



# ISLAMIC RULINGS *and* MODERN SOCIETY:

**The Imperative Need For Re-contextualising  
*Fatwas* To Today's Age**

*( Mujibaat Taghayyur Al-Fatwa Fi 'Asrina )*

**Original Title in Arabic by  
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# **Contextualisation of Islam in Singapore: Reviewing Quranic Texts and Prophetic Narrations, in Past and Contemporary Applications**

**Foreword by *Muhammad Haniff Hassan*<sup>2</sup>**

This book is published in English as the translated version of Syeikh Yusuf Al-Qardhawi's book in Arabic called *Mujibat Taghayyur Al-Fatwa Fi 'Asrina* (The Essential Modification of Fatwa in Contemporary Society).

This book comprehends that modifying *fatwa* due to adjustments and differences of contexts is essential. What was permissible in the past could be prohibited today or vice versa, or something that is permissible only to a place but prohibited at another location. This book includes the importance of understanding and practising Islam in suitable conditions and contexts, and the importance of modifying and reconnecting Islamic practises from the past that befits the development and modification of contexts. Furthermore Islamic practises are necessarily subjective due to the differences in locations and situations.

According to Syeikh Al-Qardhawi's collections, he portrayed authentic resources and references that permitted contextual measurements in conducting a *fatwa* and the grounds for a *fatwa* to be modified pertaining to the modification and differences in context. He also provided numerous examples from the time of Prophet Muhammad s.a.w, his fellow companions, and scholars throughout the history.

Syeikh Al-Qardhawi listed down 10 factors in which 4 of them he discovered from past scholar's views and the remaining 6 were from his own independent reasoning that were fit throughout the development of time. And the 10

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<sup>2</sup>This is a foreword published in and translated from Mustazah Bahari and Muhammad Haniff Hassan (transl.), *Bolehkah Hukum Islam Berubah Mengikut Perubahan Keadaan*, Singapore: Madani Institute, 2020, pp. 7-58.

factors are;

1. Place
2. Time
3. Condition
4. *'Urf* (social tradition)
5. Knowledge
6. Human needs
7. Human capacities and capabilities
8. *'Umum Al-Balwa* (a situation that is prevalent and deemed unavoidable for example, existence of impurities within dusts on a pathway)
9. Social, Economic, and Political conditions
10. Way of thoughts and views

This chapter is written as an introduction and completion of Syeikh Yusuf Al-Qardhawi's translated book. As a foreword it provides readers with general background information and an introduction to his writing before taking a deep dive into these issues. As a completion, it consumes for readers some additional information that was untouched by Syeikh Yusuf Al-Qardhawi himself. And for this matter, the ensuing discussion attaches additional references from Islamic Law justifying whereby *fatwa* modifications for a certain context that is suitable for attaining the essential needs are not only permissible but also highly encouraged in Islam. This matter is also well understood and practised by the companions of Prophet Muhammad s.a.w, and is therefore being carried on by fellow scholars from time to time until today.

However, a greater significance for this chapter are some issues and examples addressed by Syeikh Yusuf Al-Qardhawi that are suitably practical and

applicable in the context of multiple Muslim societies such as Singapore, Western Countries, Indonesia, and Malaysia.

The calls for re-evaluating the understanding of Islam, its practise, and Islam's adaptation through the development of time has existed long ago, and is not newly discovered. Thus, it is this continued reformative movement in the society when early Muslims discovered their community's backwardness compared to the non-Muslim's society.

For example, when the Muslim community in Singapore experienced the appearance of Kaum Muda in the early 20th century like Syeikh Al-Hadi and his fellow companions through Al-Imam magazine and were continuously growing despite some shortcomings.

During the incident of September 11<sup>th</sup> it was disclosed that a prosecution was made for all members of Jemaah Islamiyah (JI) at the end of 2001 and mid-2002. The prosecution call was loudly announced from the members of the Singaporean Government concerning the radical ideologies that can potentially influence the Muslim community in Singapore.<sup>3</sup> The call of prosecution was supported by local religious scholars despite the nuanced differences between them and the Government in listing down their conclusions and methodologies.<sup>4</sup>

As a result of these differences, some controversies have occurred due to the negative remarks by certain Muslim societies each time this issue is being addressed and discussed, and it has already occurred in Singapore today ever since the incident of September 11<sup>th</sup>.

Such negative remarks were made as they believe that the ideology of Islam being adaptive and flexible towards a certain context and situation is the same

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<sup>3</sup> Refer to Pergas(2017) *Kesederhanaan Dalam Islam Dalam Konteks Masyarakat Islam Singapura*, Singapura: Pergas, pp. 53-102.

<sup>4</sup> Refer to Ibid, pp. 103-211.

as a weed that bends towards the direction and flow of wind. Hence, they opposed this ideology with a prophetic narration: *“What is lawful is clear, and what is unlawful is clear”*<sup>5</sup> whereby Islam and its laws have already been determined by Allah ta’ala and Prophet Muhammad s.a.w and Islam is a religion that pledges its devoutness towards the decree that has been sent down by Allah ta’ala and Prophet Muhammad s.a.w.

Therefore they believe that as Muslims, we should be the one adapting to the rulings and boundaries of Islam and not the other way round and a true Muslim is one who devotes themselves to the principles established by Islam *like a goodly tree whose root is firmly fixed and its branches(reach) to the heavens,- of its Lord.*<sup>6</sup> Whereas adapting to a situation or context like a chameleon in its environment are the characteristics possessed by hypocrites that one has to refrain from.

A scholarly clarification has to be made to rectify those negative remarks and oppositions as mentioned before can ensure that the doubtful ones would be convinced, and the wrongful ones would be corrected in order for our society to be on the same page in these important matters.

It is thus the main purpose of translating Syeikh Yusuf Al-Qardhawi’s book and also this chapter is written and published in a question format which goes, *Is it permissible for a fatwa to be contextually modified?* slightly different from the original title’s approach as this format attracts fellow readers’ attention to its content and presents an invitation for mindful discussions and thought process. The answer is none other than “yes” as an approval and positive response from Syeikh Yusuf Al-Qardhawi, author of this article and fellow translators.

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<sup>5</sup> Partial gist of hadith narrated by Imam Al-Bukhari and Muslim, hadith number 6 from the 40 hadith of Imam Al-Nawawi.

<sup>6</sup> Refer to the Qur’an, Surah Ibrahim verse no. 24

Fellow readers are highly encouraged to analyse the provided grounds supporting this chapter's response which consists of 5 parts, including the foreword's title, which are as follows;

- **Islamic Law's references in contextualising Islam**

This section showcases examples of contextual modifications of an Islamic Ruling coming from *fatwas* and independent reasonings from the Prophet's companions, especially from *Khulafa' Rasyidin (Four Successive Caliphs)*, as Quranic References and Prophetic Narrations from previous sections support the upbringing of the companions after the passing of Prophet Muhammad s.a.w.

- **Traditions of Scholars from the past**

This section delves into examples from the scholars in accepting the idea of contextually understanding and practicing an Islamic Ruling or accepting past traditions from previous scholars from the 4 major *mazhabs* of Islam and its jurists. These examples were discovered in numerous forms such as their proclamations that can be found in their research, written books pertaining to this idea, Islamic maxims constituted by scholars from the past pertaining to the importance of contextual measurements in practicing Islam and knowledge in *Asbab Al-Nuzul* (Reasonings of Quranic Revelations) and *Asbab Wurud Al-Hadith* (Reasonings of Prophetic Narrations)

- **Comprehensions and practises of Islam from different Muslim communities**

This section highlights numerous Islamic organisations that applied the idea mentioned above in societies of Singapore, Indonesia, Malaysia, and Islamic societies from the Western countries. As for Singapore, an agreement has been made between two organisations Pergas (Singapore Islamic Scholars and Religious Teachers Association) and MUIS (Islamic Religious Council of Singapore) in validating the above idea with their own aggregations.

Ten examples of contextual Islamic ruling in Singapore ever since its independence will be mentioned. As for Indonesia, three concepts have been brought up as an example, the concept of Islam *Nusantara* by reformist and second largest Islamic Organisation called Nahdatul Ulama' (Revival of the Ulama') and Progressive Islam (Islam *berkemajuan*) by Muhammadiyah and Indonesian *Fiqih* (Indonesian Islamic Jurisprudence) pioneered by a religious leader Teungku Muhammad Hasbi Ash-Shiddieqy along with other religious leaders in Indonesia. Same goes to Malaysia with an example of bringing up the concept of Malaysian *Fiqih* (Malaysian Islamic Jurisprudence) in late 1990s.

Also discussed are three examples from Islamic societies in the Western countries. The above examples, including from Singapore, have shown that societies from around the world have also accepted the ideology of contextualising Islam. Hence, one can surmise that the conceptual understanding held by the Muslim communities of Singapore is not something that is strange and foreign but instead it matches the Islamic traditions from the past and the characteristics of an Islamic society today.

- **Conclusion and summary**

To conclude, all sections underline an assertion that it is permissible to practise contextualised Islam and therefore it is a tradition that must be carried on throughout all ages.

### **Islamic law's references for contextualising Islam<sup>7</sup>**

The following section will list down *syari'ah* references from The Qur'an and *hadith* in reference to the essentials of contextual understanding and practises in Islam.

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<sup>7</sup> This section is addressed by Muhammad Haniff Hassan (2011), "Contemporary Fiqh in Singapore: Some observations", *Islam and Civilisational Renewal*, vol. 2, no. 4, June, ppp.. 692-695.

The first reference came from The Qur'an stating that Allah ta'ala sent revelations to Prophet Muhammad pbuh in a gradual manner. And this fact is stated in the following Quranic verses;

*“Those who reject Faith say: “Why is not the Qur'an revealed to him all at once? Thus (is it revealed), that We may strengthen thy heart thereby, and We have rehearsed it to thee in slow, well-arranged stages, gradually.”*  
(Al-Furqan: 32)

*“And (it is) a Quran which We have divided (into parts), in order that you might recite it to men at intervals.”*  
(Al-Isra': 106)

Scholars on this matter have stated that The Qur'an was revealed in a gradual or an interval manner so that the *shari'ah* can suitably fit into contemporary contexts and situations.

One good example from The Qur'an was the stages of prohibiting intoxicants. Since this was a common practise, to drastically refrain oneself from drinking was indeed a tough process for the people of the Arab tribe.<sup>8</sup> Therefore the first revelation was only to condemn the habit of drinking without prohibiting it.<sup>9</sup> This was followed by the revelation of forbidding prayers while intoxicated,<sup>10</sup> which reduces the available period of length to consume intoxicants. The final command of fully prohibiting intoxicants was revealed 15 years after the first revelation.<sup>11</sup>

Furthermore, this example was analysed by scholars demarcating the revelations that was revealed before the migration of Prophet Muhammad

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<sup>8</sup> Yusuf Al-Qardhawi (1977), *Al-Khasais Al-'Ammah Li Al-Islam*, Kahera: Maktabat Wahbah, pp. 170-173.

<sup>9</sup> Al-Qur'an Al-Karim, Al-Nahl: 68 and Al-Baqarah: 219

<sup>10</sup> Ibid, Al-Nisa': 43

<sup>11</sup> Ibid, Al-Maidah: 90



s.a.w which are known as Makkiyah verse (verses revealed in Makkah) and after migration which are known as Madaniyah verse (verses revealed in Madinah). Makkiyah verses, during the first 13 years of Muhammad's s.a.w prophethood in Makkah, focussed on *aqedah* (Creed) and *akhlaq* (Morals) at times when the early Muslim community at that point of time was still under-developed and they lived under the oppression of the disbelievers.

In contrast, the Madaniyah verses, codifies governing societal laws such as criminal law, commercial law and laws in a society, family and state. The Madaniyah verses were revealed at a time after Muslims had gained political control and the capacity to establish social justice.<sup>12</sup>

The second reference, was an affirmation in The Qur'an regarding the different code of laws that have been revealed to the Prophets a.s in the following verses,

*“To each of you We have ordained a code of law and a way of life. If Allah had willed, He would have made you one community, but His Will is to test you with what He has given each of you. So, compete with one another in doing good. To Allah you will all return, then He will inform you of the truth regarding your differences.”*  
(Al-Maidah: 48)

*“He has ordained for you ‘believers’ the Way which He decreed for Noah, and what We have revealed to you ‘O Prophet’ and what We decreed for Abraham, Moses, and Jesus,<sup>1</sup> ‘commanding: ‘Uphold the faith, and make no divisions in it.’ What you call the polytheists is unbearable for them. Allah chooses for Himself whoever He wills, and guides to Himself whoever turns ‘to Him’.”*  
(Al-Syura: 13)

Scholars have agreed and concluded in this matter whereby the purpose of having different code of laws and way of life between different Prophets a.s, alongside with their belief in the religion's fundamentals such as *Tauhid*

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<sup>12</sup> Abd Al-Azim Al-Zarqani (1995), *Manahil Al-'Irfan Fi 'Ulum Al-Qur'an*, Beirut: Dar Al-Kitab Al-Arabi, Part 1, pp. 166-168.

(monotheism) and faith in the afterlife, was actually His mercy towards His servants to accustom a suitable code of law and way of life pertaining to the human needs which varies from time to time.

