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## **THE TEACHING AND LEARNING OF UŞŪL AL-FIQH IN PUBLIC UNIVERSITIES IN MALAYSIA: REALITY AND CHALLENGES\***

**Noor Naemah Abdul Rahman\*\***

**Abdul Karim Ali\*\***

**Rushdi Ramli\*\*\***

**Muhammad Safiri Ismail\*\*\*\***

### **ABSTRACT**

*The teaching and learning of uşūl al-fiqh is important in order to derive Islamic legal rulings (ḥukm). Therefore, an expected outcome of studying uşūl al-fiqh is to produce students who master the tools (know-what) and have the capability (know-how) to derive Islamic rules through its primary and secondary legal sources. With regards to public universities in Malaysia, the subjects of uşūl al-fiqh are taught to shariah students and covers Islamic legal resources (Quran, sunnah, consensus, analogy, public interest, juristic preference, custom, etc), interpretation of legal texts, methodology of Muslim Jurists, conflict and preference (ta'arud and tarjih), legal maxims and others. However, some scholars are skeptical as to the ability of graduates to practice the tools of uşūl al-fiqh.<sup>1</sup> Hence, this article attempts to portray the current scenario of*

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\*\* Associate Professor at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, naemah@um.edu.my, abdkarim@um.edu.my

\*\*\* Senior Lecturer at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, sufism@um.edu.my

\*\*\*\* SLAI Fellow at Department of Fiqh and Usul, Academy of Islamic Studies, University of Malaya, safiri@um.edu.my

<sup>1</sup> Mahmood Zuhdi Hj. Ab. Majid (2005), "Pengajian Usul al-Fiqh Sebagai Kaedah Penyelidikan Hukum", in *Jurnal Fiqh*, no.2, pp. 206, 209.

*studying uşūl al-fiqh in Malaysia particularly in the selected universities: University of Malaya (UM), National University of Malaysia (UKM), University of Islamic Sciences Malaysia (USIM), International Islamic University Malaysia (IIUM) and University of Darul Iman Malaysia (UDM). It will also identify challenges with regards to the teaching and learning of uşūl al-fiqh in Malaysia. The findings of this research are that: i) there is no standard number of related subjects of uşūl al-fiqh offered in public universities; ii) there is an urgent need for a module for the teaching and learning of uşūl al-fiqh in order to produce shariah students who are competent in the know-how of uşūl al-fiqh; and iii) the level of Arabic command among students needs to be paid great attention.*

**Keywords:** *uşūl al-fiqh, teaching and learning of uşūl al-fiqh, syllabuses of uşūl al-fiqh in higher education institutions, challenges of teaching and learning uşūl al-fiqh in Malaysia*

## INTRODUCTION

In general, *uşūl al-fiqh* (Principles of Islamic Jurisprudence) is undoubtedly a core and important discipline in shariah studies. The term *uşūl al-fiqh* is actually derived from two words; *uşūl* (singular of *aşl*) and *fiqh*.<sup>2</sup> Each of the words has its own meanings; either literal or technical. However the term *uşūl al-fiqh* could be defined as follows:<sup>3</sup> “the principles by the use of which the *mujtahid* arrives at the legal rules through specific evidences”. Therefore, this

<sup>2</sup> The discussion of these two terms has been dealt by majority authors on the works of *uşūl al-fiqh*. For instance, Imran Ahsan Khan Nyazee (1994), *Theories of Islamic Law - The Methodology of Ijtihad*. Islamabad: The International Institute of Islamic Thought, pp. 29-20-31; Mohamad Hashim Kamali (1989), *Principles of Islamic Jurisprudence*. Petaling Jaya, Selangor: Pelanduk Publications, pp. 1-9; Mustafā Sa’īd al-Khin (2000), *al-Kāfi fī al-Wāfi fī Uşūl al-Fiqh al-Islāmī*. Beirut: Muassasah al-Risalah, pp. 13-19; ‘Abd al-Karim al-Zaydan (2009), *al-Wajīz fī Uşūl al-Fiqh*. Damascus: Resalah Publishers, pp. 9-14; Muhammad Fathī al-Duraynī (1997), *al-Manāhij al-Uşūliyyah fī al-Ijtihād bi al-Ra’y fī al-Tashrī’ al-Islāmī*, 3<sup>rd</sup> edition. Beirut: Muassasah al-Risalah, pp. 9-11; Muḥammad al-Khudari (1988), *Uşūl al-Fiqh*. Beirut: Dar al-Fikr, pp. 12-17; Badrān Abū al-‘Aynayn Badrān (nd), *Uşūl al-Fiqh al-Islāmī*. Iskandariyyah: Muassasah Shabab al-Jami’ah, pp. 21-35.

