semulajadi dalam Islam adalah termasuk dalam kategori untuk mencetuskan peningkatan keimanan melalui pemerhatian dan pengkajian terhadap alam sekitar ciptaan Allah SWT.

Menurut Johnes, J. (2020) isu dan cabaran daripada kemusnahan alam semulajadi adalah kebanyakan dialami oleh pelancong kembara. Oleh itu, alam semulajadi merupakan anugerah Allah SWT yang amat bernilai kepada kesejahteraan hidup manusia. Allah SWT telah mencipta alam ini dengan amat sempurna dan seimbang untuk manfaat dan kemakmuran manusia sebagai khalifah di bumi ini. Bumi yang luas dijadikan tempat tinggal manusia, gunung ganang sebagai pasak bumi, tumbuh-tumbuhan sebagai sumber makanan dan ubatan kepada kehidupan, hujan sebagai rezeki, demikian juga dengan pelbagai jenis haiwan dan hidupan di lautan yang dijadikan untuk kemudahan hidup manusia.

Oleh itu Islam telah memberikan satu penekanan yang serius mengenai penjagaan alam semulajadi dengan seruan mengekalkan pemeliharannya sebagai kurniaan atau nikmat Allah SWT yang agung. Keseimbangan alam semulajadi dan ekosistem memberi kesan ketara kepada keharmonian dan kesejahteraan hidup dan ianya mestilah selari dengan kemajuan negara serta kemakmuran yang dikecapi. Melalui penjagaan alam semulajadi dapat membantu para pelancong Islam untuk menikmati keindahan dan seterusnya mensyukurinya. Dengan ini usaha untuk memelihara keasliannya sentiasa tersemat dalam hati setiap pelancong Islam.

Namun begitu, sekiranya industri pelancongan gagal mengenalpasti kaedah penyelesaian dalam memelihara alam sekitar dengan memberi kesedaran kepada masyarakat atau pemantauan berkala, ianya akan memberi kesan kepada pendapatan perusahaan mikro dalam membangunkan destinasi pelancongan. Dalam kajian Jani (2019) menjelaskan bahawa akibat kekurangan kesedaran ini menyebabkan aliran pendapatan negara dalam keadaan membimbangkan.

Kerosakan alam semulajadi berlaku disebabkan sikap manusia yang tidak bertanggungjawab memeliharanya. Tabiat buruk seperti membuang sampah merata-rata, membuang sisa buangan secara terus ke dalam laut dan sungai, melepaskan asap kilang tanpa tapisan, menceroboh hutan secara berleluasa, menjalankan aktiviti pembangunan secara tidak terkawal, melakukan pembakaran secara terbuka dan pelbagai aktiviti seumpamanya akan memberi kesan jangka panjang kepada alam semulajadi seperti peningkatan suhu bumi, pencemaran sumber air, pencemaran udara, banjir besar, tanah runtuh, pembakaran hutan, kepupusan flora dan fauna dan perubahan cuaca tidak menentu yang pastinya menjejaskan kehidupan manusia keseluruhannya. Pelbagai bencana dan kerosakan alam semulajadi yang berlaku di seluruh dunia adalah disebabkan oleh kerakusan dan kecuaiannya manusia itu sendiri.

Menurut Dr Ahmad Ismail (2018) mendapati pembalakan yang amat giat dilakukan sekitar perkampungan orang Asli Suku Batek di Sungai Balai, Kelantan telah menyebabkan punca air bersih mereka menjadi tercemar dan keruh. Disamping itu hasil tanaman mereka juga turut musnah. Beliau mengandaikan kemungkinan antara penyebab 'Bah Kuning' yang berlaku di Kelantan pada Disember 2014 ada kaitan dengan pembalakan

tersebut. Kesan 'Bah Kuning' telah memusnahkan beberapa infrastuktur di Kelantan serta alam semulajadi di kawasan tersebut (Mohd Hazli Hassan, 2017). Oleh itu, gangguan kemusnahan alam merupakan faktor utama yang mengancam alam semulajadi melalui pembukaan tanah untuk pertanian, perhutanan, perindustrian dan perbandaran. Kejadian tanah runtuh, banjir, jerebu, perubahan cuaca, hakisan pantai dan kesan rumah hijau adalah antara kesan kemusnahan hutan.

