ABSTRACT
One of the most important things that needs to be emphasized when it comes to deciding on a fatwa is zakat (giving alms). This is because alms is the most substantial government income and therefore, it requires the best kind of management, be it from the acquisition perspective or the distribution. Alms management constantly confronts with the changing environments, be it in terms of the acquisition and alms distribution. One of the reasons for this is that there are some parts of the assets that have never existed in the earlier era. Realizing this, the discussion on this issue should be handled by those who are qualified in the particular field. It is of interest to know how the management of fatwa of alms in Malaysia, for instance in Terengganu is carried out. Does it still firmly uphold the fundamentals of Shafi’i? Therefore, this article will take a close look at the extent of the influence of the sect in the fatwa management concerning alms. The main approach used in this article is through the field study and the previous analysis of written materials. The data obtained have been edited and analysed qualitatively. Studies find out that it really does exist, the influence of the sect of Syafi’i in the fatwa management in Terengganu including the matter of management of alms’ fatwa. This is based on the (Terenganu) Islamic Affairs Administration Enactment 2001 relating to the procedure of issuing fatwa. Nonetheless, if it goes against the interests of the Muslim society, therefore, any management is free to choose any opinion from scholars of other sects in order for it to be applied.

Key word: Management, Alms Fatwa, The sect of Shafi’i.

Introduction
The management of the fatwa of alms (zakat) often faces various current needs in terms of the acquisition and alms distribution. One of the reasons for this is that part of the fatwa management has been thought of as a little different from that previously. Based on this situation, the discussion on it should be handled by those who have the qualification in the particular field. Nonetheless, we need to know how is the management of fatwa of alms in Malaysia, for instance in Terengganu done? Does it still cling on to the sect of Shafi’i? The effort to materialise the Shari’a of Islam in the Malaysian way of life is a heavy task to undertake. Therefore, this article will seek to examine the extent of the influence of the sect in the fatwa management, especially with regards to alms. The main method adopted in this article is through field study and analysis of previous written materials. The information obtained will be edited and analysed in a qualitative manner. This article mirrors the attachment of the fatwa management to the fundamental of the Shafi’i law legislation not because of their being too obsessed with the sect blindly, but such a situation sometimes takes into consideration the ‘urf of the community that had long practised the sect’s doctrine.

The Management of Fatwa In Islam:
In the times of the Prophet Muhammed, all issues on the laws must be referred to the Prophet himself. This is different from the time after the passing of the Prophet, as all management of fatwa needs to be handed to the scholars at the time. It started in the era of the Brothers, Tabi’in, Tabi’ Tabi’in and finally as the streams of sects led by the imam (leaders of school of Islamic Fiqh) were formed. Therefore, all fatwa issues after the era of the sect formation had been more prone to the adoption of fatwa issued by the imam following their own

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mazhab. This leads to the Mufti or scholars being more tied up and interested in their own respective sect views (al-Khudari. 1965; al-Shirazi. 1970).

The attachment of the management of fatwa to the stream of sect is not localized by nature, but it is currently a global phenomenon. This is due to the fact that all fatwa answered by the mufti should adhere closely to the platform determined by the Syarak despite it being taqlid or influenced by certain sects. However, the Shara’ allows for the mufti to use the element of 

interpreted as a form of law and a

law methodology. In turn, they tend to perform the ijtihad in the framework that has been prepared by the earlier sects (al-Shaykh Abdul Halim Bin Abdul Kadir. 2008).

In addition, every fatwa forwarded by the mufti long ago, did not usually end in resolution for issues that emerge in modern times. According to Ibn al-Qayyim (n.d), the law of shara’ can be categorized into two. The first is that, the fixed law (thabit) which will not change to eternity and that ijtihad cannot be performed against it, and secondly, the laws that are prone to change (mutaghayyir) and suits with the maslahat values, which are current and localized in nature.

The Management of Fatwa in Malaysia:

The management of fatwa in Malaysia is handled by the State Mufti Office in the effort to spread the knowledge especially the one that involves laws. One of the examples that can be introduced is the Terengganu State Mufti Office (JMNT) by looking at the development of the department, its organisational management, administration and the overall handling of the issuance of fatwa.