<sup>3</sup> Imran Ahsan Khan Nyazee (1994), *Theories of Islamic Law- The Methodology of Ijtihad*, p. 29; Badran Abu al-‘Aynayn Badran (nd), *Uşūl al-Fiqh al-Islāmī*, p. 31.

discipline directly concerns the *mujtahidīn*, scholars who have the qualification and ability to exercise and deduce Islamic rulings from recognized sources of laws especially al-Qur'an and al-Sunnah.

As far as Shariah studies in the higher institutes and universities are concerned, the introduction of *uşūl al-fiqh* in its curriculum is crucial. It is undoubtedly that mastery of this discipline is necessary, for it is a very basic principle in deducing Islamic rulings in Islam.<sup>4</sup> In other words, it is the only tool and mechanism for it, and if one fails to address it properly, it will lead to inconsistent and undesired rulings in the eyes of Muslim scholars. Pursuant to this, on developing Islamic sciences, knowledge of this discipline has been given priority by Muslim scholars. It has been written in different approaches to suit different needs of different times.<sup>5</sup>

As to the teaching and learning of *uşūl al-fiqh* in Malaysia, it is identified that the ultimate purpose of its learning is to educate and equip students with knowledge and skills to conduct sound and reliable researches generally on Islam and more specifically on shariah issues. It functions as a tool on how to start and carry out researches. It is also considered as a subject that provides the technique and skills on how to comprehend the contents of the primary sources of Islam i.e. the Quran and the Sunnah in order to derive a ruling (*hukm*). By having knowledge of primary sources of Islamic law, an establishment of Islamic rulings can be done by utilizing other recognized derivative sources.

Having said that, the discipline of principles of Islamic jurisprudence i.e. *uşūl al-fiqh* plays an important role in daily life, because it is a significant mechanism in the development of Islamic law and therefore it should not be addressed or taught just as a theoretical knowledge and academic polemics among its scholars (*uşūliyyūn*). Students who have been taught should be able to practice on how to derive a ruling in any given issue pertaining to shariah. In other words, they are exposed to both its knowledge as well as the application of *uşūl al-fiqh*. In order to achieve this ideal purpose, it is necessary to re-evaluate how the subject should be taught in order for it to function as a tool for shariah research. It should be emphasized that among items to be re-evaluated are the teaching approaches, reference books and syllabuses. Thus in order to portray the current situation in Malaysia, this paper surveys the teaching and learning of *uşūl al-fiqh* at the first degree level in selected local universities to identify its syllabuses, curricula, teaching methods and challenges.

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<sup>4</sup> Nabil Shehaby (1982), "Illa and Qiyas in Early Islamic Legal Theory", in *Journal of the American Oriental Society*, v. 102, p. 27.

<sup>5</sup> Mohd Daud Bakar (1995), "A Comparative Study of Islamic Legal Theory", *IUM Law Journal*, pp. 53-56; 'Abd al-Karīm Zaydān (2009), *op.cit.*, p. 17.

For that purpose, five (5) public universities in Malaysia were identified. However, to note that this paper selected only public universities which offers bachelor programs in Islamic studies and particularly in Shariah studies. The universities chosen are as follows: University of Malaya (UM), National University of Malaysia (UKM), University of Islamic Sciences Malaysia (USIM), International Islamic University Malaysia (IIUM) and University of Darul Iman Malaysia (UDM).