The third reference from The Qur'an was the legislation of *Naskh* (abrogation) in The Qur'an. *Naskh* refers to rulings from later verses abrogating the earlier ones.<sup>13</sup>

The banning of intoxicants that was mentioned above was also actually one of the examples of *Naskh*.<sup>14</sup> Sunni scholars have regarded the knowledge of *Naskh* to be necessary as stated in The Qur'an:

*“If We ever abrogate a verse or cause it to be forgotten, we replace it with a better or similar one. Do you not know that Allah is Most Capable of everything?”*  
(Al-Baqarah: 106)

*“When We replace a verse with another—and Allah knows best what He reveals—they say, “You ‘Muhammad’ are just a fabricator.” In fact, most of them do not know.”*  
(Al-Nahl: 101)

The fourth reference is an affirmation in The Qur'an whereby practising Islam does not go beyond what an individual can afford as mentioned by the following verses:

*“Allah does not require any soul more than what it can afford. All good will be for its own benefit, and all evil will be to its own loss...”*  
(Al-Baqarah: 286)

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<sup>13</sup> Wahbah Al-Zuhaili (1986), *Usul Al-Fiqh Al-Islami*, Damsyik: Dar Al-Fikr, vol. 2, p. Pp.933; Jalal Al-Din Al-Suyuti (2008), *Al-Itqan Fi 'Ulum Al-Qur'an*, Damsyik: Muassasat Al-Risalah, pp. 462-465.

<sup>14</sup> Ibid, pp. 936-937.

“We never require any soul more than what it can afford...”  
(Al-Mukminun: 62)

“So be mindful of Allah to the best of your ability...”  
(Al-Taghabun: 16)

The verses above justify Islam’s acknowledgement of mankind’s imperfections and the limitations a Muslim holds in practising Islam. Therefore, a Muslim should practise Islam at their best capacity and not exceed their own limits. Demanding religious responsibilities from mankind more than what they can afford is an act of injustice as it goes against the nature of Allah’s fairness. The fifth reference in The Qur’an pertains to *Rukhsah* (concession) in establishing an Islamic ruling.

*Rukhsah* (concession) is an exception applied to an *Azimah* (original ruling) towards a *mukallaf* (someone religiously responsible or accountable) due to complications, harm or other varied reasons that were exceptionally explained.<sup>15</sup> A practical example of *Rukhsah* from The Qur’an in educating mankind is the principle of not loading themselves with more than what they can bear. It is a check and balance system in assuring that Islam can be practised with ease and comfort as Allah *ta’ala* mentioned in The Qur’an: “So, surely with hardship comes ease.”(Al-Sharh: 5).

With *Rukhsah*, Muslims possess a degree of elasticity in facing contextual adjustments in their lives.

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<sup>15</sup> Ibid, part 1, pp. 110-1 Al-Syatibi (t.t.) *Al-Muwafaqat*, t. Dar Al-Fikr, part 1, p. 210.

The following are examples of *Rukhsah* in The Qur'an are;

**Not required to fast for those who are sick or travelling.**

*“Ramadhan is the month in which the Quran was revealed as a guide for humanity with clear proofs of guidance and the standard ‘to distinguish between right and wrong’. So, whoever is present this month, let them fast. But whoever is ill or on a journey, then ‘let them fast’ an equal number of days ‘after Ramadhan’. Allah intends ease for you, not hardship, so that you may complete the prescribed period and proclaim the greatness of Allah for guiding you, and perhaps you will be grateful.”*

*(Al-Baqarah: 185)*

**Performing tayammum (dry ablution) when the presence of water is nowhere to be found.**

*“And if you are in a state of ‘full’ impurity, then take a full bath. But if you are ill, on a journey, or have relieved yourselves, or have been intimate with your wives and cannot find water, then purify yourselves with clean earth by wiping your faces and hands.”*

*(Al-Maidah: 6)*

**Consuming carcasses in an emergency such as those who had lost their way and had nothing else to eat where the consequences can cause danger to their life and health.**

*“Say, ‘O Prophet, ‘I do not find in what has been revealed to me anything forbidden to eat except carrion, running blood, swine—which is impure—or a sinful offering in the name of any other than Allah. But if someone is compelled by necessity—neither driven by desire nor exceeding immediate need—then surely your Lord is All-Forgiving, Most Merciful.”*

*(Al-An’am: 145)*

**Concession for a Muslim army when in a weak condition to abandon and retreat from the battlefield against enemies twice their numbers, compared to the original ruling, which is obligatory for a Muslim army to remain in the battlefield despite their disadvantaged numbers against the enemy.**

*“O Prophet! Motivate the believers to fight. If there are twenty steadfast among you, they will overcome two hundred. And if there are one hundred of you, they will overcome one thousand of the disbelievers, for they are a people who do not comprehend. (65)*

*Now Allah has lightened your burden, for He knows that there is weakness in you. So, if there are a hundred steadfast among you, they will overcome two hundred. And if there be one thousand, they will overcome two thousand, by Allah’s Will. And Allah is with the steadfast.”(66)*  
*(Al-Anfal: 65-66)*

Second source of reference is The Prophetic narrations that also touch on the importance of contextual understandings and practises of Islam. A lot of narrations placed heavy emphasis on this matter and below are a few examples:

Prophet Muhammad s.a.w in his early prophethood once forbade his companions from visiting the grave as it resembles the superstitious traditions practised by the people of Arab before they embraced Islam. However, visiting the grave was permitted, and highly encouraged as it reminded them of death and the afterlife.

This was possible after developing his fellow companion’s faith and their increase in religious knowledge that would refrain from being influenced back to their pre-Islamic traditions.

As mentioned in the hadith;

*“I had forbidden you to visit graves, but now you may visit them.”  
(Imam Muslim)*

*“I used to forbid you to visit graves, but visit them, for they soften the heart, bring tears to the eyes, and remind the Hereafter, and do not say abandonment.”  
(Al-Hakim)*

Prophet s.a.w once reprimanded Umar r.a. and his companions for reading Bible but was then permitted to read and narrate Ahli Kitab’s (People of The Book) narrations as mentioned in the *hadith*;

*Jabir said that when Umar came to the Prophet saying, “We hear from Jews traditions which charm us, so do you think we should write down some of them?” he replied, “Are you in a state of confusion as the Jews and the Christians were? I have brought them to you white and pure, and if Moses were alive, he would feel it absolutely necessary to follow me.”  
(Imam Ahmad)*

*He also said that the people of the Book used to read the Torah in Hebrew and expound it in Arabic to the Muslims, so God’s messenger said, “Neither believe nor disbelieve the people of the Book, but say, ‘We believe in God and what has been sent down to us...’”  
(Imam Al-Bukhari)*

*The Messenger of Allah (ﷺ) said: “Convey from me, even if it be an Ayah, and narrate from the Children of Isra'il, and there is no harm, And whoever lies upon me purposely, then let him take his seat in the Fire.”  
(Al-Tarmizi)*

Many scholars had concluded upon reviewing these *hadiths* that the restrictions in the above narrations were conveyed during the early prophethood when the companions were still incapable of differentiating right

from wrong due to their lack of knowledge, and to prioritise the learning of The Qur'an

While *hadiths* that permitted the study and the narration of *Ahli-Kitab* were conveyed only after their development in their faith and maturity in their religious knowledge.<sup>16</sup>

Prophet Muhammad s.a.w once forbade the storage of *qurban* meat (sacrificial meat) for more than three days as it was meant for distribution to the ones in need, and for the welfare of the large number of people visiting Madinah. This ruling was then rescinded after the following years when such situations no longer existed.

Prophet Muhammad s.a.w also taught us to deliver knowledge that corresponds with the target audience, as he mentioned;

*The Prophet (ﷺ) said, "O Mu`adh! Do you know what Allah's Right upon His slaves is?" I said, "Allah and His Apostle know best." The Prophet (ﷺ) said, "To worship Him (Allah) Alone and to join none in worship with Him (Allah). Do you know what their right upon Him is?" I replied, "Allah and His Apostle know best." The Prophet (ﷺ) said, "Not to punish them (if they do so)."*  
(Imam Al-Bukhari and Muslim)

Such narrations can also be learned by the exemplary behaviour of Prophet Muhammad s.a.w himself, such as giving different answers to the same question by taking into account the particular person who did the asking. For example, the Prophet s.a.w answered to a child living with their parents that

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<sup>16</sup> Muhammad Husain Al-Zahabi (t.t.) *Al-Israiliyat Fi Al-Tafsir Wa Al-Hadith*, Kaherah: Maktabat Wahbah, pg. 41-52; Muhammad Abu Shahbah (1408H), *Al-Israiliyat Wa Al-Maudu'at Fi Al-Tafsir*, Kaherah: Maktabat Al-Sunnah, pg. 106-108.

the best *jihad* (Holy War) is to honour both their parents,<sup>17</sup> for a Muslimah, his response was to do a blessed pilgrimage.<sup>18</sup>

Hence the best *jihad* does not necessarily mean in a form of armed combat but instead to convey the truth to a corrupted ruler.<sup>19</sup>

In another example, the Prophet s.a.w responded about the best deed in Islam. He was asked:

*"Which deed is the best?" He (ﷺ) replied, "Faith in Allah and Jihad (fighting, struggle) in the Cause of Allah." (Bukhari and Muslim), and at times, The Prophet ﷺ was asked: "Which deed is best?" He said: "Faith in which there is no doubt, Jihad in which there is no Ghulul, and Hajjatun Mabruur." (Al-Nasa'ii) and sometimes, the Messenger of Allah (ﷺ) was asked: he asked the Messenger of Allah (ﷺ): "Which of the deeds are liked by Allah? He (the Holy Prophet) observed: Prayer at its proper time. I (again) said: What next? He replied: Then goodness to the parents. I (again) said: What then? He replied: Then Jihad in the cause of Allah."  
(Muslim)*

The Prophet s.a.w once answered two of his companions addressing him about a ruling of a husband fondling with his wife during fasting and responded with two different answers, as he allowed it for one of the companions and forbade it for another companion.

Due to one of the companion's astonishments, Rasulullah ﷺ explained his dissimilarities in his answer in which he permitted the act to the elderly companion due to his low sex drive and at the same time forbade it to the

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<sup>17</sup> Yusuf Al-Qardhawi (t.t.), *Mujibat Taghayyur Al-Fatwa Fi 'Asrina*, Qadhayah 'Ummah Series no.1, Saint Denis: Maktab Lajnat At-Ta'lif Wa Al-Tarjamah Al-Ittihad Al-'Alami Li 'Ulama' Al-Muslimin, pg. 33-34.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.



young companion as it was to refrain him from committing a prohibited act, which is sexual intercourse during fasting.<sup>20</sup>

An example of contextual consideration made by Prophet Muhammad s.a.w is annulling his decision to demolish and rebuild the Kaaba according to the size that was built by Prophet Ibrahim a.s. A *hadith* mentioned;

*“A'isha, if your people had not been recently polytheists (and new converts to Islam), I would have demolished the Ka'ba, and would have brought it to the level of the ground and would have constructed two doors, one facing the east and the other one to the west and would have added to it six cubits of area from Hijr, for the Quraish had reduced it when they rebuilt it.”*  
(Muslim)

In another example, someone once assailed Prophet Muhammad's s.a.w personality behind his back. The Prophet s.a.w decided not to take any action against him due to a bigger consequence to the public's perception. As mentioned in the *hadith*;

*“What if it becomes the talk of the people, and people say that Muhammad killed his own companions?”*  
(Al-Bukhari)

### **Examples from the companions**

Contextual practises and understandings of Islam were also discovered at the time of Prophet Muhammad's s.a.w companions and their traditions.