Hasil dapatan sarjana dalam industri pelancongan 2018, mendapati 60 peratus rakyat Malaysia masih belum mampu membuang sampah dengan betul ke dalam tong sampah. Kawalan sampah sarap masih lemah, dimana pengurusan sampah masih tidak diuruskan dengan baik seperti sisa pepejal yang paling kerap ditemui, malah kesan ini menyebabkan kematian seekor ikan paus sepanjang 9.6-meter ditemui mati di perairan Wakatobi, Sulawesi Tenggara kerana mengandungi 5.9 kilogram sampah plastik di dalam perutnya. Sampah plastik ini tidak boleh terurai dalam perut ikan paus dan boleh mengakibatkan keracunan hingga percernaannya terganggu. Pencemaran berasaskan plastik ini akan membantutkan pembiakan hidupan marin. Sebanyak 30,000 hidupan Marin seperti burung laut, penyu dan ikan paus telah mati akibat dari tersalah makan bahan-bahan berasaskan plastik seperti tali pancing dan sebagainya. Dianggarkan juga bahawa 77 tan metrik sampah berasaskan plastik dibuang setiap tahun ke dalam laut.

Walaubagimapun terdapat negara berhampiran seperti Thailand telah menguatkuasakan peraturan mengharamkan merokok dan membuang puntung rokok serta membuang sampah di 24 lokasi pantainya yang popular. Thailand mempunyai 357 pantai yang menjadi tumpuan pelancong dari seluruh dunia sejak 1990an. Pada tahun 2018, Thailand menganggarkan kedatangan 37.55 juta pelancong dan sudah pasti akan memberi kesan ketara kedatangan pelancong sekiranya kualiti alam sekitarnya terjejas.

Maka istilah Pelancongan Islam penting dalam industri pelancongan kerana kesan pelaksanaannya memberi kesan kepada peningkatan kehadiran pelancong Muslim ke dalam negara, dimana tiga komponen utama dalam pelancongan Islam adalah iaitu ekonomi, kebudayaan dan keagamaan konservatif. Dalam konteks implikasinya kepada Malaysia, penubuhan Pusat Pelancongan Islam pada awal tahun 2010 menjadi platform terbaik dalam memperkasakan pembangunan sektor.

Konsep pelancongan di Malaysia merupakan asas kehadiran pelancong, konsep yang telah lama wujud memberi gambaran bahawa Malaysia sebuah negara yang masih mementingkan kehijauan. Antara konsep yang diperkatakan adalah bentuk ‘matahari-laut-pemandangan’ atau “3S” (sun-sea-scenery). Konsep ini masih menjadi tumpuan utama tarikan kedatangan para pelancong (Jani 2009). Maka objektif kajian ini adalah ingin mengetahui isu dan cabaran dalam Islam terhadap industri pelancongan alam semulajadi yang menyebabkan kemerosotan kedatangan pelancong Muslim.

Menurut Abdul Aziz Hussin (2015), tujuan utama yang perlu diterapkan apabila seseorang pelancong Muslim yang ingin melancong ialah:

1. Ianya bertujuan untuk menambahkan tahap keimanan dan melakukan ibadah kepada Allah SWT. Peningkatan keimanan dapat dicetus dan ditingkatkan melalui pemerhatian, penilaian dan pengkajian dengan mata hati terhadap semua ciptaan Allah termasuklah keindahan alam sekitar.
2. Ianya bertujuan untuk melaksanakan kewajipan haji dan juga umrah.
3. Ianya bertujuan untuk mencari, mendalami dan mengembangkan ilmu yang bermanfaat.
4. Ianya bertujuan untuk mengambil pengajaran daripada kesan-kesan sejarah umat-umat terdahulu, mengingati dan menyanjung perjuangan para *Anbiya*’ serta pendakwah terdahulu.
5. Ianya bertujuan untuk mengeratkan silaturrahim sesama Islam.

Menurut Laporan Tahunan Program Transformasi Negara (NTP) 2015 mendapati resit pelancongan menurun sebanyak 4 peratus daripada RM72 billion kepada RM69.1 billion pada 2015, manakala jumlah ketibaan pelancong merosot sebanyak 6.3 peratus daripada 27.4 juta pada tahun 2014 kepada 25.7 juta pada tahun 2016. Kemerosotan dalam ketibaan pelancong dan resit pelancong boleh dikaitkan dengan kelembapan cabaran ekonomi global seperti banjir terburuk dalam tempoh 30 tahun pada tahun 2014 yang telah menjejaskan beberapa negeri di Malaysia pada awal tahun 2015,

gempa bumi di Ranau pada Jun 2015 serta nasihat perjalanan serantau bagi negeri kawasan tenggara pantai di Sabah.