This research utilizes the library and field methods. Field research consists of collecting related information and data from students and lecturers involved in the teaching and learning of *uṣūl al-fiqh* at the above universities. Questionnaires were used and more than one thousand sets of it were distributed to students studying at first degree level at universities. After getting consent from lecturers, the questionnaires were disseminated at the end of lectures. However only 700 sets were returned. In order to strike a balanced perspective between students and lecturers, the researchers also interviewed lecturers involved in the teaching of *uṣūl al-fiqh* courses. And for every university, at least two or three lecturers were been interviewed by using structured questions.

## **COURSES OF UṢŪL AL-FIQH IN PUBLIC UNIVERSITIES**

In terms of the teaching and learning of *uṣūl al-fiqh* at the university level, results show that it is a core course which is taught to first degree shariah students. This proves that the universities determines *uṣūl al-fiqh* as a core course and aims for students to master the knowledge and skills in the methodology of Islamic law.

For instance, the Academy of Islamic Studies, UM classifies subjects related to *uṣūl al-fiqh* as core courses for the first degrees of Shariah, Management of Muamalat and Islamic Education<sup>6</sup>. All related subjects of *uṣūl al-fiqh* are taught by lecturers from the department of Fiqh and Usul, one of the five departments in the Shari'ah division.<sup>7</sup>

With regards to IIUM, it offers a large number of subjects related to *uṣūl al-fiqh*, with most by the department of Fiqh and Usul al-Fiqh.<sup>8</sup> This department

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<sup>6</sup> Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009, pp. 34, 213, 298.

<sup>7</sup> These five departments as follows: Fiqh & Usul, Shariah & Law, Shariah & Management, Shariah & Economics and Siasah Shar'iyah.

<sup>8</sup> It is a department under the Kulliyah of Islamic Revealed Knowledge and Human Sciences (KIRKHS).

offers 25 courses that relates to *uşul al-fiqh*.<sup>9</sup> 9 out of the 25 courses are core courses. This is understandable as the department of Fiqh and Usul al-Fiqh of the KIRKHS offers two major specializations, i.e. Fiqh and Usul al-Fiqh.<sup>10</sup>

For students who specialize in the field of *uşul al-fiqh*, they are offered more courses on subjects related to *uşul al-fiqh* as compared to those who are in the field of *fiqh*. At the end of their study, they will be conferred a Bachelor of Islamic Revealed Knowledge and Human Sciences (Usul al-Fiqh). The department of Islamic Law,<sup>11</sup> also offers 4 courses on *uşul al-fiqh* for its students. In brief, the number of courses offered is different compared to ones offered by the department of Fiqh and Usul al-Fiqh of KIRKHS due to the nature of each department and its approach.

Meanwhile for UKM, the number of related subjects to *uşul al-fiqh* offered to the students are lesser compared to previous institutions as its department of Shariah, Faculty of Islamic Studies offers only one (1) subject on *uşul al-fiqh*.<sup>12</sup>

In comparison, at USIM, the administration and management of the related subjects of *usul al-fiqh* is handled by the Faculty of Shariah and Law. It serves the students of the department of Fiqh & Fatwa as well as the department of Shariah and Law<sup>13</sup>. While at UDM, courses of *uşul al-fiqh* are offered to the students of the department of Shariah, Faculty of Islamic Contemporary Studies<sup>14</sup>. It is also worth noting that students of the faculty are required to register for the subject of *uşul al-fiqh*.

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<sup>9</sup> [http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate\\_Programme:Old\\_Programme](http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate_Programme:Old_Programme).

<sup>10</sup> [http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate\\_Programme:Old\\_Programme](http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate_Programme:Old_Programme).

<sup>11</sup> It is a department in the Ahmad Ibrahim Kulliyah of Law (AIKOL). The AIKOL has departments: Private Law, Public Law and Islamic law. See <http://www.iiu.edu.my/laws/department.php>.

<sup>12</sup> Panduan Siswazah Sesi Akademik 2008-2009 Fakulti Pengajian Islam Universiti Kebangsaan Malaysia.

<sup>13</sup> Panduan Pra Siswazah sesi 2007/2008 Fakulti Syariah dan Undang-undang, Universiti Sains Islam Malaysia, p. 94.

<sup>14</sup> Buku panduan sesi 2008-2009 Fakulti Pengajian Kontemporari Islam, Universiti Darul Iman Malaysia, pp. 22-23.