Even though the companion's practises are not primarily considered amongst the sources of references to an Islamic ruling, their practises are still till today considered as a solid reasoning for an Islamic ruling as they were the people who received direct attainment of the Prophet's s.a.w knowledge, sayings, and

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<sup>20</sup> Hadith narrated by Ahmad. Yusuf Al-Qardhawi (1988), *Al-Fatwa Bayn Al-Indibat Wa Al-Tasayyub*, Qaherah; Dar Al-Sahwah, p. 93.

actions. The companions such as Abu Bakar, Umar, Ali, and Muaz bin Jabal are viewed as people who understood the inside and outs of an Islamic ruling. Hence, they were characterised as the best generation among the Prophet's s.a.w *ummah*. As mentioned in the *hadith*;

*The Prophet (ﷺ) said, "The best people are those living in my generation, and then those who will follow them, and then those who will follow the latter."*  
(Al-Bukhari and Muslim)

*The Prophet (ﷺ): "The stars are a source of security for the sky and when the stars disappear there comes to the sky, i.e. (it meets the same fate) as it has been promised (it would plunge into darkness). And I am a source of safety and security to my Companions and when I would go away there would fall to the lot (of my Companions) as they have been promised with and my Companions are a source of security for the Umma and as they would go there would fall to the lot of my Umma as (its people) have been promised."*  
(Muslim)

Below are few examples from some of the companions that stated their approval in the needs of contextual practises and applications for an Islamic ruling, such as;

- *Abd Allah bin Mas'ūd said: 'It is the case that you do not relate to the people a narration which their minds cannot grasp except that it becomes a Fitnah for some of them.'*
- *Ali ibn Abi Tālib (may Allah be pleased with him) said: "Speak to the people according to their level of understanding. Do you wish that Allah and His Messenger be denied?" (Al-Bukhari)*
- *Ibn Abbas said: "So those who are given relief to fondle with their wives during fasting are the elderly while those who are prohibited are the young." (Ibn Majah)*

As a result of the death of many of The Qur'an memorisers during the battle against the movement of *Al-Mutanabbi'un* (people claiming to be prophet) and *murtad* (apostates) that rebelled against the authority of Madinah, Abu Bakr r.a accepted the suggestion of compiling The Qur'an into one book (*mushaf*) even though it was not practised by Prophet Muhammad s.a.w himself.<sup>21</sup>

As the first caliph, being the successor of Prophet Muhammad s.a.w after his passing, *Abu Bakr* r.a planned for a war and fought against Arab tribes that refused to pay *zakat*, an act which could not be identified from The Qur'an nor the actions of Prophet Muhammad s.a.w. As a result, *Umar* r.a himself disapproved of the caliph's plan. However, *Abu Bakr* insisted the war was meant to uplift the integrity and uphold the firmness of The Medina authorities in The Arab Peninsula. It was necessary to ensure that other tribes would not act the same way against the authorities.<sup>22</sup>

And he issued a new ruling to sentence those who consume intoxicants with 40 strokes of the cane due to the high number of cases in his time.<sup>23</sup>

*Umar* r.a, was also amongst the companions, who were well-known to establish contextual adjustments or modifications to an Islamic ruling, even though his reasonings were contradicting with the *nas* in Islamic references. And here are some popular examples;

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<sup>21</sup> Al-Zarqani (1995), pp. 204-205

<sup>22</sup> Sa'id Hawwa (1989), *Al-Asas Fi Al-Sunnah*, Cairo: Dar Al-Salam, Part 3, pp. 1554-1555.

<sup>23</sup> Muhammad Salim Al-'Awwa (t.t.), *Fi Usul Al-Nizam Al-Jina'ii*, Cairo: Dar Al-Ma'arif, pg. 132-133.

- Include farmed horses into *zakat* as it was highly profitable during his caliph years, although it has never been mentioned nor practised by Prophet Muhammad s.a.w.<sup>24</sup>
- Stop *Mu'allaf* (one who recently embraced Islam) from the beneficiaries of *zakat*, as the strength of Islam no longer requires the act of *zakat* towards this group to soften their heart and encourage them to embrace Islam, and this reasoning does not comply with The Qur'an.<sup>25</sup>
- Suspend the *hudud* punishment of theft, which is the cutting of hands, during the drought season as it involves *syubhah* (obscurity) whereby a person carried out this crime in desperation for surviving.<sup>26</sup>
- Prohibit the distribution of *ghanima* land (land conquered and obtained during war) to the *mujahidin*, as it will cause local populations fuming over their loss of land inherited from their ancestors. Whereas The Qur'an obligates the distribution of *ghanima* to the *mujahidin* and Prophet Muhammad s.a.w himself distributed portions of lands amongst his own army.<sup>27</sup>

The society during the time of Umar r.a caliph years were way beyond the standards of Prophet Muhammad s.a.w as they lacked in morals and trust. As a result, Umar r.a commanded to capture and sell missing camels from their owners and ordered for the profit to be brought over to *Baitul Mal* (House of Wealth, also known as Islam's public treasury) so that its owners can claim them whenever they can.<sup>28</sup> However, it has been mentioned in a *hadith* that

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<sup>24</sup> Muhammad 'Abd Al-'Aziz Al-Halladi (t.t.) *Fatawa Wa Aqdiyah Amir Al Mu'minin 'Umar Bin Al-Khattab*, Cairo: Maktabat Al-Qur'an , pp. 81-83.

<sup>25</sup> Ibid, pp. 89-91.

<sup>26</sup> Ibid, pp. 179-180.

<sup>27</sup> Sa'id Hawwa (1989), p. 1621.

<sup>28</sup> Ibn Rushd Al-Qurtubi (1988), *Al-Bayan Wa Al-Tahsil Wa Al-Syarh Wa Al-Tawjih Wa Al-Ta'lil Fi Al-Masa'il Al-Mustakhrajah*, Beirut: Dar Al-Gharb Al-Islami, Part. 15, p. 360.

those camels were meant to roam around freely and will eventually return to its respective owners -

*The Prophet (ﷺ) said, “Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?”*  
(Al-Bukhari).

Ali r.a also suggested him to raise the number of cane lashes from 40 to 80 for the punishment of drinking, more than the amount set by Abu Bakr r.a during his time and also equivalent to the punishment of *Qazf* (false accusation of adultery without the presence of four witnesses), as the state of being drunk will result into them spurring slanderous words towards other people. Ali r.a also included imprisonment to his previous suggestion depending on the seriousness of the crime, such as drinking during the holy month of *Ramadhan*.<sup>29</sup>

Majority of the companions agreed with half a cup of rice for the minimum amount required to perform *Sadaqat Al-Fitr* (Alms of Breaking the Fast) although it had not been practised before during the time of Prophet Muhammad s.a.w due to the scarce amount of rice at that period of time. Since rice was considered the main source of nutrition and the staple food during the time of the companions, it was then, consequently, agreed amongst the companions to set up the minimum amount required to perform *Sadaqat Al-Fitr*.<sup>30</sup>

One incident that can be relevant to this discussion pertaining to contextual practises in Islam is the incident of Ibn Abbas when he was being asked whether the repentance of a person who committed murder can be accepted by Allah ta’ala

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<sup>29</sup> Al-’Awwa (t.t.) pp. 132-133.

<sup>30</sup> Al-Qardhawi (t.t.) pp. 35-36.

The first response Ibn Abbas gave was that such repentance will be accepted by Allah ta'ala. Whereas for the second time when being approached by a different person pertaining to this matter, he responded differently by telling him that such repentance is unacceptable and the one who commits murder will be thrown into the Hellfire.

Ibn Abbas was then approached by a person who witnessed both of his responses. When questioned about his two separate and contradictory answers, Ibn Abbas clarified that the first enquirer expressed his regrets and torment and therefore, the first response was to spark some hope and encouragement to repent from his sins had he indeed committed any murder. Whereas the second enquirer approached Ibn Abbas expressing his anger and vengeance.

Therefore, Ibn Abbas responded in a manner with the intention to refrain him from committing murder. The crux of this example shows how Ibn Abbas emulated the behaviour of the Prophet s.a.w in providing different answers that were apt to the conditions and circumstances of the one making the enquiry.<sup>31</sup>

### **Scholars from the past and their traditions**

Contextual understandings and practises of Islam can also be found in abundance from precedent traditions carried out by scholars from the past.

By conducting research and pondering upon the Qur'anic verses and Prophetic narrations with the purpose of facilitating the process of extracting Islamic rulings and understanding the rationale behind it, a thorough study of legal guidelines, various rulings can also be found through various situations and realities and some examples of legal guidelines are:<sup>32</sup>

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<sup>31</sup> Ibid, pp. 62-63.

<sup>32</sup> Every single one of these guidelines contain its specific explanations, method of application and its exceptions. And as it is not the main objective to discuss about the mentioned guidelines, therefore its explanations were not included in this article. And it is important, for

- a. Loosening certain affairs under the right circumstances.
- b. Emergencies that permit the prohibited.
- c. Prioritising definitive interest than assumed interest.
- d. Prioritising major interests than minor interests.
- e. Bearing minor harm to refrain from major harm.
- f. Bearing a specific harm to refrain from any general harm.
- g. Minor harms that are forgiven for greater goods.

We can highlight the *Al-'Adah Muhakkimah* (Common traditions as a determinant of an Islamic ruling)<sup>33</sup> as a guideline in order to extract a *fatwa*. Scholars have agreed on the necessity in varying an Islamic ruling due to differences in tradition and community, or changes to certain traditions that took place over time or through better knowledge garnered over time that can cause the modifications to an initial Islamic ruling.

Past scholars have also emphasised the importance of understanding a context that was based on Islamic legal sources from The Qur'an and *hadith* by discerning its *Asbab Al-Nuzul* (Circumstances of revelation of the Qur'anic verses) and *Asbab Al-Wurud* (Circumstances of revelation of the noble *hadith*).

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anyone, to not apply these guidelines by only referring to its literal definitions. The reference for these guidelines can be found in the following books:

- Jalaluddin Al-Suyuti (1979), *Al-Asybah Wa Al-Nazair*, Beirut: Dar Al-Kutub Al-'Ilmiah
- Yusuf Al-Qardhawi (1995), *Fiqh Awlawiyat Dirasah Jadidah Fi Dhaw' Al-Qur'an Wa Al-Sunnah*, Cairo.
- Maktabah Wahbah
- Mukhtar Yahya & Fatchurrahman (1993), *Dasar-dasar Pembinaan Hukum Fiqh Islami*, Bandung: PT Al-Maarif.

<sup>33</sup> Refer to the guideline's discussion in Jalaluddin Al-Suyuti (1979), p. 89.

Reliance on understanding these sets of unique circumstances provides them with the correct understanding of the actual and desired meaning behind every Islamic legal source so that its application fits correctly with the desired context.

Studies from the past scholars have portrayed their attitude in valuing the importance of correctly understanding Islamic legal sources and the context behind it through their books of Qur'anic exegesis, in which they included as an element to interpret a verse or a surah and scholars have highlighted that the knowledge of *Asbab Al-Nuzul* is a necessary condition required for Qur'anic exegesis.<sup>34</sup> To further emphasise on this point, they actually composed a specific book that collected all narrations of the occurrences and circumstances of revelations of the Qur'anic verses and surah.<sup>35</sup> Same goes to their study in *Asbab Al-Wurud* in order to correctly understand the meaning behind the occurrence of a *hadith* through the books they have already composed.<sup>36</sup>

They have also left behind a collection of books that delved into the contextual practises of Islam to authenticate their ideology and to clarify the methodology of its application in solving life difficulties and as a way in constructing an Islamic ruling.

Al-Qarafi, an Islamic jurist in the Maliki *mazhab* wrote down in his book, *Anwar Al-Buruq Fi Anwa' Al-Furuq*, or commonly known as *Al-Furuq*;

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<sup>34</sup> Al-Suyuti(2008), pg. 772; Al-Zarqani(1995), vol. 1, pp. 106-136; Badr Al-Din Al-Zarkasyi (1984), *Al-Burhan Fi 'Ulum Al-Qur'an*, Beirut: Maktabat Dar Al-Turath, Part 2, pp. 22-33.

<sup>35</sup> Refer to Jalal Al-Din Al-Suyuti (2002), *Asbab Al-Nuzul*, Beirut: Muassasat Al-Kutub Al-Thaqafiyah.

<sup>36</sup> Refer to Jalal Al-Din Al-Suyuti (1984), *Asbab Wurud Al-Hadith*, Beirut: Dar Al-Kutub Al-'Ilmiyah.



*“When a modification occurs to an ‘urf (social tradition), a new ruling should be considered, and if a certain practice falls out from its ‘urf, its ruling should likewise pursue the same. And do not be too inflexible throughout your life only by pursuing what was written in the books, and do not institute your ‘urf to a person who is foreign to your place should he ask for a fatwa from you. But instead, ask him about his ‘urf and then provide him a fatwa that is relevant to his country’s ‘urf, and not yours, and not a fatwa that was stated in your country’s books hence this is the clear reality.*

*Attitudinizing inflexibility by simply holding on to only information that was copied from the books is a deviation towards the religion, ignorance towards the main purpose of what scholars and previous generation of Salaf have written in their books. On this matter are situations where an oath relating to divorce and liberation of slaves are carried out, and words that are sorih (direct meaning) and words that are kinayah (metaphoric meaning). At times words that are sorih can carry the meaning of kinayah relying on the speaker’s intentions and at times words that are kinayah can also carry the meaning of sorih that unnecessarily rely on the speaker’s intentions.”<sup>37</sup>*

Al-Qarafi also mentioned this matter in his book *Al-Ihkam Fi Tamyiz Al-Fatawa ‘An Al-Ahkam Wa Tassarufat Al-Qadi Wa Al-Imam*.<sup>38</sup> Ibn Al-Qayyim, an Islamic jurist in Islamic Jurisprudence School of Hanbali, dedicated a chapter in his book *I’lam Al-Muwaqqi’in* that specifically emphasised the importance of this matter,

*“A chapter explaining about changing the fatwa due to the changes that occurred in places, time, situation, and common traditions. A chapter that is important and comes with great benefits, and anyone who does not understand anything in this chapter will therefore not understand the true meaning of sharia (Islamic law) and hence, will cause obscurities and arise complications to the servant of Allah with unnecessary commands and rulings*

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<sup>37</sup> Shihab Al-Din Al-Qarafi (1998), *Anwar Al-Buruq Fi Anwa’ Al-Furuq*, Beirut: Dar Al-Kutub Al-‘Ilmiyah, vol. 1, pp.. 322-323.

<sup>38</sup> Shihab Al-Din Al-Qarafi (1995), *Al-Ihkam Fi Tamyiz Al-Fatawa ‘An Al-Ahkam Wa Tassarufat Al-Qadi Wa Al-Imam*, Beirut: Dar Al-Bashair Al-Islamiyah.