Menurut Ketua Eksekutif PATA (Persatuan Pelancongan Asia Pasifik), pelancongan dan pemuliharaan alam sekitar adalah seiring. Di mana keindahan alam wajib dikekalkan kerana tanpanya sukar untuk industri pelancongan bergerak maju. Menurut beliau lagi, Malaysia merupakan negara yang mempunyai alam semulajadi yang menakjubkan dan pernah mengalami nasib malang dalam industri pelancongan sewaktu bencana jerebu melanda Malaysia dan Indonesia pada tahun 1998. Dalam tempoh tersebut pelancong bimbang untuk melawat Malaysia. Oleh kerana itu PATA telah menggubal Kod Tanggungjawab Sektor Pelancongan terhadap Alam Sekitar (KTSPTAS) sebagai panduan perancangan dan pelaksanaan kegiatan pelancongan yang lebih mesra alam di seluruh dunia, kandungan kod tersebut ialah:

1. Melaksanakan amalan tertentu yang dapat menggalakkan pengekalan alam semulajadi termasuk penggunaan berhemat terhadap sumber-sumber yang boleh diguna semula dan pengekalan sumber-sumber yang tidak boleh diperbaharui.
2. Menyumbang kepada pengekalan habitat flora dan fauna serta mana-mana tapak semulajadi dan budaya yang mungkin dicerobohi oleh pelancongan.
3. Menggalakkan pihak berkuasa yang berkaitan mengenalpasti dan mengawasi pembangunan kawasan yang perlu dikekalkan.
4. Memastikan sikap kemasyarakatan, nilai-nilai dan fokus budaya termasuk kepercayaan dan adat kaum tempatan diambilkira dalam merancang kegiatan pelancongan.
5. Memastikan prosedur penilaian merangkumi kesan-kesan pembangunan terhadap alam sekitar.
6. Mematuhi semua peraturan dan undang-undang memulihara alam sekitar yang digubal pada peringkat antarabangsa.

Oleh itu, kerosakan alam semulajadi boleh menjejaskan kedatangan pelancong ke sesebuah negara. Kekurangan ini menyebabkan pendapatan sesebuah negara juga turut terjejas. Disamping itu ia juga turut menjejaskan sektor pekerjaan yang ada kaitan dengan industri pelancongan. Ini menunjukkan industri pelancongan perlu memandang serius terhadap alam semulajadi yang menjadi aset kepada negara. Manakala Islam juga menekankan pemeliharaan alam sekitar sebagai tuntutan agama.

METODOLOGI KAJIAN

Kajian ini menggunakan rekabentuk kualitatif yang menumpukan kepada analisis dokumen iaitu kajian kepustakaan. Maka dalam kajian kepustakaan merupakan langkah pertama yang dilakukan untuk mendapatkan maklumat awal dan asas dalam berkaitan kesan alam sekitar dalam sektor pelancongan. Kajian kepustakaan juga dijalankan bagi mendapat data-data untuk dianalisis. Manakala dalam mengumpul bahan dan maklumat kajian yang diperlukan memerlukan kemahiran dalam ilmu pelancongan dan ilmu alam sekitar serta ilmu berkaitan maqasid syariah. Gabungan ilmu ini penting dalam meneliti kemaslahatan sektor pelancongan dalam negara ini. Selain itu juga dalam proses pengumpulan bahan adalah penting untuk menganalisis sumber primer dan sekunder yang berkaitan alam semulajadi dalam konteks pelancongan meliputi dalil dari al-Quran dan hadith. Sumber-sumber yang diperolehi telah dianalisa dan dihuraikan bertujuan memperolehi hasil kajian yang bertepatan dengan kajian ini iaitu kepatuhan syariah dalam pelancongan alam semulajadi.