## Courses On Related Subjects Of *Uṣūl Al-Fiqh*

On the administration of *uṣūl al-fiqh*'s courses, there are certain universities that offer subjects of *uṣūl al-fiqh* and using the name – *uṣūl al-fiqh* while others choose to name the subjects differently to suit its contents or focuses.<sup>15</sup> For example, the department of Islamic Law of AIKOL, IIUM offers the courses of Usul al-Fiqh I, Usul al-Fiqh II, Usul al-Fiqh III and Usul al-Fiqh IV. This is also the practice at in the department of Shariah in UKM as it offers Usul al-Fiqh I and Usul al-Fiqh II.

As opposed to the Academy of Islamic Studies, UM where it offers the subjects of *uṣūl al-fiqh* with different names. Each subject name emphasizes a certain scope and content of *uṣūl al-fiqh*. For instance there are four (4) core courses of *uṣūl al-fiqh* made available to the students of Shariah and they are *Nazariyyah al-Hukm*, *Qawā'id al-Tafsīr*; *al-'Urf wa al-Maṣlahah* and *al-Qiyās*. *Nazariyyah al-Hukm* for example is an introductory course to *uṣūl al-fiqh* as it deals with the theory of *al-hukm* and it covers discussion on the concept of *hukm*, its division, *taklīfī*, *waḍī*, the concept of *al-Hākim*, *al-maḥkūm fih*, *al-ḥuqūq*, *al-ahliyyah*, *'awāriḍ al-ahliyyah* and the main sources of law and its subsidiaries.<sup>16</sup> In terms of reference books for *Nazariyyah al-Hukm*, it list among others Muhammad Abu Zahrah's *Uṣūl al-Fiqh*<sup>17</sup>, al-Bayḍāwī's *Minhāj al-Wuṣūl ilā 'ilm al-Uṣūl*,<sup>18</sup> Mustafa al-Zarqa's *al-Madkhal al-Fiqhī al-'Ām*.<sup>19</sup>

For the subject of *Qawā'id al-Tafsīr*, it deals with the theories and approaches of the Prophet's Companions in interpreting Islamic legal texts either Qur'anic verses or Ahadith of the Prophet. It emphasizes the use of linguistic methodology in order to interpret any verbal statements in Arabic language".<sup>20</sup> The references for this subject are: Wahbah al-Zuhayli's *Uṣūl al-Fiqh al-Islāmī*,<sup>21</sup> Muhamad Abu Zahrah's *Uṣūl al-Fiqh*<sup>22</sup>, and 'Abd al-Wahhab

<sup>15</sup> Mahmood Zuhdi Hj. Ab. Majid (2005), *op.cit.*, p. 210.

<sup>16</sup> Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009, p. 39.

<sup>17</sup> Muḥammad Abū Zahrah (1962), *Uṣūl al-Fiqh*. Kaherah: Dār al-Kitāb al-'Arabī.

<sup>18</sup> Al-Bayḍāwī (1968), *Minhāj al-Wuṣūl ilā 'Ilm al-Uṣūl*. Kaherah: Matba'ah Muḥammad 'Alī Subayh.

<sup>19</sup> Al-Zarqa' (1959), *al-Madkhal al-Fiqhī al-'Ām*. Damsyik.

<sup>20</sup> Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009, p.42.

<sup>21</sup> Wahbal al-Zuhaylī (1986), *Uṣūl al-Fiqh al-Islāmī*, Beirut: Dār al-Fikr al-Mu'āṣir.

<sup>22</sup> Muḥammad Abū Zahrah (1955), *Uṣūl al-Fiqh*, Kaherah: Dār al-Fikr al-'Arabī.



Khallaf's *'Ilm Uşul al-Fiqh*<sup>23</sup>.

For undergraduates of the bachelor of Shariah, they are required to enroll in these four (4) core courses. These students are from the departments of Fiqh & Usul, Shariah & Law, Shariah & Management, Shariah & Economics, Siyasa Shar'iyah, and Falak (Islamic Astronomy). Each of the *uşul al-fiqh* related subject carries three (3) credit hours.