It cannot be decided when fatwa management in Terengganu had started. Nonetheless, following the historical resource of the state of Terengganu, there was a name-calling like “Syaikh al-Ulama” or “Mufti” held by Syeikh Abdul Malik b. Abdullah or better known as “Tok Pulau Manis. He was not only close to the sultan at the time who was Sultan Zainal Abidin I (1725-1734) but even the palace dignitaries also joined him in studying religion. Tok Pulau Manis was accountable for issuing fatwafatwa on religious principles and religious laws (Shafei Abu Bakar. 1991).

However, a source from the Terengganu State Mufti Office (JMNT) has confirmed on the mufti official appointment and a note that the JMNT had been active during the reign of Sultan Omar (1839-1876). Syeikh Abdul Kadir Bukit Bayas was appointed as the mufti of Terengganu officially, other than becoming a religious teacher to Sultan Omar. He had been in the position starting from 1864 until 1870. As a mufti of Terengganu and the advisor to the Sultan, he had given a lot of guidance on the government policy, in order for it to stay in line with the needs of Islam (Ahmad Fathi al-Fattani. 2001).

In the era of the reign of Sultan Omar, An Arab-descendent scholar named Syed Muhammad b. Zainal Abidin al-Idrus or simply called “Tok Ku Tuan Besar” had also received the acknowledgement with the title of Syeikh al-Ulama as well as “Tuan Besar Paduka Raja”. He was appointed as the mufti of Terengganu starting in 1870 until 1878 (Muhammad Salleh b. Hj. Awang. 1978). The position of the mufti was held by various scholarly figures starting from Syeikh Abdul Kadir Bukit Bayas up until now. The history of the establishment of the JMNT had been seen from two situations, which is firstly, JMNT was excluded from Terengganu Islamic Affair Office and secondly, the background of the establishment of the JMNT after its exclusion.

The Administration and Organisation of The JMNT:

The organisation and the administration of the JMNT is led by a Mufti and facilitated by the staff from the management and professional group also those from the support group. In Terengganu, for the position of the officer, Mufti is aided by a deputy. The support staff comprises of various positions which act to help the administration of the office.

The function of the JMNT is bringing into implementation the duties that have been enforced by the Council, one that serves as a state religious authority in Terengganu. The function of the JMNT is releasing fatwa on behalf of the Council. For the administration and various issues pertaining to fatwa to be smooth-

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1 **Ijtihad** is a technical term of Islamic law that describes the process of making a legal decision by independent interpretation of the legal sources (shari’ah), the Qur’an and the Sunah (Website, http://ejournal-unisma.net).

2 **Taqlid** means practising or applying one’s opinion without making reference to the dalil. (Abu Hamid al-Ghazali. n.d; Muhammad Rawwas al-Qal’aji and Hamid Sadiq Qunaybi. 1988). **Talfiq** means gathering and mixing two opinions and sects in a particular issue so much so that they are able to produce a form of law and a certain concept yielded from the combination, while every sect does not have the same view on everything and does not necessarily endorse such a behaviour (Muhammad Rawwas al-Qal’aji and Hamid Sadiq Qunaybi. 1988).
sailing, the Council has established a committee to advise the Council in issues involving fatwa. It is chaired by the Mufti and the membership is not comprised of the permanent staff (JAKIM Portal: Mufti Terengganu–Terengganu, through the website, http://mufti.islam.gov.my/terengganu).

In the (Terengganu) Islamic Law Enactment 1955, 46 (1), it allocates that the appointment of the Mufti and his deputy is under the jurisdiction of the Duli Yang Maha Mulia Sultan, advised by the Menteri Besar deemed suitable and qualified to be appointed to hold the particular positions (Terengganu Islamic Law Enactment, 1955, 46 (1); Terengganu Mufti Office File; JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu).

In the enactment, it is also stated that the appointments must be gazetted. When this section is made effective, the persons appointed as the mufti and the deputy for the state of Terengganu before the section is made effective must be established as being appointed under this section as the Mufti and the Deputy of Mufti for Terengganu and must continue to hold the positions (Terengganu Islamic Law Enactment, 1955, 46 (1); JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu).

The enactment also mentions that the State Fatwa Committee must consist of the Mufti as the Chairman, the Deputy, not less than two scholars from the Council members named as the Council, not less than three and not more than five persons deemed qualified and suitable whether they come from among the members of the council or otherwise, as long as they are regarded as qualified to be appointed by the Council and an officer from the JMNT appointed by the Council as the Secretary. Five committee members must become the quorum (Terengganu Islamic Law Enactment, 1955, 46 (1); JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu; Ahmad Mohamad Ibrahim. 1998).