PERBINCANGAN

Kajian ini penting untuk memberi penekanan bahawa kepentingan penjagaan alam semulajadi adalah bertujuan melahirkan masyarakat yang bersyukur dan menghargai segala nikmat yang dikurniakan oleh Allah SWT. Setiap individu memerlukan alam semulajadi yang bersih untuk meneruskan kehidupan di muka bumi ini. Antara sumber utama alam adalah tanah, udara dan air. Semua sumber ini diperlukan bagi menjamin kelangsungan hidup manusia. Tanah yang subur diperlukan untuk menjadikan hasil pertanian dan tumbuh-tumbuhan hidup segar dan boleh membekalkan udara yang

bersih kepada manusia. Udara yang bersih amat diperlukan untuk pernafasan yang baik bagi menjamin kesihatan yang memuaskan. Sumber air yang bersih amat penting untuk memenuhi keperluan harian manusia dalam melaksanakan ibadah seperti mengambil wuduk. Ini menunjukkan alam semulajadi yang bersih penting bagi pertumbuhan mental dan fizikal yang baik. Maka Sa'dan Man(2016) menyatakan bahawa pemeliharaan alam semulajadi adalah penting dari segi bekalan makanan kepada penduduk dunia.

Menurut tradisi orang Arab terdahulu, setiap anak yang lahir di bandar dihantar dan disusukan di kampung yang mempunyai suasana yang lebih indah dan tenang dengan udara yang segar berbanding di bandar. Rasulullah SAW sendiri telah dihantar ke kawasan perkampungan Arab Badwi dan tinggal di sana selama empat tahun. Hasilnya, baginda menjadi seorang yang cergas, dapat bertutur dengan fasih dan pandai menunggang kuda kerana keadaan padang pasir yang tenang dan bersih. (Norhibah Hasan Zawawi, 1999).

Malaysia merupakan negara yang dikenali sebagai sebuah negara yang kaya dengan kepelbagaian biologi. Lebih kurang 59 hingga 70 peratus daripada jumlah tanah negara adalah terdiri dari hutan hujan tropika dan 11.6 peratus masih lagi asli. Malaysia masih mempunyai lebih 564,900 hektar hutan bakau dan menduduki tempat keenam di dunia selepas Indonesia (3,062,000 hektar), Australia (1,451,000 hektar), Brazil (1,012,000 hektar), Nigeria (997,700 hektar) dan Mexico (882,000 hektar). Malaysia mempunyai lebih daripada 15,500 spesies tumbuhan tinggi, 740 spesies burung, 380 spesies reptilian, 190 spesies amfibia dan 360 spesies ikan. Malaysia juga terdapat lebih daripada 285 spesies mamalia dengan 27 spesies endemik dan 51 spesies terancam.

Antara elemen alam semulajadi yang menjadi tarikan pelancong di Malaysia ialah kepelbagaian flora dan fauna seperti hutan FRIM di Kepong yang mempunyai 185 spesies burung, 59 spesies mamalia dan 82 spesies reptilia. Hutan Belum di Perak yang berusia 130 tahun lebih tua dari hutan Amazon mempamerkan 10 spesies burung enggang, 3000 spesies tumbuhan berbunga serta bunga rafflesia yang merupakan bunga terbesar di dunia. Begitu juga dengan Taman Negara yang berusia 130 tahun berkeluasan 4,343-kilometer persegi merangkumi tiga negeri iaitu Pahang, Kelantan dan

Terengganu. Ianya mengandungi 300 spesies ikan, 386 spesies burung dan mamalia besar seperti gajah, harimau, tapir, seladang, babi hutan dan rusa. Malaysia juga terdapat kehidupan batu karang yang cantik dan menarik seperti di Taman Laut Pulau Redang, Pulau Perhentian dan Pulau Sipadan. Begitu juga dengan pelancongan tanah tinggi seperti Cameron Highland, Bukit Fraser dan Gunung Kinabalu.

Sektor pelancongan telah menyumbang pendapatan negara sebanyak RM84.1 billion pada tahun 2018 menerusi kehadiran seramai 25.8 juta pelancong (PETA, 2019). Dari segi ketibaan pelancong, ianya mencatatkan penurunan kerana pada tahun 2017, ketibaan pelancong adalah seramai 25.9 juta, namun perolehan pendapatan hanya sebanyak RM82.2 billion. Antara 10 negara pasaran tertinggi yang menjana pelancong ke Malaysia pada tahun 2018 adalah dari Singapura dengan 10 juta orang diikuti Indonesia seramai 3.2 juta dan China pula seramai 2.9 juta. Ini bermakna pasaran ASEAN telah mendominasi ketibaan pelancong berbanding pasaran Asia Tengah, Afrika, Amerika, Asia Barat, Asia Timur, Asia Selatan dan Eropah. Barangan kraftangan Malaysia merupakan item yang popular dibeli oleh pelancong selain makanan. Ini menunjukkan pemeliharaan alam semulajadi termasuk dalam pemeliharaan harta seseorang (hifz al-mal). (Sa'dan Man, 2016)