However for students of the bachelor of Islamic Education majoring in Islamic Studies and bachelor of the Management of Muamalat, they are only required to enroll in two (2) of the courses which are *Nazariyyah al-Hukm* and *Qawā'id al-Tafsīr*.

However for the students of the department of Fiqh & Usul, UM they are required to enroll in additional courses on the subject matters of *uşul al-fiqh*. The reason being that they should be exposed to the many disciplines of the principles of Islamic Jurisprudence (*uşul al-fiqh*) is in order to prepare themselves as competent individuals who are able to analyse and derive Islamic rulings (*hukm*). Among the additional courses are *al-Qawā'id al-Fiqhiyyah* and the Practice of Fatwa.

The same is also found in the department of Fiqh and Usul al-Fiqh, IIUM. Students majoring in *uşul al-fiqh* are required to register for more subjects of *uşul al-fiqh* as compared to students from other departments. For instance, they are required to take nine (9) core courses of *uşul al-fiqh* which are Introduction to Usul Fiqh, Sciences of Quran, Sciences of Hadith, *al-Qawā'id wa al-Furuq al-Fiqhiyyah*, *Adillat al-Ahkām*, *Maqāşid al-Sharī'ah*, *al-Ijtihād wa al-Iftā'*, *Tafsīr al-Nuşūş* and *Mabāhith Turuq al-Istinbāt*. Beside, the same departments also offers other courses such as *Uşul al-Fiqh: Tārīkhuh wa Taṭawwuruh*, *al-Madāris al-Uşūliyyah: Tārīkhuh wa A'lāmuha*, *Qirā'ah Naqđiyyah fī Ūşul al-Fiqh*, *al-Qawā'id al-Uşūliyyah wa Ikhtilāf al-Fuqahā'*, *Mabāhith fī al-Ijtihād wa al-Tajdīd* and *Uşul al-Fiqh wa Manāhij al-Baḥth fī al-'Ulūm al-Insāniyyah*.<sup>24</sup>

With regard to USIM, the students the faculty of Shariah & Law are exposed to variety of *uşul al-fiqh* courses. For those who are majoring in Fiqh & Fatwa, they are required to enroll the courses as follow: *Mabāhith al-Hukm*, *Tārīkh al-Madhāhib wa al-Fatāwā*, *Mabāhith Adillat al-Ahkām*, *Mabāhith Dalālat al-alfāz*, *Qawā'id Fiqhiyyah* and *Mabāhith al-Ijtihād wa al-Iftā'*. However

<sup>23</sup> 'Abd al-Wahhāb Khallāf (1981), *'Ilm Uşul al-Fiqh*. Kuwait: Dār al-Qalam.

<sup>24</sup> [http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate\\_Programme:Old\\_Programme](http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate_Programme:Old_Programme).



subjects of *uṣūl al-fiqh* offered to the students who are majoring in Shariah and Law are limited two courses only i.e. *al-Qawā'id al-Fiqhiyyah* dan *Uṣūl al-Fiqh II*.

### **Additional Courses Related To The Discipline Of *Uṣūl Al-Fiqh***

In the course of learning of *uṣūl al-fiqh*'s courses, students are also required to register for additional complimentary courses that are indirectly related to *uṣūl al-fiqh* itself. This is due to the fact that as *uṣūl al-fiqh* is a discipline that relates to the methodology of Islamic jurisprudence, it therefore has connections with the disciplines of *fiqh*, linguistics, sociology and others.<sup>25</sup>

As an example, the department of Fiqh and Usul, Academy of Islamic Studies, UM, offers a number of courses related to *fiqh* and its methodology in different fields. Among others<sup>26</sup> are Introduction to Shariah, Islamic Laws of Worship, Islamic Law of transactions, Islamic criminal Law, endowment (*zakat*), Islamic consumerism (on permissibility and prohibition); Islamic law of taxation and others. Islamic Consumerism for instance deals with issues of legality (permissible and prohibition) regarding to food product, drink, medicine, garments, aurat, entertainment and others. Students taking this module are exposed to the methods of deriving Islamic rulings for the above items as they would have been taught at an earlier stage of the course how to analyze contemporary issues by applying their skills and knowledge on *uṣūl al-fiqh*.