Before this section is made effective, anyone who is the member of the Fatwa Committee established under the Enactment previously is subject to the subsection (4) and they are regarded as already being named or appointed as the member of the Fatwa Committee until the expiration of the position (Terengganu Islamic Law Enactment, 1955, 46 (1); JMNT File).

Meanwhile, according to clause 8 (1) Terengganu Islamic Law Enactment 1422H/2001M it allocates that the Mufti is among the members of the Council established by the Duli Yang Maha Mulia al-Sultan (Terengganu Islamic Law Administration Enactment 1422H/2001M, Clause 8 (1); MAIDAM, refer web site, http://maidam.gov.my/keanggotaan).

In May 2006, The state government of Terengganu had become the third state after Negeri Sembilan and Perak which placed the position of the Mufti at par with that of the State Government Meeting Committee Member. Thus, the Mufti of Terengganu is entitled to have access to all facilities granted to the Exco including allowance, compensation and protocol (Web site http://www.terengganu.gov.my).

Preparation and the Issuance of Fatwa In The JMNT:

The procedure of the preparation and the issuance of fatwa in Terengganu has been allocated in the State Government Enactment. However, in terms of the practice, given that the fatwa is only a solution collectively agreed at the Committee level without the approval of the Duli Yang Maha Mulia Sultan, then it will not be gazetted but the minute will be taken. The same goes with the fatwa that comes in the form of answers on the questions raised to the mufti privately either verbally or in writing.

The Classifier of the Form of Fatwa:

Fatwa issued by the JMNT can be classified into three forms of fatwa as shown below (Syed Nazmi b. Tuan Taufek. 2004):

a) The Gazzetted Fatwa:

What is meant by this is that every fatwa decided by the Mufti or the Fatwa Committee after getting the endorsement from the Duli Yang Maha Mulia Sultan and gazetted through the government’s gazette. A fatwa that is gazetted will be made into a law and all the Muslims in this country will be bound by the fatwa. The fatwa in this category is regarded as official and can be publicized to the mass and used for official purposes or serves as evidence in the Court (JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu).
b) Fatwa Agreed and Decided By the Mufti or the State Fatwa Committee But Not Gazetted:

Not all issues or problems brought forward to the Committee or the Mufti are gazetted and made as the state laws. Nonetheless, a fatwa is regarded as government’s document and is subject to related regulations, if a fatwa is applied officially through letter or enquiry. This is due to the fact that some fatwa tend to be thought of confidential and not exposed to the public. Fatwa in this category is also seen as official and can be publicized to the mass but some are thought of as confidential and need not be publicized.

c) Fatwa Issued by The Mufti In Private Directly:

This is indicated by the fatwa being verbal or written answers given by the Mufti in private directly or in certain durations, to those who ask and apply for a fatwa that is based on a particular religious issue. Fatwa decided in this category which involves religious questions and answers cannot be seen as official, especially when the answer is made verbally.

The Factors For Fatwa Being Prepared and Issued:

In terms of the practice, a fatwa is prepared and issued based on four factors which are (Syed Nazmi b. Tuan Taufek. 2004; Ahmad Hidayat b. Buang. 2004; Zulkifli Mohammad al-Bakri. 2007):

1. Questions from the society, government agency and foundation.
2. Government directives.
3. Own initiatives.
4. Other factors like giving spontaneous review and answer on a particular debate

According to the Mufti and officers from the JMNT, the factors of enquiries, getting the directives or own initiatives are the most prominent factors for the fatwa being prepared and issued.

The Process of the Preparing and Gazetting of Fatwa:

On the order of the Duli Yang Maha Mulia Sultan or upon the request of the Committee itself or as requested by any party done through the letter addressed to the Mufti, the Fatwa Committee can issue a particular fatwa on any issues that are yet to be finalized or those that provoke controversy related to the laws of Syara

a) At the Mufti Office Level:

All questions raised through any enquiry channel and the manner in which the questions are answered and explained, will be provided for by the JMNT. Through the practice done at the JMNT, all questions raised will be answered after undergoing the filtering process. The filtering is crucial, seeing that there is a possibility that there exists questions that have nothing to do with the law issues (which may not need answering at all) or when the questions contain some elements of sensitivity (Zulkifli Mohammad al-Bakri. 2007).

b) At the Committee Level:

Before the State Fatwa Committee comes up with a fatwa, the Mufti can ask for a study or research to be carried out as directed and the paper work is to be prepared. Therefore, the Multi will call upon all the members of the Fatwa Committee to hold a meeting for the purpose of discussing the fatwa that is proposed (Zulkifli Mohammad al-Bakri. 2007).