Oleh kerana pentingnya pelancongan alam semulajadi, maka Islam memberikan perhatian yang khusus agar pemuliharaan alam menjadi tanggungjawab kepada setiap individu Muslim untuk menjaganya sesuai dengan Sabda Rasulullah SAW yang bermaksud:

“Sesungguhnya Allah SWT itu baik dan menyukai yang baik, bersih dan menyukai yang bersih, mulia, pemurah dan menyukai kemurahan” (Riwayat Tirmizi)

Menurut Syariat Islam (Abu Bakar Yang, 2015), mengurus dan memelihara alam sekitar adalah sama seperti kita menjaga nyawa (*hifz al-nafs*) iaitu perlindungan atau pemeliharaan terhadap psikologi manusia dan keselamatannya. Kerosakan terhadap alam sekitar menyebabkan berlakunya ketidakseimbangan alam dan ianya amat membahayakan manusia dan makhluk-makhluk yang lain. Islam amat memberikan penekanan yang sangat besar terhadap kelangsungan kehidupan manusia. Firman Allah SWT bermaksud:

“Barangsiapa yang membunuh seorang manusia dan membuat kerusakan di muka bumi, maka seakan-akan dia telah membunuh manusia seluruhnya. Dan barangsiapa yang memelihara kehidupan manusia, maka seakan-akan dia telah memelihara kehidupan manusia seluruhnya”

(Surah al-Maidah: 32)

Ayat ini menunjukkan bahawa alam ini bukanlah milik manusia untuk berbuat sesuka hati tetapi alam adalah milik Allah SWT yang dipinjamkan kepada manusia untuk berkongsi hidup dengan makhluk-makhluk yang lain dan dituntut untuk menjalankan perintah Allah SWT. Berdasarkan sifat rahmat yang dibawa oleh Rasulullah SAW adalah untuk sekalian alam (*Rahmatan lil'Alamin*) yang meliputi manusia, haiwan dan alam seluruhnya. Oleh itu, apa sahaja makhluk di alam ini wajib diberi hak kehidupan dan dipelihara dengan sebaik-baiknya.

Dr Yusuf al-Qardhawi (Abu Bakar Yang, 2015) telah menggariskan prinsip-prinsip konservasi terhadap alam ini iaitu: Pertama: Menanam dan menghijaukan. Kedua: Membangun dan menyuburkan. Ketiga: Menjaga kesihatan. Keempat: Berbuat baik kepada alam sekitar. Kelima: Membersihkan dan menyucikan. Keenam: Konservasi biodiversiti. Ketujuh: Melindungi alam sekitar dari kemusnahan. Kelapan: Menjaga keseimbangan ekosistem. Oleh itu, pemeliharaan terhadap alam semulajadi merupakan suatu tuntutan dalam Islam kerana ianya termasuk dalam kepentingan menjaga kebersihan.

Manusia dan alam semulajadi menurut pandangan Islam saling memerlukan antara satu sama lain. Tugas menjaga alam ini adalah seiring dengan konsep khalifah yang diberi amanah kepada manusia untuk mengurus dan mentadbir bumi ini dengan sebaik-baiknya dan dipersoalkan kelak atas tanggungjawab tersebut. Sabda Rasulullah SAW:

“Dunia ini hijau dan cantik dan Tuhan telah melantik kamu sebagai pengurusnya. Dia melihat apa yang kamu lakukan”
(Riwayat Muslim)

Berdasarkan hadis diatas menunjukkan bahawa perbuatan merosakkan alam sekitar adalah mengganggu kehidupan manusia dan menyimpang

daripada perintah Allah SWT dalam konteks menjaga hubungan baik antara manusia dan alam sekitarnya. Perbuatan mencemar dan merosakkan alam sekitar adalah bermaksud menodai fungsi kekhalfahan yang telah dibebankan kepada manusia. Bumi bukan milik manusia untuk berbuat sesuka hati tetapi bumi ini adalah milik Allah yang dipinjamkan kepada manusia untuk menguruskannya. Oleh itu manusia dilantik sebagai khalifah adalah untuk bertanggungjawab untuk menjaga dan menguruskannya dengan sebaik mungkin. Firman Allah SWT bermaksud:

“Dan janganlah kamu membuat kerosakan di muka bumi setelah Allah memperbaikinya dan berdoalah kepadaNya dengan rasa takut (tidak akan diterima) dan harapan (akan dimakbulkan). Sesungguhnya rahmat Allah amat dekat kepada orang-orang yang berbuat baik”

(Surah al-A’araf: 56)

DAPATAN KAJIAN

Menjaga dan memelihara alam semulajadi juga termasuk dalam memenuhi tuntutan maqasid syariah tentang memelihara akal (*hifz al-a’ql*). Alam semulajadi yang cantik dan indah seperti gunung ganang, air terjun, sungai, pokok-pokok mampu menenangkan fikiran seseorang. Manusia memerlukan suasana yang mendamaikan khususnya jika mengalami masalah dan tekanan dalam kehidupan. Bumi dan alam yang rosak akibat tangan-tangan manusia mengakibatkan kemusnahan bekalan makanan dan sumber air. Apabila banyak hutan yang ditebang kerana faktor pembangunan dan sebagainya menyebabkan bencana kemarau atau banjir melanda bumi. Bila banjir dan kemarau berlaku ia turut memberi kesan kepada pengeluaran makanan kerana hasil tanaman rosak atau tidak dapat tumbuh dengan baik. Makanan berkurangan seterusnya memberi kesan kepada manusia seperti kebuluran dan kemungkinan boleh meningkatkan kadar kematian. Oleh itu, jika alam semulajadi terpelihara, kehidupan manusia juga menjadi semakin baik. Seterusnya boleh menjamin keselamatan nyawa manusia (*hifz al-nafs*).

Harta manusia juga akan terpelihara sekiranya manusia berusaha menjaga dan memelihara bumi dan alam semulajadi daripada kerosakan seperti pencemaran dan sebagainya. Pemuliharaan pokok-pokok dari

penebangan secara berleluasa dapat mengelakkan berlaku bencana alam seperti banjir, tanah runtuh dan sebagainya. Oleh itu kemusnahan harta seseorang juga dapat dikurangkan dan seterusnya dapat mengelakkan daripada kerugian yang besar.

Apa yang penting adalah pendidikan alam sekitar perlu diterapkan kepada masyarakat bermula dari diri sendiri, keluarga seterusnya komuniti setempat dengan sama-sama mengamalkan gaya hidup sihat dengan tidak membuang sampah merata-mata, mengamalkan amalan 3R, tidak melakukan pembakaran terbuka yang akan mencemarkan udara dan meningkatkan suhu bumi, tidak membuang bahan kimia serta sampah sarap ke dalam sungai dan laut dan melaksanakan pelbagai kempen pendidikan dan kesedaran alam sekitar secara berterusan oleh semua pihak. Melalui pendidikan alam sekitar ini, akhlak atau sikap yang baik dan mesra alam dapat dihayati dalam kehidupan setiap individu Muslim.

Oleh itu, dalam Maqasid Shariah menekankan bahawa pemeliharaan harta benda, nyawa, akal, agama dan keturunan merupakan asas dalam penjagaan diri, masyarakat dan negara. Sekiranya masyarakat atau khalifah yang sedar tentang kepentingan diri mereka dalam menjaga alam sebagai tanggungjawab utama, sudah pasti sektor pelancongan negara terus memberi kesan kepada sektor ekonomi negara.

KESIMPULAN

Syariah Islam adalah menjadi panduan dalam pelancongan alam sekitar semulajadi agar segala tindakan yang dilaksanakan tidak melanggar batasan syariah yang telah ditetapkan. Kepatuhan kepada panduan syariah boleh menjamin manusia menjaga hubungan dengan Allah, hubungan sesama manusia dan hubungan dengan alam sekitar. Oleh itu manusia mesti memainkan peranannya sebagai hamba kepada Allah serta sebagai khalifah untuk menyebarkan kebaikan dan kepentingan penjagaan alam semulajadi dan bertindak sebagai pemakmur kepada alam ini menerusi pelbagai aktiviti yang boleh mendatangkan kebaikan. Selain itu, manusia mesti bertindak untuk menghindarkan alam ini daripada sebarang kerosakan kerana ianya termasuk dalam tanggungjawab kekhalfahan untuk mengekalkan kelestarian alam semulajadi seperti dalam keadaan yang asli