*which in first place were not originally what Allah s.w.t decreed in the sharia.*<sup>39</sup>

This is indeed the essence of Islamic jurisprudence. Whoever relies only from information that was written down in the books and therefore gives a *fatwa* to a person that comes from a different background of tradition, time, and situation, has indeed gone astray and misled others. An offence committed towards a religion without a doubt is bigger than an offence committed by a doctor who treats a patient from different countries, social traditions, time, and habits by depending only on one medical book as their reference. Therefore, such doctors are consequently ignorant. However, *Muftis* that are ignorant are more harmful, as they instigate harm to a person's religion and their body.<sup>40</sup>

Ibn 'Abidin, an Islamic jurist in Islamic Jurisprudence School of Hanafi, dedicated a book he wrote called *Nashr Al-'Araf Fi Bina' Ba'd Al-Ahkam 'Ala Al-'Urf* (Islamic Rulings That Were Constructed Based On Social Traditions) that specifically highlighted contextual modifications to an Islamic ruling.<sup>41</sup>

The perceptions of past scholars also can be discovered in their *fatwas* instituted through the challenges in which they have encountered.

For example, Abu Hanifah, Imam of Islamic Jurisprudence School of Hanafi, validates the *shahada* (testify as a witness) of someone whose identity is unknown, but claims himself as an *'adil* (having integrity). However, Al-Syaibani and Abu Yusuf, Abu Hanifa's both companion and student,

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<sup>39</sup> Ibn Al-Qayyim Al-Jauziah (1423H), *I'lam Al-Muwaqqi'in 'An Rab Al-'Alamin*, Riyad: Dar Ibn Al-Jauzi, vol. 4, p. 337.

<sup>40</sup> Ibid, vol. 5, p. 470.

<sup>41</sup> Ibn 'Abidin (t.t.), *"Nashr Al-'Araf Fi Bina' Ba'd Al-Ahkam 'Ala Al-'Urf"*, Majmu'ah Rasa'il Ibn 'Abidin, vol. 2, pg. 114-147.

disagreed in this matter due to the widespread dishonesty and untrustworthy during their time.<sup>42</sup>

Abu Hanifah allowed the people from Persia who newly embraced Islam and were incapable in speaking fluent Arabic, to perform prayers by only reading selected verses from The Qur'an in Persian language with the reason to make their act of praying easy. However, Abu Hanifah then re-evaluated this matter after the Persians had gradually improved their fluency in Arabic language.<sup>43</sup> A clearer example can be gleaned from Imam Al-Shafi'ie, who is famously known to have two different *fatwas*, one is *Al-Qadim* (*Fatwas* issued in Iraq) and the other is *Al-Jadid* (*Fatwas* issued in Egypt). The existence of Imam Shafi'ie's differences in *fatwa* was due to the contextual differences in terms of social traditions, situations, and human nature between Iraq and Egypt.<sup>44</sup>

### **Adaptation of Islamic practises and understandings in Singapore and its examples**

In the context of Singapore, to achieve a suitably sound, contextualised, and valid implementation of Islamic practises, one must consider the views of two major Islamic institutions.

The Singapore Islamic Scholars & Religious Teachers Association (Pergas) is a non-governmental organisation led by credible *ulama* and *asatizah* in Singapore. The Islamic Religious Council of Singapore (Muis) is a governmental organisation that plays a role in establishing *fatwas* and religious direction of the Muslim community, provides guidance for the Singapore government within its purview of Islamic matters and affairs in Singapore through Muis's Office of the Mufti.

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<sup>42</sup> Al-Qardhawi (t.t.), pp. 69-70.

<sup>43</sup> Ibid.

<sup>44</sup> Refer to Lamin Al-Najiy (2006), *Al-Qadim Wa Al-Jadid Fi Al-Fiqh Al-Shafi'ie*, Riyadh: Dar Ibn Al-Qayyim, vol. 1 & 2; Muhammad Bin Ruda'id Al-Mas'udi (1996), *Al-Mu'tamad Min Qadim Qawl Al-Shafi'ie 'Ala Jadid*, Riyadh: Dar 'Alam Al-Kutub.

The matter of implementing understandings and practises of Islam appropriate to the Singaporean context was assessed by Pergas in its book titled, *Kesederhanaan Dalam Islam Dalam Konteks Masyarakat Islam Singapura* (Moderation in Islam in the context of Islamic community in Singapore) published in 2004 in *Konvensyen Ulama* for the purpose of discussing important matters relating to Islam and its society after the attack that occurred on 11 September 2001 and the subsequent detainment of Jemaah Islamiyah group members in Singapore in the year of 2001 and 2002.

In this book, Pergas expressed their clear stand in taking reality and context into account by Muslims as an individual or a community where they come from and to formulate the necessary adjustments. Pergas viewed contextualising this matter as a necessity, as Islam is a religion, which has flexibility as shown in its rich history and countless precedents throughout many cases. Also, Islam is a religion that possesses rich traditions of knowledge that offers many ideas for Muslims to accommodate their life with whatever situations they encounter that befits their specific context.

A matter that Pergas also asserted; “Simplicity and enabling flexibility are few examples of Islam’s core belief, through accepting the factor of contextualisation when extracting an Islamic ruling and practicing Islam itself. The definition of contextualisation is, Islam taking the reality of time, surroundings, and human nature and other examples into account when shaping an Islamic ruling and its applications. Therefore, in some cases, a ruling can be flexible and changeable due to the differences in its reality, regardless of it being shaped as a general policy for a community or to an individual or specific group of people.”<sup>45</sup>

To emphasise their stand in this matter, Pergas have constituted this matter under their Charter of Moderation in Singapore, point number 26;

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<sup>45</sup> Pergas (2017), *Kesederhanaan dalam Islam Dalam Konteks Masyarakat Islam Singapura* (Moderation of Islam in The Context of Islamic Community in Singapore) : Pergas, p. 176.

*“Accepting that fatwas and ulama viewpoints are relevant to the context of a location’s time, environment, and surroundings. Changes in fatwas and ulama viewpoints are subject to the changes that occurred to a location’s time, environment, and surroundings if it does not involve something in Islam that is qat’ii (a matter that is absolute, and not open to discussion).”<sup>46</sup>*

Pergas also made practical preparations to accommodate contextual practises of Islam in Singapore with the following viewpoints:

- Establishing Islamic state is not obligatory in Singapore.
- Establishing *hudud* (punishments that under Islamic law are mandated and fixed by God) is not an agenda of *da’wah* in Singapore.
- Recognising the value in Singapore’s secularism, being a neutral policy towards any religions in Singapore.
- Accepting democratic principles in practising Islam in Singapore.<sup>47</sup>

Muis carries a clear stand upon the necessity and importance of implementing suitable understandings and practises of Islam in Singapore. In fact, it is the main agenda of Muis’s workflow and an important doctrine for Muis in building an Islamic society in Singapore.

President of Muis, Mr. Alami Musa, during his speech he delivered in *‘Ulama Convention 2003* organised by Pergas, featured 8 characteristics for a Muslim in understanding moderation in Islam in the context of Muslim community in Singapore. The first is, “Firm hold to the principles of Islam with high certainty

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<sup>46</sup> Ibid, p. 373.

<sup>47</sup> Ibid, pp. 131-135, 145-147, 120-130, 135-144, 369-370.

in contextualising religious belief to today's life in Singapore without adhering to the teachings of Islam." This matter was then brought up again in the fifth character, "Firm identity of Islam in a secular country and a multi-religion society." In achieving this matter, Mr. Alami Musa emphasised the importance of suitable interpretations of syariah apt to the context of living in Singapore today, living as a minority in a secular and multi-religion country, in a country that is open and cosmopolitan, which differs to the context of Islam in the past.

Clarifications for the sixth character, "Being progressive, capable of withstanding the pressure of life in the modern society," Mr. Alami Musa believed that contextualising of Islamic practises in Singapore is a crucial agenda in shaping the Muslim community in Singapore, and he called out *asatizah* to unite and work towards this agenda.<sup>48</sup>

The eight characteristics by Mr. Alami Musa gradually increased to ten characteristics of an excellent Muslim in building an excellent Muslim community in Singapore. In 2006, Muis initiated the Singapore Muslim Identity project (SMI).<sup>49</sup> In the following years, these ten characteristics had several modifications and were simplified into five called RICAP (Religiously Resilient, Inclusive, Contributive, Adaptive and Progressive) which remain a necessary factor for the concept of accommodating proper and suitable understandings of Islam in the context of an Islamic community for Singapore.

The importance of RICAP for Muis can be tracked through its emphasis recorded in its annual report, three-year plan presentations, and speeches by directors of Muis.<sup>50</sup>

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<sup>48</sup> Ibid pp. 18-26.

<sup>49</sup> Muis (2006), *Risalah Membangun Masyarakat Islam Cemerlang Singapura*, Singapura: Muis.

<sup>50</sup> Muis Academy (Online), *Certificate in Islamic Thought in Context*. Available at <https://www.muis.gov.sg/muisacademy/Programmes/Religious-Leadership/CITC> (28 November 2019).

The Muis stand on the importance of this issue can be ascertained through the structural programme Muis constructed to prepare Singapore's overseas graduates of Islamic Studies for their future *asatizah* role in Singapore. One of the crucial contents for the returning graduates in this programme is the understanding of Singapore's context so that they can accommodate their experiences and qualifications acquired from overseas towards the contemporary Singaporean society.

Since 2016, returning graduates are required to undergo The Certificate in Islamic Thought in Context programme conducted by The Muis Academy in collaboration with The Study of Inter-Religious Relationships in a Plural Society programme from Nanyang Technological University's S. Rajaratnam School of International Studies as a pre-requisites to attain their recognition certificate as an *asatizah* under the ARS (*Asatizah* Recognition Scheme) post-graduate category. It is a 10-day programme where returning graduate students are provided with contextual topics from The Qur'an, *Hadith*, *Shariah* in the modern Singapore context, Islam and Diversity in The Modern Singapore, Religious Studies, Islamic Relations, Contemporary Politics, and Understanding the Context in Singapore.

Another version of this programme, a more brief but comprehensive one, known as ICON (Islam in Context) is offered to graduate students who are unable to commit for the 10-day intensive programme.<sup>51</sup>

Approaching 2020, the post-graduate programme was enhanced to another programme known as *Post-Graduate Certificate in Islam in Contemporary Societies* (PCICS). This programme consists of academically qualified modules that were conducted by The Muis Academy cooperating with local institutes of higher education (National University of Singapore and Singapore University of

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<sup>51</sup> Ibid, *Contextualising Religious Teachings*, <https://www.muis.gov.sg/Student-Career-and-Welfare-Office/Student-Development/Contextualising-Religious-Teachings> (28 November 2019)

Social Sciences) and institutes of higher education from overseas (Al-Azhar University and University of Jordan). The following are some of the modules that highlight the importance of accommodating suitable understandings and practises of Islam in the local context. Modules include topics such as; Islam in Singapore, Contemporary Issues in Islam, Religion in The Contemporary Society, and Teaching Islam in The Contemporary Society with The Right Perspective Towards Classical Texts. Graduates are required to hold the PCICS programme certificate under ARS. Without a PCICS certificate, graduates can only be granted a temporary certificate for a limited period only.<sup>52</sup>

The following paragraphs are the ten examples of *fatwas* and legislations which contextualised Islamic rulings in a contemporary context.

The first example is the change of *fatwa* related to the ruling of organ transfer and donation for a Muslim.<sup>53</sup> This *fatwa* was issued by the Fatwa Committee in Muis by Singapore's Mufti, Mr. Syed Isa Semait. This *fatwa* prohibited the transfer of human organ (cornea of eye), either during life or after passing away due to the amount of harm that it will cause,<sup>54</sup> which then stimulated a polemic between Mr. Syed Isa Semait and the late National University of Singapore's lecturer under the department of Malay Language, Syed Hussein Al-Attas who disagreed with the Mufti's *fatwa*, through articles from The Berita Harian which was then published in Biarkan Buta.<sup>55</sup>

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<sup>52</sup> Lee Qing Ping (2019). "Postgrad course for returning Islamic studies graduates," *The Straits Times*, 25 July, <https://www.straitstimes.com/Singapore/postgrad-course-for-returning-islamic-studies-graduates> (28 November 2019).

<sup>53</sup> Refer to Afif Pasuni (2018), "Negotiating Statist Islam: Fatwa and State Policy in Singapore", *Journal of Current Southeast Asia*, part 3, no.1, pp. 57-88.

<sup>54</sup> Majlis Ugama Islam Singapura (2017), *Fatwas of Singapore: Science, Medicine & Health*, vol. 1, Singapore: Muis, pp. 59-63.

<sup>55</sup> Ibid, pp. 63-64, Refer to Syed Hussein Al-Attas (2016), *Biarkan Buta: Sekitar Perbahasan Ilmiah Derma Kornea*, Kuala Lumpur: DBP.