Fatwa Gazetting:

After a fatwa is prepared by the State Fatwa Committee, the Mufti, his representative or on the name of the State Fatwa Committee must propose the fatwa to the Council beforehand. Then, the Council has the right to make the decision after weighing and contemplating on the fatwa and suggesting to the Sultan that the Majesty endorses the gazetting of the fatwa. The proposal done under sub-section (4) must be accompanied with the memorandum of explanation and review by the Council if it is in the opinion that the explanation and the review are necessary (JMNT File; JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu/).
When the fatwa is endorsed by the Duli Yang Maha Mulia Sultan, the Council must inform to the State Government on the fatwa and the information must be the reason for the fatwa to be gazetted. Any fatwa established in the Gazette must be accompanied with the statement that the fatwa is made under this section. A fatwa must be published in the national language in the Arabic or the rumi version. Yet, any statement made by the Fatwa Committee cannot be deemed as a fatwa, other than the fact that the statement is published in the Gazette according to sub-section (6) (JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu/).

Amendment, Modification or the Cancellation of Fatwa:

In section 52 (1) there is an allocation that the Fatwa Committee can amend, modify or cancel any fatwa that has been published in the Gazette under this Enactment or under the enactment ruled earlier. Any amendment, modification or cancellation of a fatwa must be regarded as a fatwa and allocations of section 50, with the exception of the sub-section 50 (7) should also be used. In the meantime, any amendment, modification or cancellation of a fatwa must be accompanied with a statement that the fatwa is done under sub-section (1). (JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu/).

At the same time, The Terengganu Enactment has clearly mentioned that any decision made in the issues arising must be referred back to the Committee (Noor Naemah bt. Abdul Rahman. 2003). This is following Enactment 25 (5) which states that: “If no decision is to be made on the Syara’ Law then the agenda in the Fatwa Committee is extended to the Council for that matter, then any opinion must be referred back to the Committee to finalise the decision”.

The Publication of Fatwa:

JMNT has established a fatwa decided by the Mufti dan Fatwa Committee in various forms of publication. Among the forms of publication that have been identified according to the Mufti are those in the forms of Government Gazette, compilation of fatwa. Among which is the Terengganu Islamic Office (1971), Fatwa – Fatwa Mufti Kerajaan Terengganu: Dari Tahun Hijrah 1372-1389 Bersamaan Tahun 1953-1970; Terengganu Islamic Office (1986, 1987 and 2000), Fatwa Mufti, JMNT (199), Himpunan Jawapan Kemusykilan-Kemusykilan Agama; Majlis Agama Islam dan Adat Melayu Terengganu (2001), Himpunan Fatwa Mufti Negeri Terengganu), magazines as an example, al-Risalah distributed by the JMNT every month, pamphlet, distributed letters to the districts/areas.

From the writer’s observation, in publishing compilations of fatwa, JMNT does make a classification on the fatwa study fields but some of them have not been arranged systematically following the Islamic study discipline. This is because some of the publications of the compilation of fatwa have been arranged in disorderly manner in various pages, not properly placed in a chapter concerning a particular issue. Some of the fields that are of interest include:
1. Usuluddin which covers faith to God, prophecy, supernatural, doomsday and as such
2. Syariah that involves religious worship, sell-and-purchase, marriage, crime and so on
3. Mannerism and social which involve the society’s daily practices, customs and traditions of a particular society and so on.

The Spreading of Fatwa:

Fatwa published by the JMNT as mentioned above seeks to be spread to the general public. Nonetheless, some fatwa cannot be spread above on some specific reasons such as the fact that the fatwa that involves the above matters and those that twinge on the sensitivity of the community. The spreading of fatwa serves as one of the strategies of the JMNT to provide knowledge on religion by way of spreading printed materials including using the Internet facilities like e-Fatwa and so on (JAKIM Portal: Mufti Terengganu–Terengganu, through the web site, http://mufti.islam.gov.my/terengganu/).