kerana ianya merupakan suatu ni'mat anugerah Allah yang mesti dipelihara. Sebaliknya kerosakan alam seperti pencemaran, kemusnahan flora dan pelbagai aktiviti yang melanggar etika dan syariah akan menyebabkan terjejas kedatangan para pelancung dan mengurangkan pendapatan sesebuah negara. Oleh itu setiap individu Muslim perlu menjaga alam semulajadi kerana ianya merupakan tuntutan syarak yang penting demi kelangsungan kehidupan dan memastikan alam semulajadi sentiasa dapat dinikmati keindahan dan kecantikannya oleh seluruh makhluk Allah dan menambahkan pendapatan negara.

PENGHARGAAN

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RUJUKAN

- Abdul Aziz Hussin (2015). *Pelancong dan Pelancongan Islam*, Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Abu Bakar Yang (2015). *Pengurusan dan Pemuliharaan Alam Sekitar Dari Perspektif Islam*, Kuala Lumpur: Institut Kefahaman Islam Malaysia (IKIM).
- Department of Environment (1994) dalam Jahi, J. M. (2009). Pembangunan Pelancongan dan impaknya terhadap persekitaran fizikal pinggir pantai. *Malaysian Journal of Environmental Management*, 10(2), 71-87.
- Sa'dan Man dan rakan-rakan (2016), *Maqasid al-Shari'ah: Aplikasi Dalam Aspek Sains dan Teknologi*, Kuala Lumpur: Jabatan Fiqh dan Usul, APIUM.
- Jahi, J. M. (2009). Pembangunan Pelancongan dan impaknya terhadap persekitaran fizikal pinggir pantai. *Malaysian Journal of Environmental Management*, 10(2), 71-87.

- Johnes, J., & Mapjabil, J. (2020). Isu dan Cabaran Pelancongan Kembara dan Masa Depan nya di Malaysia: Backpacker Tourism Issues and Challenges and Its Future In Malaysia. *Journal of Advanced Research in Social and Behavioural Sciences*, 20(1), 46-56.
- Leh, F. C. (2017). Pelancongan bandar dan isu keselamatan: Kajian kes pelancong antarabangsa Kuala Lumpur. *Geografia-Malaysian Journal of Society and Space*, 12(8).
- Mapjabil, J., Abd Razak, R. R., Marzuki, M., & Zainol, R. M. (2015). Pelancongan Islam: Suatu tinjauan konseptual dan relevannya di Malaysia. *M Malaysia Journal of Society and Space*, 11, 172-182.
- Mohd Istajib Mokhtar (2015), *Konservasi Biodiversiti Menurut Etika-Perundangan Islam: Kajian Terhadap Kawasan Perlindungan di Malaysia*, Kuala Lumpur: Jabatan Syariah dan Undang-undang (Thesis Phd. Tidak diterbitkan).
- Mohamad, Z. B. (2016). *Kompetensi Keusahawanan Dan Kelestarian Pengusaha Penginapan Pelancongan Di Semenanjung Malaysia: Sokongan Kerajaan Sebagai Penyederhana* (Doctoral dissertation, Universiti Malaysia Terengganu).
- Norhibah Hasan Zawawi (1999), *Konsep Islam Terhadap Pemuliharaan Alam Sekitar*, Kuala Lumpur: Jabatan Kemajuan Islam Malaysia.
- Rosmidzatul Azila Mat Yamin (2011), *Pengurusan Alam Sekitar dan Biodiversiti dari Perspektif Islam*, Kuala Lumpur: Institut Kefahaman Islam Malaysia (IKIM).
- Salleh, N. H. M., Sarmidi, T., Othman, R., Jaafar, A. H., & Ramli, R. M. (2011). Kepuasan dan kesetiaan Pelancong Domestik Terhadap destinasi pelancongan Pulau Kapas. *Journal of Tropical Marine Ecosystem*, 1(2011), 10-21.
- Zaini Ujang, (2009). *Minda Lestari: Pembangunan Negara dan Pemuliharaan Alam Sekitar*, Johor Bharu: Universiti Teknologi Malaysia

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