Like courses of *uṣūl al-fiqh*, the course of *Qawā'id Fiqhiyyah* (legal maxims) is also offered by UM, IIUM and USIM as it is considered as a supplementary and sub discipline of *uṣūl al-fiqh*. In addition, there are also several additional courses on the Arabic language offered to students who specialize in *uṣūl al-fiqh*. This is important as the learning of *uṣūl al-fiqh* involves a lot of specific jargons and technical terminologies. In IIUM, the students are required to sit for placement tests in English and Arabic languages to measure their command levels of both languages. A similar test is also applied to students of the Academy of Islamic Studies at the matriculation centre in Nilam Puri, Kelantan.

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<sup>25</sup> Mahmood Zuhdi Hj. Ab. Majid (ed.)(2001), *Dinamisme Pengajian Syariah*, Kuala Lumpur: Akademi Pengajian Islam Universiti Malaya, p. 56.

<sup>26</sup> Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009.

With regards to courses relating to sociology, students of the department of Fiqh & Usul, UM are exposed to a few of them. These courses are important as they have to firstly understand the background of society and socio-culture in order to ascertain that an Islamic rule derived really reflects the reality of local society.<sup>27</sup> Among the courses offered are: Malaysian Society, Islamic Law & Society, Shariah in Malaysia and Islamic Law and Culture.<sup>28</sup>

## CHALLENGES

The findings of this research revealed many things pertaining to different aspects of teaching and learning of *uşūl al-fiqh*. It includes the perspective of both students and lecturers on the teaching and learning of *uşūl al-fiqh*, the methods on teaching and learning of *uşūl al-fiqh*, the students' perception toward subject matter of *uşūl al-fiqh* and the syllabus and curriculum of *uşūl al-fiqh*. However for the purpose of this paper, only selected challenges are highlighted as below.

### **1. Lack of A Standard Module for the Teaching and Learning of *Uşūl al-Fiqh***

The study indicates that there are various methods and techniques used for the teaching of *uşūl al-fiqh* in the local universities. There is no standard textbook or module and frankly, it is left to the individual lecturer to come up with his or her own method, style and approach. Some of the lecturers depend mostly on certain text books while the rest do not. There are also some who would literally read the text books. For the earlier category of lecturers, they would read, explain and most of the time would translate it into Malay which is the mother tongue of the students. Whereas for the latter, they might use some selected books and explain to the students using teaching aids such slides, power point presentation and others. In other words, they do not rely and are not bound to specific textbooks. In short, there is no standard module, textbook or technique in the teaching and learning of *uşūl al-fiqh* used by these lecturers. Based on what has been the practice of the local universities, it strongly shows that the teaching of *uşūl al-fiqh* is considered as a literature

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<sup>27</sup> Louy Safi (n.d), *The Foundation of knowledge: A Comparative Study in Islamic and Western Methods of Inquiry*, Petaling Jaya Selangor: International Islamic University Malaysia & IIIP, pp.178, 196.

<sup>28</sup> Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009, p. 35.

survey which means the students are exposed to discussions and polemics of earlier scholars (*uṣūliyyūn*) of *uṣūl al-fiqh*. For instance, it poses questions of whether abrogation (*naskh*) of Qur'anic verses really happened; the authority of analogy, *istihsān*, *maṣāliḥ mursalah*, *'amal ahl al-Madīnah*; whether a command (*amr*) leads to an immediate action and so forth.

Although majority of the lecturers prefer the above mentioned method and approach, there is an attempt by certain lecturers to change the perception of *uṣūl al-fiqh* from know-what to know-how.<sup>29</sup> We owe this initiative for a paradigm shift to Professor Dato' Dr Mahmood Zuhdi Hj Ab. Majid. This is supposedly a real challenge to those who are responsible for the teaching and learning of *uṣūl al-fiqh* in Malaysia. It would be a great achievement if those who are specialized in this discipline or have interest in it would sit together and come up with a proposed ideal module for the teaching and learning of *uṣūl al-fiqh* that suits the Malaysian approach, as we have been waiting for a long time for graduates who are competent and capable to practice and solve contemporary issues relating to of Islamic law by utilizing and applying this discipline in its proper order.