The fatwa spreading activity by JMNT (previously Terengganu Islamic Affair Department) has been very welcoming as most of the printed materials containing the fatwa of the mufti are distributed for free to the community. For instance, the Fatwa Mufti book in its first printing in 1986 had come to about 1000 copies, the second printing in 1987 accumulated to 5000 copies and the third printing cetakan in 2000 was 1000 copies. All the books were distributed free to the mass (Jabatan Hal Ehwal Agama Terengganu. 2000).
The Enforcement of Fatwa:

In terms of the enforcement, the mufti or the JMNT is not assigned as someone held responsible to enforce a particular fatwa. The Mufti or the JMNT is only assigned to explain on the laws and resolve a particular religious issue raised by the community, government or certain bodies or associations. Nonetheless, fatwa gazetted not only is restricted to all the Muslims residing in Terengganu as religious teaching and it is compulsory for them to adhere to it and hold on to the fatwa, except that if they are allowed by the Shara’ to not follow the fatwa in matters pertinent to belief, practice or personal opinion. Meanwhile, a particular fatwa must be acknowledged by all the Courts in Terengganu on every matter stated in it (Abdul Monir Yaacob and Wan Roslili Abd. Majid. 1998).

In the context of the gazetted fatwa, the Terengganu Enactment allocates that the Council on behalf of the state government has the role to play, as the party that can chase the Muslims who violate the fatwa at the Shari’a court. The Council can acknowledge any book, record, or tape, letter, film and anything similar found to be contrasting and violating the Syara’ and for the imposing of any punishment at the Syari’a court (Terengganu Enactment (Item .12/1986), s.27(1).

The Reference Source of Fatwa:

The methodology and management of fatwa administered by the JMNT are thought to be in tandem with what had been proposed by Ibn al-Salah. He used to state and assertion that mufti with a sect with any imam mujtahid comes in four types (Ibn al-Salah. 1986):

Mufti that does not perform taqlid with the sect of his imam and evidence, as he is capable of mastering the supposed criteria and knowledge that are to be mastered by mujtahid mutlaq. He is also established as mufti with a sect as his ijtihad is guided by the methodology of certain imam who have established their opinions.

Mufti capable to perform ijtihad in the scope of his own imam’s sect. Thus, he is able to elaborate on his sect based on the dalil or the method adopted by his imam. However, he does not fulfill the mujtahid mutlaq criteria because he lacks the knowledge and tools required by mujtahid mutlaq. This group is named Ashab al-Wujuh wa al-Turuq fi al-Madhhab.

Mufti who does not fulfill the criteria of the mufti above because he does not have the expertise in formulating and validating the law. Put simply, he is not able to master usul al-fiqh or knowledge that can help him perform the ijtihad although he is faqih in his sect, and know and is able to explain and formulate the dalil of the sect.

Mufti who is only able to solve any issue by recalling the opinion or fatwa of the sect and is able to quote and comprehend the problem that emerges in the books of the sect either ones that are clear or complicated, but does not have the competency in elaborating on the dalil and all forms of the qiyas.

The ways to identify the qawl mu’tamad of the sect in the fatwa in Terengganu are (Ahmad Termizi bin Taha and Syed Mohd Azmi bin Syed Ab. Rahman. 2007):

- To dictate that the opinion is final.
- The opinion emerges subsequently from the opinion that conflicts with it.
- Fellow fuqaha’ of the sect makes it the basic tafri’.
- Opinion that is in contrast to the opinion is confirmed to be inaccurate.
- The opinion is in line with the other fiqh sects.

From the perspective of the source, qawl mu’tamad in the sect of Syafi’i can be categorized into two groups (Ahmad Termizi bin Taha and Syed Mohd Azmi bin Syed Ab. Rahman. 2007):

i Qawl Mu’tamad of the Imam Shafici Qawl mu’tamad sourced from Imam Shafi’i comes in two forms:

a. Qawl mu’tamad whereby the contrasting opinion is dictated to be weak and known as al-Masyhur.

b. Qawl mu’tamad whereby the contrasting opinion is verdicted as strong and known as al-azhar or the strongest opinion.

ii Qawl Mu’tamad of the Followers of Syafi’i Qawl mu’tamad resourced from the followers of the sect also comes in two forms:

a. Qawl mu’tamad hereby the contrasting opinion is dictated to be weak and known as al-sahih.