In 1985, The Fatwa Committee discussed the issue again when the Singapore Government planned to table new legislation for the Human Organ Transplant Act (HOTA). Henceforth, the act of human organ (kidney) donation and transplant was permissible for Muslims under the following conditions:

- Emergency circumstances that occurred to the receiving patient
- A voluntary and accountable (*mukallaf*) donor that is still alive
- The act of human organ donation and transplant not resulting any harm towards the donor
- Donor's willingness before passing away, or declaration of a written consent
- Permission granted by two alive heirs of the deceased donor.<sup>56</sup>

In revisiting the issue, the Fatwa Committee took into consideration the development of the knowledge and advances in medical technology that ensured greater number of benefits in the act of donating and transplanting of organs, compared to the amount of harm that it usually causes back then. However, when HOTA was approved by Singapore Parliament, Muslims in Singapore were not automatically considered as donors and according to the *fatwa*, Muslim donors can only be considered after death and there must be a written willing consent before death.<sup>57</sup>

In 1995, another *fatwa* was established by The Fatwa Committee which instantly replaced the previous *fatwa* in 1973 which prohibited the transplant of the eye cornea. In this instance, the Fatwa Committee noted the deliberations and feedback from doctors and specialists on the effectiveness and the benefits gained by the organ recipient. According to *maqasid shariah*

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<sup>56</sup> Ibid, pp. 68-71, 83-86.

<sup>57</sup> Ibid, pp. 83

(objectives or purposes behind the Islamic rulings), the needs of a patient and the derivative benefits were central in the resulting *fatwa*.<sup>58</sup> The justifications of this *fatwa* opened the doors for new *fatwas* which permitted the donation and transplant of other human organs such as bone marrows,<sup>59</sup> heart,<sup>60</sup> and organ donation bank.<sup>61</sup>

Another modification to the *fatwa* was made in 2004 where The Fatwa Committee reviewed their 1987 *fatwa*. The Fatwa Committee decided that it was unnecessary to seek permission from the heir of the deceased donor if a willing consent was already written down before death, and witness among the heir was not required for a written willing consent.<sup>62</sup>

Furthermore, in 2007 The Fatwa Committee had decided upon the suggestion of Kidney Action Association for the Muslim Community that a deceased Muslim can automatically be considered as donor (without the need of a written willing consent). The Singapore Government had passed legislation to amend HOTA to handle a critical problem of organ supply shortage, particularly the kidney organ, to treat the needs of receiving patients, and particularly Muslim patients.<sup>63</sup>

Another example is the mandatory ruling of extracting *zakat* (property alms) through CPF (Central Provident Fund) savings. The CPF is a mandatory social security savings scheme funded by monthly contributions from employers and employees. It was founded in 1955 with the purpose of ensuring Singaporean workers have abundant savings upon retirement.

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<sup>58</sup> Ibid, pp. 71-77.

<sup>59</sup> Ibid, pp. 78-80.

<sup>60</sup> Ibid, pp. 81-82

<sup>61</sup> Ibid, p. 83.

<sup>62</sup> Ibid, pp. 87-88.

<sup>63</sup> Ibid, pp. 83-86, 88-91.

In the early years of implementing CPF, it was not obligatory for Singaporean Muslims to pay *zakat* from CPF Savings due to its complicated conditions that restricted Muslims from using their own savings; which in this circumstance, did not fulfill the requirement of properties that are compulsory for *zakat*, the full ownership of the property that enables a Muslim to spend it on its own will. Over the years, the Government began to loosen the constraints of CPF money by enabling CPF account holders to invest their CPF savings through legal investments and the purchase of gold with the purpose of assisting CPF account holders to grow their CPF savings.

In 1986, as a result of the following changes that occurred to the status of CPF saving, The Fatwa Committee decided that CPF savings are considered as a mandatory property for *zakat*.

It became an obligation for every Muslim account holders to pay *zakat* once the amount of savings has met the *haul* (a term in *zakat* to describe the duration of one *hijri* year) and *nisab* for *zakat* (alms of *zakat*, which is the minimum amount of wealth and possessions that a Muslim must own before being obligated to pay *zakat*). *Zakat* can be carried out by cash from the account holder's bank savings. *Zakat* amount will be considered as an overdue debt for the ones with insufficient amount of bank savings. It is mandatory to pay the overdue debt (*zakat*) once the CPF account holders have retrieved their entire savings upon retirement.

However, upon the legislation of this ruling, it has caused several problems especially for the low-income workers. The overdue amount of property *zakat* since the year it has met the *haul* and *nisab* of *zakat* was a large proportion of the total amount of the account holder's CPF savings. In this scenario paying the overdue property *zakat* deteriorates a worker's standard of living upon retirement, whereas the amount of CPF savings is necessary for their living expenses after retirement. After receiving several feedbacks relating to this issue and taking considerations of Government's policy changes that occurred to the CPF itself, the Fatwa Committee decided that the full ownership of CPF

contributories for *zakat* has changed, and the existing complications in CPF conditions therefore eliminate the full ownership of a property, which is required for *zakat*. However, 2.5% of the total amount of CPF savings is obligatory for *zakat* once it reaches the *nisab* for *zakat* and withdrawn from CPF.<sup>64</sup>

A third example highlights the use of cash for the payment of *zakat fitrah*. Majority of Muslims in Singapore society practises the rulings of Islam based on Imam Shafi'ie *mazhab*. This issue is stated in the Administration of Muslim Law Act which constituted that all *fatwas* issued by The Fatwa Committee must be in line with *Shafi'ie mazhab*.<sup>65</sup> According to Imam Shafi'ie, *zakat fitrah* is highly preferred to be paid by using the local society's staple food, which is grains of rice, as per the context of Muslim society in Singapore.

However, the Mufti, Mr. Syed Isa Semait, permitted cash as the main method of payment for *zakat fitrah* as it provided more benefit for *zakat* recipients in addition to the difficulties of handling the collection of rice grains for *zakat*.<sup>66</sup> The same reason applies to the payment of *fidyah* and *kafarah* (a religious donation of money or food made to help those in need) by using cash.<sup>67</sup>

A further development occurred whereby The Fatwa Committee permitted the use of cheque for paying *zakat fitrah*<sup>68</sup> which then gradually developed into numerous sorts of online transactions such as credit card, phone line, AXS machine, and NETS which Mr. Syed Isa Semait then categorised these sorts of payments under the local's '*urf* (social traditions) acceptable methods of

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<sup>64</sup> The Fatwa Committee Muis (2016), *Fatwa on Paying Zakat For CPF*, <https://www.muis.gov.sg/-/media/Project/Zakat/PDFs/Fatwa-Zakat-CPF-Translated.pdf> (28 November 2019); Muis (1987), *Kumpulan Fatwa 1*, Singapore: Muis, Pg. 15-18

<sup>65</sup> Administration of Muslim Law Act, section 33 (2).

<sup>66</sup> Syed Isa Semait (1992), *Panduan Ibadah Zakat*, Singapore: Muis, pp. 22.

<sup>67</sup> Muis (1998), *Kumpulan Fatwa 3*, Singapore: Muis, pp. 39-41.

<sup>68</sup> Muis (1991), *Kumpulan Fatwa 2*, Singapore: Muis, pp. 30-31.

payment for *zakat fitrah*. Despite the fact that *zakat* would not be immediately received, or *zakat* through these transactions such as credit card and phone line payment require some period of time in order for it to be received by *zakat* money handlers.<sup>69</sup>

The fourth example is the *fatwa* on joint tenancy. In 1997, The Fatwa Committee established that when one of the owners dies, the ownership of the property will not automatically transfer to the co-owner as how it has already been constituted in the joint tenancy conditions.

The share of the property of the deceased owner must be distributed to his heirs by the other tenant according to the Islamic inheritance law. In this scenario, the heirs will claim their rights of inheritance by insisting that the property be sold immediately which will consequently lead to the loss of shelter for the co-owner's parents and families, causing huge inconvenience to their lives.

By 2008, The Fatwa Committee had taken into consideration the current realities of property inheritance for a joint tenancy. They decided that the share that belonged to the deceased owner will be considered as *hibah* (granting ownership of property from one party to another) for the co-owner. And as the result of the matter mentioned above, the co-owner will automatically receive the share of the deceased owner. However, owners of joint tenancy are required to write a will declaring that they are giving their share of property to the surviving tenant upon death. This *fatwa* was changed again in 2019 when The Fatwa Committee decided that *hibah* of the

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<sup>69</sup> Noor A.Rahman (1998), "Bayar Zakat melalui telefon dirancang", *Berita Harian*, 19 August, p.2; Mazlena A.Mazlan (1999), "Boleh bayar zakat fitrah menerusi telefon", *Berita Harian*, 8 December, p. 1; *Berita Harian* (1999), *Bayar fitrah melalui telefon sah*, 16 December, p. 1; Adli Yashir Kuchit (2000), "Semuanya semudah tekan butang" *Berita Harian*, 8 January, pg. 7; Shamsiah Abdul Karim (2005), "Jawapan Muis: Konsep amil bukan hanya terima bayaran zakat", *Berita Harian*, p. 9.

deceased's share will automatically fall into the hands of co-owner with the provisions of civil law without the need to draw up a written will.<sup>70</sup>

A fifth example is the announcement regarding the first day of the month of Ramadhan and Syawwal based on the method of *ru'yah* (observation of the moon). After the separation of Singapore from Malaysia, and from 1977 onwards, Muis decided to announce the confirmation of Hari Raya Aidilfitri based on *hisab* (calculation according to the science of astronomy). By the following year, in 1978, The Muis Fatwa Committee officially changed the method of announcing the confirmation of the first day of Ramadhan and Syawwal by only using the method of *hisab* due to Singapore's cloudy climate where it is very difficult for the moon to be visible in general.<sup>71</sup>

The sixth example highlights the obligations surrounding the ruling of *ta'liq* (a promise expressed by husband after the solemnisation of marriage in accordance with Islamic Law) for all marriages in Singapore. The method of *ta'liq* is practised in Singapore by the agreement of the husband that *talaq raj'ie* (revocable divorce) will take effect should the Syariah Court receive complaints from the wife against her husband upon his following actions;

- a) intentionally or unintentionally abandoning his wife for four consecutive months or,
- b) failure of providing maintenance for the obedient wife for four consecutive months or,
- c) physically abuse his wife, or

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<sup>70</sup> The Fatwa Committee Muis (2019), *Fatwa Joint Tenancy*, <https://www.muis.gov.sg/officeofthemufti/Fatwa/Malay-Joint-Tenancy> (28 November 2019); Muis (1998), *Collections of Fatwa 3*, p. 38

<sup>71</sup> Berita Harian (1977), *Keputusan yang dialu-alukan*, 11 September; Berita Harian (1978), *Penentuan awal Ramadan ikut Hisab Shar'i: Putusan Muis*, 4 November, p. 10; Syed Isa Semait (1979), "Mengapa hisab boleh digunakan untuk tentukan puasa-raya", *Berita Harian*, 20 July, p. 4; Berita Harian (2012), *Guna hisab bagi calendar islam antara keputusan penting*, 18 July, pg. 3; Azahar Mohamad (2012), "Mengimbas detik 'amat kecoh'", *Berita Harian*, 21 July, p. 10.

- d) damaging the wife's property, or
- e) shaming or taking away the dignity of his own wife.<sup>72</sup>

This mandatory ruling for all marriages to be included with the above specific agreements is a sophisticated innovation to protect the welfare and the rights of the wife.

The seventh example is the establishment of a minimum legal age for the marriage of male and female Muslims in Singapore, which is 18 years of age. However, spouses with the age above 18 but below 21 years old are required to have the permission granted from a legal guardian or caretaker and required to undergo household preparation courses. Spouses below the age of 18 cannot get married unless they attain a special marriage license from Registration of Muslim Marriages (ROMM). This ruling was taken into effect on 1 October 2018. In the past, the minimum legal age of marriage was 16 years of age.<sup>73</sup> The aforementioned condition is not among the main conditions of marriage stated in Islamic Jurisprudence books therefore this enforcement was established in a gradual manner to serve the public needs of ensuring good preparations for potential spouses so that their family household will not easily collapse.

The eighth example is the application of Imam Hanafi's opinion whereby a *wudhu* will not be nullified by skin contact between non-mahram opposite genders when performing *hajj* and *umrah* and specifically during *tawaf*. Singapore *hajj* and *umrah* operator and their pilgrims have adapted easily to Imam Hanafi's opinion for decades, compared to Imam Shafi'ie's view which is

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<sup>72</sup> Speech of *ta'liq* read by the husband can be referred to in every marriage certificate established by ROMM signed by both spouses.

<sup>73</sup> Administration of Muslim Law Act, Sec. 96 (4) and (5); The Straits Times (2018), *New Muslim marriage rules for minors*, 3 September; Berita Mediacorp (2017), *Undang-undang baru bagi pasangan Muslim bawah umur yang mahu bernikah*, 1 August.

otherwise, whereby in a crowded situation such as performing *haji* and *umrah* would cause inconvenience to monitor one's validation of the *wudhu'*.

The ninth example is normalising the tradition of offering *hantaran* money for every marriage practised by the Malay society in Singapore when in reality, it is not the basic requirement for a valid marriage. However, this tradition is well-acknowledged in the local context by AMLA and ROMM,<sup>74</sup> and considered acceptable as it does not go against Islamic law references. In fact, it can be accepted as a gift for the bride's family, if it remains within the capabilities of the groom and does not complicate any parties in their marriage process.