## 2. Time Allocation

Another obstacle that has been identified by several lecturers is the limited time allocated for the study of *uṣūl al-fiqh*. The limited time allocated does not leave much room for the students to delve in depth in the subject matter. However, all lecturers involved in this research were satisfied with the scope and syllabus in order for the students to complete the degree program. Nonetheless, some of them felt that the amount of credit hours apportioned for *uṣūl al-fiqh* is inadequate when taking into account the scope of the syllabus that needs to be covered within the specific timeframe. This problem on time constraint force some of the lecturers to compromise and select only what they deem as the most important chapters on *uṣūl al-fiqh* to be covered in lectures. This certainly would not improve the study of *uṣūl al-fiqh* in public universities in Malaysia.

The fact being that *uṣūl al-fiqh* is an integrated discipline and it involves various components of subjects that must be taught and studied as a whole especially at the degree level. In this regard, lecturers should come up with the

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<sup>29</sup> N. Naemah & A.K. Ali (2008), "Perkuliahan Subjek Usul Fiqih Pada Jenjang Strata Satu Akademi Pengajian Islam Universitas Malaya: Pengalaman dan Penilaian" in Hamid Zarkasyi, *Metodologi Pengkajian Islam: Pengalaman Indonesia –Malaysia*. Gontor: Institut Studi Islam Darussalam, p. 258.

necessary steps to ensure that the *uṣūl al-fiqh* syllabus can be taught thoroughly during the limited time allocated. To improve the quality of students, this research proposes for a review and re-evaluation of the effectiveness of the present credit hours for this subject. An option for the universities is to increase the number of semesters for the study of *uṣūl al-fiqh*. In addition to the above, the research results also disclose that most of the students allocate only 1-2 hours a week to study and revise their *uṣūl al-fiqh*'s subjects and this is seen to not be sufficient.

### **3. Good Command/Mastery of the Arabic Language**

In general it can be said that the study of Islamic knowledge cannot be separated from the Arabic language. The great body of work on Islamic knowledge that are used as main references or considered to be important work are almost all written in the Arabic language and text. Therefore, the mastery of the Arabic language is a prerequisite for those who wish to study Islam from its original sources.

Among the problems faced by lecturers involved in this research is the university students' weak grasp of the Arabic language. Most of the reference books used by lecturers are almost entirely in Arabic. It would be fair to say that there are no precise, concise and in depth literature on *uṣūl al-fiqh* available in other languages besides Arabic. Therefore the students' dependency on Arabic literature on the subject is paramount. The study also shows that all the lecturers involved in the teaching of *uṣūl al-fiqh* rely on literatures in Arabic and use them as their main textbooks. Thus this study concludes that the students' weakness in Arabic is the main challenge faced in the study of *uṣūl al-fiqh*. To overcome this problem, serious long term actions must be taken by the Islamic faculties in the public universities to rectify this situation.

Other than the above, this study further reveals that majority of the lecturers/tutors have not fully used Arabic as the medium as they have to explain and elaborate in Malay so that the students could properly understand the contents.

## CONCLUSION

In summary, this research has identified a few problems. Firstly, there is no standard to be followed on the number of related subjects of *uṣūl al-fiqh* offered in public universities in Malaysia. Some faculties offer a considerable number of courses while one only offer two (2). This difference is identified as due to the nature of each department of the faculty. Some offer it as a basic requirement while others offer it as a major or specialization. And of course the number of subjects also differs depending of their own nature. Secondly, there is an urgent need for a module for teaching and learning of *uṣūl al-fiqh* in order to produce shariah students who are competent in the know-how of *uṣūl al-fiqh*. In other words, a proper teaching and learning of *uṣūl al-fiqh* would produce competent and capable students to conduct reliable researches on Islamic law that is in accordance to the principles of Islamic jurisprudence.