b. Qawl mu’tamad whereby the contrasting opinion is verdicted as strong and known as al-asah or the strongest opinion.
Both categories of qawl mu’tamad have the same position. The fatwa council and the court must make it a reference when deciding on a fatwa and making the verdict. Meanwhile the weak qawl can only be practices for oneself (Ahmad Termizi bin Taha and Syed Mohd Azmi bin Syed Ab. Rahman. 2007). Imam Nawawi, a well-known scholar from the sect of Shafici also upholds the opinion that contrasts with the qawl mu’tamad of the sect in some fiqh-related issues. Among the books of the sect selected by the thesis’ writer is the book Minhaj al-Talibin Rawdah al-Talibin composed by Imam Nawawi need to be examined by the party involved in issuing fatwa seeing that the book is specially composed by the Mufti. The book not only contains qawl mu’tamad of the Syafi’i sect, but also it contains qawl that it not of mu’tamad and Imam Nawawi’s own personal opinion (Ahmad Termizi bin Taha and Syed Mohd Azmi bin Syed Ab. Rahman. 2007).

Therefore, in the process of issuing any fatwa on alms or zakat, the JMNT adopts the reference material of the fatwa based on the particular sect as found in the books. This leans on the allocation contained in the Shara’ Law Administration Enactment. Normally, the fatwa issued comes in the form of the gazette, the Fatwa Committee and the mufti himself with close reference to the sect of Syafi’i (JAKIM Portal: Mufti Terengganu–Law Administration Legislation 1955 (1357) (Laws Item. 4 years 1955), Clause 21(1): “as any fatwa is made and issued on any of the issues concerning the shara’ laws, or evidence according to the matter mentioned above, therefore the mufti must normally follow the finalized qaul in the sect of Syafi’i”.

In the above enactment, the sect of Syafi’i is named an official sect in the fatwa institution in Terengganu. Although normally, the view of the sect has become the doctrine that binds the fatwa practice in Terengganu, there is also an allocation which permits for any fatwa or law interpretation to be made based on other sects and gives room for it not to be confined to Syafi’i based doctrines alone. The permission can be implemented if the opinion of the sect in certain issues violates and intervenes the public interests. As an example, section 26(1) Terengganu Islamic Affairs Administration Enactment (1986) has allocated that, if the Fatwa Committee is in the opinion that by following the finalized qawl in the sect of Syafi’i there will be incidents that violate the public interests, then the committee is allowed to do so in the sects of Hanafi, Malik and Hanbali. The enactment states further (Terengganu Islamic Affairs Administration Enactment (1986) seksyen 26(1); Noor Naemah bt. Abdul Rahman. 2003):

“Except for maslahah and the welfare of the Muslims, then it can issue a fatwa or interpretation based on any sect of the four or the sect deemed suitable by the fatwa committee”

Even ins everal circumstances, if the committee opines that there is none of the qawl from the four sects can be abided by, without bringing about something that violates the interests of the public, the committee is allowed to issue a fatwa following ijtihad without being confined to the qawl from any of the four sects (JAKIM Portal: Mufti Terengganu–Law Administration Legislation 1955 (1357) (Laws Item. 4 years 1955), Clause 21(1):)

In the enactment above, it is depicted that the mufti and the Fatwa Committee are given the freedom to express its own opinion without being obligated to any of the sects, if the opinions concerned have violated the public interests. In the perspective of the sect of Syafi’i, it does not solely concentrate on finalized opinions or others, but provides the flexibility to the mufti or the fatwa committee to lean on other sects, other than the four main ones.

Conclusion

Based on the study that has been conducted, the significance of the influence of the Syafi’i sect in the institution of fatwa in Terengganu is undeniable, especially in the area of alms’ fatwa management. It leans on the enactment above which allocates that the sect of Syafi’i must serve as the basis of laws first if it does not go against the public interests, among the Muslim society. Other than that, the fatwa institution has been lenient to the muftis and the Fatwa committee in being selective of any fuqaha opinion from other sects or they are able to perform ijtihad if it goes hand in hand with the public needs and interests. Meanwhile, the common points of reference have been based on the muftis, most of whom are of the sect of Shafii- among the important factors in highlighting the influence of the sect of Syafi’i in the institution of fatwa in Terengganu.

Reference


Terengganu Islamic Affairs Administration Enactment, 2001M, Clause 8 (1).

Terengganu Islamic Law Enactment, 1955, 46 (1).

Terengganu Islamic Law Enactment, 1955, 46 (1).

Terengganu Mufti Department File.


Terengganu Islamic Affairs Administration Enactment, 1986. section 26(1).

Terengganu Shara’ Laws Administration Legislation 1955. (1357) (Law Item. 4 years 1955), clause 21 (1).