The tenth example is the matrimonial property, a form of property where a divorced wife is entitled to claim from her former husband, though in the books of Islamic Jurisprudence only mention about *nafkah 'iddah* (maintenance which a husband must provide for his wife over a period of three consecutive months after divorcing her) and *mut'ah* (a consolatory gift from a husband to his divorced wife for her efforts and services towards the husband and the family generally throughout the course of the marriage) whereas matrimonial property is a cultural practise influenced by the local Malay customs which does not violate the law of Islam. Matrimonial property at the same time is constantly changing and evolving. For example, CPF of the former husband previously is not included in the matrimonial property. However, it has become a common verdict amongst the cases in Singapore's Syariah Court and Syariah Court of Appeal that a divorced wife is entitled to receive some of the husband's CPF as it is considered part of a matrimonial property today.<sup>75</sup>

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<sup>74</sup> Administration of Muslim Law Act, Sec. 35 (1) and (3), 52 (1) and (3) and 53 (2a); Registry of Muslim Marriage (t.t), *Maskahwin and Marriage Expenses*, [https://www.romm.gov.sg/about\\_marriage/romm\\_maskahwin\\_expenses.asp](https://www.romm.gov.sg/about_marriage/romm_maskahwin_expenses.asp) (28 November 2019).

<sup>75</sup> Ibid, sec. 52; Refer to *Singapore Syariah Appeal Reports* (2012), Singapore: Academy Publishing, vol. 1-5; *Singapore Syariah Appeal Reports* (2016), Singapore: Academy Publishing, vol. 6.



The September 11 attack caused an urgency in the discourse to recognise the importance of contextualising Islamic practises. However, this was not a new phenomenon. All these examples mentioned above underscores the Singapore-centric reality that modifications to an Islamic ruling have been consistently applied for many years.

### **Adaptation of Islamic practises and understandings in other Muslim Society**

The concept of practising Islam based on the society's context is not something unique in Singapore but in fact, it is a discourse for Muslim society all over the world, be it minority Muslims in a non-Islamic country or majority Muslims in an Islamic country.

Hence, examples of receiving and applying this concept existed even in Muslim societies from other regions outside of Singapore. Therefore, upholding this concept in Singapore is not something that is deviant towards the practises and understandings of Islam. In fact, it co-operates with the system that Singapore generally holds with regards to this matter.

The following paragraphs below are some of the examples of the mentioned concept of applying and understanding Islam in other Muslim societies outside of Singapore.

First example is the Muslim society in the UK (United Kingdom). The idea of applying and upholding the concept of contextualising Islam in minority Muslim society can be reviewed in the following documents:

- a) Contextualising Islam in Britain: Exploratory Perspectives
- b) Contextualising Islam in Britain II

The first document - Contextualising Islam in Britain: Exploratory Perspectives - is a project report that aims to provide safe space for members among the activists, intellectuals, scholars, civil society and others from the British

Muslim community to discuss about one question; “*What is the meaning of life as an obedient Muslim in Britain?*”<sup>76</sup>

Results of the initial discussions and debates amongst the participants of this project shows the British Muslim inclined towards the following characteristics:

- Accepting secularism as the national policy in Britain
- Accepting pluralism and respecting mankind’s general rights
- Acquiescing that the implementation of Islamic ruling to its fullest is not something that is mandatory and only complying to the rules of Islam in the matters of worshipping, moral, financial, family, and social relations if it does not contradict with the country’s laws
- Acquiescing and accepting the citizenship concept in Britain
- Understanding the meaning of *jihad* in a comprehensive manner and *jihad* with the use of arms only for the purpose of defending oneself and the nation from enemy aggression based on rulings and conditions that comply with international law today.<sup>77</sup>

The second document - Contextualising Islam in Britain II - is the second phase report of the previous project. In this second phase, project participants implied four additional issues to the question discussed in the previous phase;

- individualism and society,

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<sup>76</sup> Yasin Suleiman (ed.) (2009), *Contextualising Islam in Britain: Exploratory Perspectives*, Cambridge: Centre of Islamic Studies University of Cambridge, p. 7.

<sup>77</sup> Ibid, pp. 9-14, 73-77.

- gender; equality, identity, and sexuality,
- education, and
- wider connections and better co-operations with society.<sup>78</sup>

In the issue regarding individualism and society, a suggested solution is the balance of facilitating the interest of society which is what Muslim societies in general are inclined to and the balance of facilitating the interest of individuals which is what Western societies, such as Britain, are inclined to. This report highlighted the importance of being critical in assessing the values of Western society that are more inclined to prioritising the rights of individualism which does not conceive sheer benefits and goodness and individualism without boundaries as a result will therefore deteriorate one's responsibility towards another and weaken one's familyhood and life in a society.

The youth demographic is most affected and needs a support system from the society. This report at the same time pointed out the existence of detrimental traditional practises and understandings that need to be reevaluated. One traditional understanding that was focused on is the conceptual change of society itself, from the concept of exclusiveness (social connection and identity among Muslims only) to inclusiveness which is the inclusion of non-Muslim among the society.<sup>79</sup>

For gender issues, the report affirms Islam's attestation towards the equality of both male and female gender as the creation of God -no gender is better than the other; attesting to the contribution of the feminism concept in raising the awareness of Muslim women and in addition acknowledging the differences of aspects between Western and Islamic feminism. It proposed an adjustment towards the concept of patriarchal understandings and practises

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<sup>78</sup> Yasin Suleiman (ed.) (2012), *Contextualising Islam in Britain II*, Cambridge: Centre of Islamic Studies University of Cambridge, p. 7.

<sup>79</sup> Ibid, pp. 15-17.

which diminishes the eminence of the female gender. A viewpoint that was formulated during this report is Islam's traditional stand towards LGBT. The viewpoint at the same time advocated the importance of supporting the protection of LGBT rights from discrimination, harassment, and bullying be it in social or legal platforms, as well as being sensitive and ethical in handling and discussing issues related to LGBT in society.<sup>80</sup>

In the issue of Islamic education, the report affirms the important role of Islamic educational institutions and emphasises the importance of reformations in various aspects of elevating Islamic institutions to the standards and demands of today's education. Also, the report raises the matter relating to the achievements of Muslim students in mainstream education, which is unsatisfactory and needs to be addressed. Muslim students also need protection from discrimination and harassment. The report delved into fulfilling the specific religious and cultural needs and the important central role of family as Muslims from the mainstream line.<sup>81</sup>

For issues relating to wider connections with society, the report advocates the importance for Muslims to adapt their attitude on active citizenship, by self-volunteering with community and political works. However, this viewpoint does not stop within the rights of Muslim society only. In fact, Muslims are recommended to acknowledge the goodness that is being shared with other societies such as national development, economic progress, social fairness, and national safety and they are required to contribute to all matters mentioned above.<sup>82</sup>

A second example can be further discussed by turning our lens to study the example of the Muslim society in Indonesia, we note two main ideas that were

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<sup>80</sup> Ibid, pp. 17-21

<sup>81</sup> Ibid, pp. 21-26.

<sup>82</sup> Ibid, pp. 26-30.

discovered pertaining to contextual understandings and practises of Islam mainly in Muslim societies in Indonesia today.

The first idea is called *Islam Nusantara* promoted by *Nahdhatul Ulama* (NU), the largest Islamic organisation in Indonesia with 40 million followers and membership. *Islam Nusantara* is an idea that attests and affirms the local norms, culture, and traditions of Muslim societies in Indonesia and was established with the following principle if it stays within the scopes of *mutaghayyirat*. It is an ever-ready practise in living harmoniously with other faiths. Therefore, *Islam Nusantara* is inclusive of local traditions and tolerance with traditions different from Islam as the main feature for the concept of *Wasatiyah* belief (Moderation/Balance in Islam).

The term *Nusantara* normally refers to Malay regions that include Malaysia and Brunei. However, it is more accurate to understand this idea within Indonesia as the main subject of it is for Muslims in Indonesia, not Muslims in other countries within the regions of *Nusantara*.

To make it a clearer understanding, this idea is often compared with Islamic practises in Arab countries or the Middle East region which is considered an unnecessary normative to follow that technically incinerates Muslim's own norms, culture, tradition, and identity in that country.<sup>83</sup>

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<sup>83</sup>KH. Abdurrahman Wahid (2015), "Indigenous Islam", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, Akhmad Sahal and Munawir Aziz (editors), Bandung: Mizan, pp. 33-48; Ma'ruf Amin (2018), "Khitah Islam Nusantara", *SuaraIslam*, 10 July, <https://www.suaraislam.co/kh-maruf-amin-khitah-islam-nusantara/> (28 November 2019); KH Husein Muhammad (2015), "Hukum Islam Yang Tetap dan Yang Berubah", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 98-107; KH Said Aqil Siraj (2015), "Rekonstruksi Aswaja Sebagai Etika Sosial: Akar-akar Teologi Moderasi Nahdatul Ulama", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 137-168; Zainul Milal Bizawie (2015), "Islam Nusantara Sebagai Subjek Dalam Islamik Studies: Lintas Diskursus dan Metodologis", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 239-258; KH Yahya Cholil Staquf (2015), "Islam Merangkul Nusantara", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 191-192; Zakiya Darajat and Abdul Chair (2019), "Islam Nusantara and Islam Berkemajuan: The Face of Moderate Islam in Indonesia", *Advances in Social Science, Education and Humanities Research*, vol. 302, pp. 60-63; Saiful Mustofa (2015). "Meneguhkan Islam Nusantara Untuk Islam Berkemajuan: Malacak Akar Epistemologis dan Historis Islam (di

The second idea is called *Islam Berkemajuan* (Progressive Islam) promoted by leaders of *Muhammadiyah* which was considered the second largest Islamic organisation after *Nahdhatul Ulama* in Indonesia. *Islam Berkemajuan* was known as *Muhammadiyah's* term for progressive Islam. It is an idea that portrays Islam as a religion that is responsive towards contemporary issues faced by the people and capable in providing guidance aiding the problems Muslims specifically are facing and mankind in general, based on their belief that Islam should hold the attributes of *Islah* (restructure) and *Tajdid* (reformative) and can build a civilisation.

The contextuality to this idea is that *Islam Berkemajuan* believes that *Islah* and *Tajdid* should comply with modern world changes at the global level and the reality of people of Islam today. Furthermore, *Islam Berkemajuan* was carried out gently, with tolerance, inclusiveness and peace as a practical manifestation for the concept of *Rahmah Li Al-Alamin* (mercy for universe) and *wasatiyah*.<sup>84</sup>

The idea was originally introduced by their own leader, known as Ahmad Syafii Maarif, Head of *Muhammadiyah* from 1998 till 2005. He authored a book in 2009 called *Islam, Humanity, and Indonesian Identity: Reflections on History* (English version). In his writing, Ahmad Syafii Maarif believed that Islam in

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Nusantara”, *Episteme*, vol. 10, no.2, December, pp. 405-431; Martin Van Bruinessen (2018), “Indonesian Muslims in a Globalising World: Westernisation, Arabisation and Indegenising Response”, RSIS Working Paper series, no. 311, 3 May; Ahmad Najib Burhani (2018), “Islam Nusantara as a Promising Response to Religious Intolerance and Radicalism”, *ISEAS Trends in Southeast Asia*, no. 21, pp. 1-29.

<sup>84</sup> Haedar Nashir (2018), *Muhammadiyah dan Kehadiran Islam Berkemajuan Di Indonesia*, 16 February, <http://www.muhammadiyah.or.id/id/news-13248-detail-muhammadiyah-dan-kehadiran-islam-berkemajuan-di-indonesia.html> (28 November 2019); Zakiyuddin Baidhawi (2017), “Muhammadiyah dan Spirit Islam Berkemajuan Dalam Sinaran Etos Alqur’an”, *Afkaruna*, vol.13, no.1, June, pp. 18-19 and 41-42; Zakiya Darajat and Abdul Chair (2019); Saiful Mustofa (2015); Muhammad Ali (2015), “Muhammadiyah’s 47<sup>th</sup> Congress and “Islam Berkemajuan”, *Studia Islamika*, vol. 22, no.2, pp. 377-386; Abdul Mu’ti et. al. (2016), *Kosmopolitanisme Islam Berkemajuan: Catatan Kritis Mukhtamar Teladan ke-47*, Surakarta: Muhammadiyah University Press.

Indonesia cannot be separated from the influence and values of its nation, *“Islam is a religion that is universal when it comes to education and humanity objectives. However, Islam’s social practice in a cultural format of various tribes cannot possibly be free from influences coming from the local, national, and even global.”*<sup>85</sup>

This book affirmed the importance pertaining to the issue of contextual understandings and practises of Islam in wherever any Muslim can be, and the desire to form the preceding issue in Indonesia.<sup>86</sup>

Din Syamsudin, Head for *Muhammadiyah* in the year 2005-2015, mentioned in a programme which took place in Muhammadiyah University of Yogyakarta June 2017 called *Pengajian Ramadhan 1438H*, *“The meaning of progressive behind this ideology is Islam being able to adapt, accommodate as well as strictly familiarise with the dynamics of time.”*<sup>87</sup>

One important example affirming Indonesia’s specific context in the two ideologies *Islam Nusantara* and *Islam Berkemajuan* is the final viewpoint of *Nahdhatul Ulama* and *Muhammadiyah* in accepting the Pancasila and Unitary State of the Republic of Indonesia or known as *Negara Kesatuan Republik Indonesia* (NKRI) as their principle in sourcing their ideas and movements. *Muhammadiyah* considered Pancasila and NKRI as principles that were non-

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<sup>85</sup> Ahmad Syafii Maarif (2009), *Islam Dalam Bingkai Keindonesiaan dan Kemanusiaan: Satu Refleksi Sejarah*, Bnadung: Mizan, p. 19.