Thirdly, the level of Arabic command among students needs to be paid great attention. Due to the present level of Arabic command amongst students, lecturers focuses much of their attention either to explain the meaning of words and sentences or to translate the whole texts of relevant books. This is certainly a waste of valuable time that could be put to better use to deal with the subject matter in more depth. This problem can be traced back to the earlier stages of the teaching and learning of the Arabic language in secondary schools. To put it in other words, the students' weakness in the Arabic language may reflect a weakness in the teaching and learning methods in secondary schools in Malaysia.

## REFERENCES

- ‘Abd al-Karīm al-Zaydan (2009), *al-Wajīz fī Uṣūl al-Fiqh*. Damascus: Resalah Publishers.
- Al-Bayḍāwī (1968), *Minhāj al-Wuṣūl ilā ‘Ilm al-Uṣūl*. Kaherah: Maṭba’ah Muhammad ‘Alī Subayh.
- Al-Zarqā’ (1959), *al-Madkhal al-Fiqhī al-‘Ām*. Damsyik.
- Badran Abu al-‘Aynayn Badran (nd), *Uṣūl al-Fiqh al-Islāmī*. Iskandariyyah: Muassasah Shabab al-Jami’ah.
- Buku Panduan Program Ijazah Dasar Akademi Pengajian Islam Universiti Malaya Tahun Akademik 2008/2009.
- Buku Panduan sesi 2008-2009 Fakulti Pengajian Kontemporari Islam, Universiti Darul Iman Malaysia.

- [http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate\\_Programme](http://iiu.edu.my/irkhs/rkfq/?Academic:Undergraduate_Programme).
- <http://www.iiu.edu.my/laws/department.php>.
- Imran Ahsan Khan Nyazee (1994), *Theories of Islamic Law - The Methodology of Ijtihad*. Islamabad: The International Institute of Islamic Thought.
- Louy Safi (n.d.), *The Foundation of knowledge: A Comparative Study in Islamic and Western Methods of Inquiry*. Petaling Jaya Selangor: International Islamic University Malaysia & IIIP.
- Mahmood Zuhdi Hj. Ab. Majid (ed.) (2001), *Dinamisme Pengajian Syariah*. Kuala Lumpur: Akademi Pengajian Islam Universiti Malaya.
- Mahmood Zuhdi Hj. Ab. Majid (2005), “Pengajian Usul al-Fiqh Sebagai Kaedah Penyelidikan Hukum”, in *Jurnal Fiqh*, no.2.
- Mohamad Hashim Kamali (1989), *Principles of Islamic Jurisprudence*. Petaling Jaya, Selangor: Pelanduk Publications.
- Mohd Daud Bakar (1995), “A Comparative Study of Islamic Legal Theory”, *IIUM Law Journal*.
- Muḥammad Abū Zahrah (1962), *Uṣūl al-Fiqh*. Kaherah: Dār al-Kitāb al-Arabi.
- Muḥammad al-Khudari (1988), *Uṣūl al-Fiqh*. Beirut: Dār al-Fikr.
- Muḥammad Fathī al-Duraynī (1997), *al-Manāhij al-Uṣūliyyah fī al-Ijtihād bi al-Ra’y fī al-Tashrī’ al-Islāmī*, 3<sup>rd</sup> edition. Beirut: Muassasah al-Risālah.
- Mustafā Sa’īd al-Khin (2000), *al-Kāfī fī al-Wāfī fī Uṣūl al-Fiqh al-Islāmī*. Beirut: Muassasah al-Risālah.
- Nabil Shehaby (1982), “Illa and Qiyas in Early Islamic Legal Theory”, in *Journal of the American Oriental Society*, v. 102.
- Noor Naemah & Abdul Karim Ali (2008), “Perkuliah Subjek Usul Fiqh Pada Jenjang Strata Satu Akademi Pengajian Islam Universitas Malaya: Pengalaman dan Penilaian” in Hamid Zarkasyi, *Metodologi Pengkajian Islam: Pengalaman Indonesia–Malaysia*. Gontor: Institut Studi Islam Darussalam.
- Panduan Siswazah Sesi Akademik 2008-2009 Fakulti Pengajian Islam Universiti Kebangsaan Malaysia.
- Panduan Pra Siswazah sesi 2007/2008 Fakulti Syariah dan Undang-undang, Universiti Sains Islam Malaysia.