<sup>86</sup> Ibid, pg. 5; Muthoifin (2017), *“Islam Berkemajuan: Perspektif Ahmad Syafii Maarif”*, *Wahana Akademika*, vol. 4, no.1, April, pp. 117-130.

<sup>87</sup> Fadh Ahmad Arifan (2019), *Islam Berkemajuan: Maksud dan Orientasinya*, 27 April, <https://www.indonesiana.id/read/43802/islam-berkemajuan-maksud-dan-orientasinya> (28 November 2019).

contradicting with Islam, different from some hardline Islamic groups in Indonesia.<sup>88</sup>

The example mentioned above differs from thoughts from the past, *Muhammadiyah* does not view Indonesia as *Dar Al-Islam* (a country that is under Islamic rule) or *Dar Al-Harb* (a country that is not under Islamic rule). Instead, *Muhammadiyah* sees Indonesia as *Dar Al-'Ahd wa Al-Shahadah* (a state of agreement and witness).<sup>89</sup>

Even though the term *Dar Al-'Ahd* was previously used by scholars from the past in describing a non-Islamic country that holds a peace agreement with an Islamic country, *Muhammadiyah* however, holds their own meaning for the same term with the context of Indonesia which is a country that carries an agreement between its people in acquiescing and abiding by the country's constitutions, or formally known as The 1945 Constitution of the Republic of Indonesia.<sup>90</sup>

The concept pertaining to NKRI also separates *Muhammadiyah* from *Nahdhatul Ulama*, as *Nahdhatul Ulama* does not relate Indonesia with any "Dar" at all, even though some scholars agreed that *Dar Al-Islam* and *Dar Al-Harb* are no longer relevant today.<sup>91</sup>

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<sup>88</sup> Din Syamsudin (2015), "NKRI: Negara Perjanjian dan Kesaksian", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 278-286; KH Yahya Cholil Staquf (2015); Abdul Moqsih Ghazali (2015), "Metodologi Islam Nusantara", *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, pp. 109-110; Zakiya Darajat and Abdul Chair (2019).

<sup>89</sup> Ibid; Ibid.

<sup>90</sup> Ibid; Wazarat Al-Awqaf wa Al-Shu'un Al-Islamiyah (1983), "Dar Al-'Ahd", *Al-Mawsu'ah Al-Fiqhiyah*, Kuwait: Wazarat Al-Awqaf wa Al-Shu'un Al-Islamiy, vol. 20, pp. 217-220.

<sup>91</sup> KH Yahya Cholil Staquf (2015); NU Online (2019), *Indonesia Bukan Negara Darul Harb*, 13 February, <https://www.nu.or.id/post/read/102469/indonesia-bukan-negara-darul-harb> (28 November 2019); Redaksi Indonesia (2016), *Indonesia Bukan Darul Harb, Bersikap Baik Kepada Non-Muslim Itu Wajib*, 29 October, <https://www.redaksiindonesia.com/read/Indonesia-bukan-darul-harb-bersikap-baik-kepada-non-muslim-itu-wajib.html?page=45> (28 November 2019).



Both ideologies *Islam Nusantara* and *Islam Berkemajuan* have their critics from opposing parties, be it from *Nahdhatul Ulama* and *Muhammadiyah* or others.<sup>92</sup>

However, these two are the current official positions of both organisations. This position surely would not be established without the support and agreement from the majority of respective groups. On the basis that these two organisations signify the two largest Islamic organisations in Indonesia, it can be concluded that they represent a vast number of Muslim followers in Indonesia.

Therefore, it cannot be doubted that these two organisations stand for the idea that contextual understanding and practises of Islam is the mainstream attitude a Muslim must embody in Indonesia.

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<sup>92</sup>Zainul Milal Bizawie (2015); Norshahril Saat (2015), "Nahdhatul Ulama 33<sup>rd</sup>'s Congress: Ma'ruf Amin's Rise and Its Impact on Indonesia's Traditionalist Islam", *ISEAS Perspective*, no.48, 8 September; Alexander R. Arifianto (2017), "Islam Nusantara and Its Critics: The Rise of NU's Young Clerics", *RSIS Commentaries*, no. 018, 23 January; Alexander R. Arifianto (2016), "Islam Nusantara: NU's Bid to Promote "Moderate Indonesian Islam", *RSIS Commentaries*, no. 114, 17 May; Ade Irfan Abdurrahman (2018), "Pertarungan Wacana Islam Nusantara Di Media Online", *DiMCC Conference Proceeding*, vol.1, pp. 191-203. Republika (2015), *Ini Penjelasan Kiai NU Bagi Penolak Islam Nusantara*, 2 August, <https://khazanah.republika.co.id/berita/dunia-islam/islam-nusantara/15/08/02/nsfsf2318-ini-penjelasan-kiai-nu-bagi-penolak-islam-nusantara> (28 November 2019); Faisal Ismail 2015, "Menyoal Islam Nusantara", *Koran Sindo*, 1 July, <https://nasional.sindonews.com/read/1018749/18/menyoal-islam-nusantara-1435717482> (28 November 2019); Muhammad Sulton Fatoni (2015), "Menjawab Islam Nusantara", *Koran Sindo*, 6 July, <https://nasional.sindonews.com/read/1020536/18/menjawab-islam-nusantara-1436153324>; Ahmad Najib Burhani (2018); Republika (2016), *Epistemologi Islam Berkemajuan*, 27 July, <https://www.republika.co.id/berita/koran/opini-koran/16/07/27/oayrk6-epistemologi-islam-be-rkemajuan> (28 November 2019); Bambang Wahyu Widayadi (2018), "Islam Nusantara dan Islam Berkemajuan Tidak Ditemukan Dalam Al-Qur'an", *Gunung Kidul*, 24 September, <https://www.infogunungkidul.com/islam-nusantara-dan-islam-berkemajuan-tidak-ditemukan-dalam-al-quran/> (28 November 2019); Muhyiddin (2018), "Ketua MUI Sumbar: Islam tak perlu diberi label", *Republika*, 13 October, <https://www.republika.co.id/berita/dunia-islam/islam-nusantara/18/10/13/pgj97p384-ketuaui-sumbar-islam-tak-perlu-diberi-label> (28 November 2019).

It should be clarified that *Islam Nusantara* and *Islam Berkemajuan* had also conducted discourses and responses of Islam in Indonesia pertaining to the issue of the terror attack that occurred on 11 September. However, one must note that establishment of contextual practises and understandings of Islam pre-existed before these two ideologies themselves. Studies from researchers and their idea to form an Islamic jurisprudence in Indonesia was once discussed by respected Indonesian scholars such as Teungku Muhammad Hasbi Ash-Shiddieqy (who passed away in 1975),<sup>93</sup> Munawir Sjadzali (who passed away in 2014, Minister of Religion of the Republic of Indonesia 1983-1993),<sup>94</sup> Hazarin (passed away in 1975, Minister of Home Affairs 1953-1955 and a Professor), and KH Sahal Mahfuz.<sup>95</sup>

Teungku Muhammad Hasbi Ash-Shiddieqy contributed an idea in one of his articles written during the 1940s.<sup>96</sup> He was considered as the founder of *Fiqih Indonesia*.<sup>97</sup> He recorded his viewpoints in his book called *Syariat Islam Menjawab Tantangan Zaman*, published in 1966:

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<sup>93</sup> Republika (2019), *Ketokohan Teungku Muhammad Hasbi Ash-Shiddieqy (1)*, 12 March, <https://www.republika.co.id/berita/dunia-islam/islam-digest/19/03/12po97er458-ketokohan-teungku-muhammad-hasbi-ashshiddieqy-1> (28 November 2019)

<sup>94</sup> Umi Rahmaton (2015), "Mengenal Mentri Agama Munawir Sjadzali", *Kompasiana*, 7 January, <https://www.kompasiana.com/umirohimatun/552b1194f17e611c6ad623ab/mengenal-mentri-agama-munawir-sjadzali> (28 November 2019).

<sup>95</sup> Fariz Alniezar (2018), "K.H. Sahal Mahfudh, Begawan Fikih Sosial dari Kajen", *Tirto*, 24 January, <https://tirto.id/kh-sahal-mahfudh-begawan-fikih-sosial-dari-kajen-cDsw> (28 November 2019); Moh. Mukri (2011), "Dinamika Pemikiran Fikih *Mazhab* Indonesia (Perspektif Sejarah Sosial)", *Analysis*, vol. XI, no.2, pg. 189-215; H.Kusdar, "Dinamika Fiqh Di Indonesia (Telaah Historis Lahirnya Fiqh Keindonesiaan)", *Mazahib*, vol. IV, no.2, December, 2007, pp. 117-131.

<sup>96</sup> Faisal Irfani (2019), "Hasbi Ash-Shiddieqy di antara Fikih ala Indonesia & Tafsir Alquran", *Tirto*, 22 May, <https://tirto.id/hasbi-ash-shiddieqy-di-antara-fikih-ala-indonesia-tafsir-alquran-dRIJ> (28 November 2019).

<sup>97</sup> Moh. Mukri (2011).

*“Islamic Jurisprudence in Indonesia is a study that contextualises Islamic jurisdictions with Indonesian personality, that is apt with the country’s nature and character. Islamic Jurisprudence in Hijaz is partly an Islamic jurisdiction that is progressing in our society, a jurisdiction based on the restoration and social tradition that occurred in Hijaz, or Islamic Jurisprudence in Egypt, a jurisdiction which is based on the restoration and traditions of Egypt, or Islamic Jurisprudence in India, a jurisdiction which is based on the tradition and customs that occurred in India. All this while, we are incapable of providing our own independent reasonings and legislating Islamic rulings to the context of Indonesia. And due to that, every now and then we had to accumulate Islamic Jurisprudence from Hijaz, Egypt, and Iraq as a traditional basis for Indonesia.”<sup>98</sup>*

The third example is in Malaysia, where the idea of establishing contextual Islamic jurisprudence for the local Muslim society, or also known as *Fikih Malaysia* (Islamic Jurisprudence of Malaysia), through the process of independent reasonings by the methodology of Islamic jurisprudence and its principles which is ever existing in the traditions of Islamic legislations was developed.

This idea is also based on the necessity of local Islamic scholars in re-evaluating the rulings of Islam so that it can fit with the contemporary realities of Malaysia or the establishment of new rulings for contemporary issues that were non-existent in the past. Few matters were concentrated on in aiding the process of independent reasonings that were based on its principles so that the established rulings can be in line with today’s needs and the Malaysian context, and the following matters are:

1. An accurate database that describes the reality of Malaysia,

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<sup>98</sup> Hasbi Ash-Shiddieqy (1966), *Syariat Islam Menjawab Tantangan Zaman*, Jakarta: Bulan Bintang, p.43, Aziz Anwar Fachrudin (2015), “Islam Nusantara dan hal-hal Yang Belum Selesai”, *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan*, p. 269.

2. Incorporating modern science, pure science or Social sciences and Humanities, to understand the current reality,
3. General framework of establishing Islamic rulings or *fatwas* in Malaysia such as practicing social traditions, collective independent reasonings, *talfiq* (merging of the opinions of the several *mazhab* into one conclusive issue) and *tarjih* (comparing viewpoints of Islamic scholars and outweighing one viewpoint from the other), and
4. Database of authoritative rulings or *fatwa* organisations such as *Majma' Al-Buhuth Al-Islamiyah* under University of Al-Azhar and *Majma' Al-Fiqh Al-Islami* under Rabitah Al-'Alam Al-Islami (Muslim World League).<sup>99</sup>

The form of Islamic Jurisprudence in Malaysia remains unclear even though it was established since late 1990s, whether it is:

1. Current Islamic Jurisprudence of Malaysia, whereby scholars in Malaysia establish Islamic rulings that fit with the current reality but act as the rectifiers for the methodology of Islamic Jurisprudence and its principles with few accommodations based on the existing needs.
2. Authentic Islamic Jurisprudence of Malaysia, which is a modern mazhab, distinctively established by local scholars based on the methodology of

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<sup>99</sup> Mahmood Zuhdi Hj. Abdul Majid (2000), "Fiqh Malaysia: Konsep dan Cabaran", *Fiqh Malaysia: Ke Arah Pembinaan Fiqh Tempatan Yang Terkini*, suntingan Paizah Hj. Ismail & Ridzwan Ahmad, Sungai Buloh: Academy Pengajian Islam and Al-Baian Corp., pp. 14-19; Anuar Ramli (t.t), *Fiqh Malaysia: Konsep dan Cabaran*, available at <https://www.scribd.com/document/330717892/Fiqh-Malaysia-Konsep-Halangan-Serta-Cabaran> (28 November 2019); Rahimin Affandi Abdul Rahim (2000), "Fiqh Malaysia: Satu Tinjauan Sejarah", *Fiqh Malaysia: Ke Arah Pembinaan Fiqh Tempatan Yang Terkini*, suntingan Paizah Hj. Ismail & Ridzwan Ahmad, pp. 40-43; Mohd Noor Deris (2000), "Keterikan Maslahah Sebagai Sumber Hukum Dengan Kepentingan Semasa Dan Setempat Di Malaysia", *Fiqh Malaysia: Ke Arah Pembinaan Fiqh Tempatan Yang Terkini*, suntingan Paizah Hj. Ismail & Ridzwan Ahmad, pp. 138-140; Refer to Paizah Hj. Ismail & Ridzwan Ahmad (eds.) (2000), *Fiqh Malaysia; Ke Arah Pembinaan Fiqh Tempatan Yang Terkini*, Sungai Buloh: Akademi Pengajian Islam dan Al-Baian Corp.

modern legislations and independent reasonings which therefore produces the current existing rulings.

3. Malaysia's version of Islamic Jurisprudence of Imam Shafi'ie, whereby local scholars conducted independent reasoning referring to the methodology of *istinbat hukum* in Shafi'ie *mazhab*.
4. Compilation of contemporary Islamic jurisprudence, from all authoritative *mazhabs*, and the Islamic rulings represent the methodologies of these *mazhabs*.<sup>100</sup>

The fourth example is the idea of Islamic jurisprudence for Muslim minorities (*fiqh al-aqalliyat al-muslimah*), an idea whereby minority Muslims in a non-Muslim country, especially in Western countries that require different concept of Islamic jurisprudence as they face different context of surroundings compared to Muslim people that were originally from majority Muslim countries. The challenges of Muslim minorities is a modern phenomenon and was not comprehensively reviewed by the past scholars as Islamic jurisprudence in general was written by scholars during the era of Islam's glorious period and Muslims were almost entirely lived under the ruling of Islam. Therefore, many perspectives and rulings that were established were influenced by its specific context, which were consequently inapplicable with today's context or the context of Muslim minority today.<sup>101</sup>

The initial effort to fulfil this idea can be discovered in the late 1960s whereby Sheikh Yusuf Al-Qardhawi published a book he wrote called *Halal Wa Al-Haram Fi Al-Islam* (Permissible and Prohibitions in Islam) which was then

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<sup>100</sup> Shukeri Mohamad (2000, "Asas-asas pembentukan Fiqh Malaysia: Satu Saranan", *Fiqh Malaysia: Ke Arah Pembinaan Fiqh Tempatan Yang Terkini*, suntingan Paizah Hj. Ismail & Ridzwan Ahmad, pp. 45-50: Abdul halim El-Muhammady (2000) "Perubahan Hukum Muamalah Berdasarkan Teori Fiqh Malaysia: Satu Tinjauan", *Fiqh Malaysia Tempatan Yang Terkini*, suntingan Paizah Hj. Ismail & Ridzwan Ahmad, pp. 202-203

<sup>101</sup> Yusuf Al-Qardhawi (2001), *Fi Fiqh Al-Aqalliyat Al-Muslimah: Hayat Al-Muslimin Wast Al-Mujtama'at Al-Ukhra*, Beirut: Dar Al-Shuruq, pp. 5-8, 11-60.

translated into several languages. In his foreword, Sheikh Al-Qardhawi stated that this book was written to fulfil the needs and demands of the Muslim people living in Western countries.<sup>102</sup>

In 1978, Institute of Muslim Minority was established and published the Journal of Muslim Minority Affairs in 1979 with the purpose of conducting studies pertaining to minority Muslims from various aspects, not only the aspect of legislative rulings and aiding their life in their respective places.<sup>103</sup>

During the 1990s the term Islamic Jurisprudence of Muslim Minority (*Fiqh Al-Aqalliyat Al-Muslimah*) began to appear and was then applied by scholars.<sup>104</sup> The following are some related articles pertaining to this ideology called *Fiqh Al-Aqalliyat Al-Muslimah: Hayat Al-Muslimin Wast Al-Mujtama'at Al-Ukhra* (Life of Muslims within Other societies) by Sheikh Yusuf Al-Qardhawi,<sup>105</sup> a famous religious scholar who resides in Qatar, Towards a Fiqh for Minorities: Some Basic Reflections (2003) by Syeikh Taha Jabir Al-'Alwani, an Islamic scholar who migrated to the United States of America<sup>106</sup> and the most recent article called *Sina'at Al-Fatwa Wa Fiqh Al-Aqalliyat* (Establishment of Fatwas and Islamic Jurisprudence of Minorities) (2007), by Sheikh Abdullah Bin Al-Bayyah.<sup>107</sup>

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<sup>102</sup> Ibid, pg. 7; Yusuf Al-Qardhawi (1997), *Al-Halal wa Al-Haram Fi Al-Islam*, Cairo: Dar Wahbah, pp. 9-14.

<sup>103</sup> Refer to Institute of Muslim Minority Affairs, "Introduction," <https://www.imma.org.uk/> (28 November 2019).

<sup>104</sup> Refer to Tausif Ahmad Parray, "The Legal Methodology of "Fiqh Al-Aqalliyat" and its Critics: An Analytical Study," *Journal of Muslim Minority Affairs*, 32:1, pp. 88-107.

<sup>105</sup> Yusuf Al-Qardhawi (2001).

<sup>106</sup> Taha Jabir Al-'Alwani (2003), *Towards a Fiqh for Minorities: Some Basic Reflections*, Occasional Paper Series 18, London: IIIT.

<sup>107</sup> 'Abd Allah Bin Al-Bayyah (2007), *Sina'at Al-Fatwa Wa Fiqh Al-Aqalliyat*, Jeddah: Dar Al-Manhaj.

With the proliferation of the internet, a website known as islamonline.net was established with a specific objective to provide religious support for Muslims in non-Islamic countries.<sup>108</sup> It was then replaced by another website called onislam.net due to differences that occurred within the operators of the previous website. However, this website is no longer available due to unknown reasons.

For the fifth example, is an idea that is developed in Western countries that acts as a paradigm shift from the idea of Islamic jurisprudence for Muslim minorities. This idea is directed towards the integration of the Muslim people in the society that they existed in and pursuing for their rights as a resident in their respective countries with the basis of equality and not as a group of Muslim minorities that needs to be protected. The following are some of articles pertaining to this idea: by Tariq Ramadan, known as *To Be European Muslim* (1999), *Islam, the West, and the Challenge of Modernity* (2001), *Western Muslims and the Future of Islam* (2004) and *Radical Reform: Islam Ethics and Liberation* (2009).<sup>109</sup> Apart from those articles, is *Rethinking Islamic Law for Minorities: Towards a Western Muslim Identity* written by Jasser Audah (free access online).<sup>110</sup>

## **Closing and conclusion of this book**

From what is presented above, there are many *dalils* in The Qur'an that validates the permissibility of contextualising Islamic teachings to contemporary situations. This has resulted in the flexibility of a ruling

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<sup>108</sup> Yusuf Al-Qardhawi (2001), p. 8.

<sup>109</sup> Tariq Ramadan (1999), *To Be European Muslim*, Markfield: The Islamic Foundation; Tariq Ramadan (2001), *Islam, the West, and the Challenge of Modernity*, Markfield: The Islamic Foundation; Tariq Ramadan (2004), *Western Muslims and the Future of Islam*, Oxford: Oxford University Press; Tariq Ramadan (2009), *Radical Reform: Islamic Ethics and Liberation*, Oxford: Oxford University Press.

<sup>110</sup> Jasser Audah (ed.) (t.t.), *Rethinking Islamic Law for Minorities: Towards a Western Muslim Identity*, [https://www.jasserauda.net/new/pdf/kamil\\_fiqh\\_alaqalliyat.pdf](https://www.jasserauda.net/new/pdf/kamil_fiqh_alaqalliyat.pdf) (28 November 2019).

pertaining to a same issue for individual or various societies, and a ruling's flexibility to an issue by relying on the different variables applicable to a specific ruling. The Prophet s.a.w himself exemplifies it as how it was presented in his *hadith*.

This issue was also being practised by the companions and scholars that came after them including the four honourable Imams and their respective *mazhabs*. This was carried on by their subsequent successors from each *mazhab* until the modern era today.

On a logical point of view, contextual understandings and practises of Islam arise from the factual term of Islam itself known as *Al-Din* – a comprehensive style of living. This concept proposes to Islam to contribute problem-solving solutions for mankind's difficulties regardless of the time period. This issue was mentioned by Allah ta'ala about the purpose of The Qur'an that was brought down to The Prophet Muhammad s.a.w, (and it is for that purpose that) "*We sent down the Book to you which makes everything clear.*" (*Al-Nahl: 89*)

However, The Qur'an is a book that is absolute in terms of its contents. Nothing can be added, reduced, nor modifiable after The Qur'an was revealed to the Prophet Muhammad s.a.w with its complete revelation until the conclusion of his Prophethood that ended with his death. Whereas nature and mankind are ever evolving (*hadith*).

With that reason, scholars have stated that what was initially meant by The Qur'an contains clarifications for everything was through its principles. Meaning that The Qur'an laid out all the general principles as references in dealing with any life crisis faced by mankind and hence, it required concerted efforts to apply its principles to modern issues known as *ijtihad* (independent reasonings).



Surrounding factors must be taken into account when conducting independent reasonings to tackle modern issues faced today. Sheikh Al-Qardhawi wrote in his book pertaining to the establishment of *fatwas* in today's era.

*“One of the factors that cause the slippage to some Muftis is the attitude of being inflexible and static to all viewpoints and fatwas which were contained in the books of Old Islamic jurisprudence from centuries ago. Answering to all matters by only referring to everything that was stated in the Old books of Islamic jurisprudence without the consideration of situations, conditions, places, surroundings, and current affairs. This is important as the presented matter above is constantly developing from one time to another time as it did not remain still and static throughout the ages.”*<sup>111</sup>

In some other writings of Sheikh Yusuf Al-Qardhawi, called *Al-Thaqafah Al-Arabiyyah Al-Islamiyah Bayn Al-Asalah Wa Al-Mu'asirah*, He wrote:

*“We are required to understand the situation we are existing in today in its fullest detail, truth and depth because if you don't truly recognise and understand the identity of today's situation in depth it will lead to further consequences such as a medical expert that suggested a costly medicine to a patient without conducting proper and thorough consultation and without a thorough and detailed diagnosis towards the patient beforehand as the unprescribed medicine would cause more harm to a patient or even worse would lead to death,”*<sup>112</sup>

In modern Singapore, contextual understandings and practises of Islam is not a contemporary matter that occurred as responses to extremist groups and terrorism both in the global stage and local scene. Here, I put forth the argument that the importance of Singaporean Muslim's contextual awareness

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<sup>111</sup> Al-Qardhawi (1988), *Al-Fatwa Bayn Al-Indibat Wa Al-Tasayyub*, p. 90.

<sup>112</sup> Yusuf Al-Qardhawi (1996), *Wawasan Islam Antara Keasilan dan Kemodenan (Al-Thaqafah Al-Arabiyyah Al-Islamiyah Bayn Al-Asalah Wa Al-Mu'asirah)*, translated by Ahmad Nuryadi Asmawi, Selangor: Thinker's Library, pp. 97-98.

began as early as 1965 whereby Singapore separated from Malaysia and became a sovereign and independent state and referred to our own *fatwas* established by Muis Fatwa Committee and the allocations in AMLA.

The validity of this idea was reinforced again by the collaboration of Pergas's stand in this matter through their book called *Moderation in Islam* and Muis's stand through RICAP and other doctrinal documents published over 15 years ago.

The act of local religious leadership in Islam is not something that is odd and strange. It is not only something that is rooted to the Islamic references and Islamic traditional knowledge across a thousand years, but also supported by actions that were practised by leaders of Islamic society from across the world, be it living as a minority Muslim in non-Islamic country such as Singapore or in a majority Muslim country in Malaysia and Indonesia.

In a nutshell, the examples that were presented above can be summed below. It covers the geographical breadth of the Islamic world, and variations in Western as well as Muslim majority countries.

- The model of Islamic understanding and practises in Britain
- Idea of *Islam Nusantara* and *Islam Berkemajuan* in Indonesia
- Idea of Islamic jurisprudence of Malaysia
- Idea of Islamic jurisprudence of Muslim minority in non-Islamic countries
- Idea of Muslim integration as full and integrated member in a Western society

Surely, there are many other ideas and models that are also practised or established in other countries. However, issues and examples that were presented above are sufficient to underscore the point that contextual Islamic discourse in Singapore is very much a normative reality.

Finally, there is one important issue left in accomplishing discussions pertaining to the concept of contextual practises of Islam presented in this article translated from Sheikh Al-Qardhawi, which is the foundation, methodology, and the framework today in guiding the process of establishing independent reasonings and modern Qur'anic exegesis so that it remains within the principles of Islam and refrain us from distortion. This discussion for all presented issues is unavailable due to limited time and space but hopefully can be discovered in upcoming research.

May this article be accepted by Allah ta'ala and may all these efforts be counted as good deeds within His pleasure.

# ISLAMIC RULINGS *and* MODERN SOCIETY:

The Imperative Need For Re-contextualising  
*Fatwas* To Today's Age



**MUHAMMADIYAH**  
ASSOCIATION