

THE METHODOLOGY OF DELIVERING FATWAS AND RULING ANSWERS: A CONTEMPORARY PERSPECTIVE IN MALAYSIA

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ABSTRACT

The way fatwas are delivered in modern Malaysia is crucial for guiding Muslims effectively in today's world. Without appropriate and effective delivery methods, fatwas and legal rulings are feared to be unable to achieve objectives and may even tarnish the image of Islam and religious scholars. This paper which is based on qualitative research, looks at different aspects of this process. It starts by explaining how fatwas are viewed in Islam and then looks at how they are practiced in Malaysia, distinguishing between official and unofficial fatwas. The paper stresses the importance of considering society and the law when issuing fatwas. In understanding the reality of the questioner and society, the paper emphasizes the need to adapt fatwas to local customs and culture. It suggests moving away from blindly following old interpretations and instead encourages scholars to address modern challenges through thoughtful interpretation. The paper also emphasizes the importance of making fatwas easy to understand and not burdensome, in line with Islam's focus on practicality. It suggests that fatwas should be presented clearly and logically, supported by strong arguments and evidence, to gain credibility and acceptance. Lastly, the paper discusses using modern technology like online platforms and mobile apps to reach more people with fatwas. It mentions the role of social media and multimedia in helping people engage with religious rulings. In conclusion, the paper highlights the need for a systematic and relevant approach to issuing fatwas in Malaysia. By focusing on clarity, relevance, and accessibility, Islamic scholars can ensure that fatwas continue to guide Muslims in navigating modern life while staying true to Shariah ruling.

Keywords: Contemporary, Fatwa, Malaysia, Methodology, Ruling Answer

1.0 INTRODUCTION

Any work or action can be successful if it has a methodology that is systematic and effective. This also applies to the field of fatwas or the issuance of ruling answers, where authority figures like muftis decide the presentation style and how it affects the continuity of religious activities within the Islamic community. The history of Islamic law has shown that the manner in which the Prophet Muhammad SAW imparted Islamic teachings was not only effective and successful in achieving its objectives, but it also helped teach a society that was uneducated to become the most noble of communities. However, with the change of times, the process of delivering fatwas requires new pertinent approaches that take into account the facts while maintaining the fundamental discipline.

2.0 ISLAMIC PERSPECTIVE ON THE FATWA

Al-Qaradawi (1988) and al-Zuhaili (1996) define fatwa as any official response to any religious query, whether it be one of a person or a group. The Arabic term *fatawa* is derived from *fata-yafu-fatwan*. *Futyān* and *fatwa* are two terms used for *al-iftā'*, which is the act of issuing a fatwa by a mufti about a legal matter or a legal interest issued by a jurist (Ibn Manzūr, 1956; Hasan, 1997). Those who bear the title of mujtahid can obtain an authorized definition of fatwa issuance from scholars such as al-Baidawi (685H) and al-Badakhshi (1953).

The mufti's authority and the persuasiveness of the argument supported by Islamic evidence using particular inference techniques are taken into consideration when evaluating the strength of a fatwa (Bar, 2005). Therefore, a fatwa is not considered authentic if it is delivered by an unqualified person, based only on personal preferences or ideas, or if it conflicts with Islamic evidence. Another term that is used to define a fatwa is '*mustafti*', which describes both the act of answering (referred to as '*istiftā'*') and the person who is inquiring. (Othman, 1996).

'Fatwa' appears eleven times in nine different verses throughout the Quran. Various meanings and intentions underpin these usage (Rahman, 2001). To put it another way, the meaning of each varies according on the verse's usage and context. In the first instance, the term is used to signify asking for clarification or a ruling responses that will have legal implications. The second usage relates to asking for clarification and elucidation that is not related to legal matters, and the third usage gives the Prophet Muhammad SAW instructions not to ask for a fatwa from non-believers and to ask for a fatwa from them with the goal of undermining and challenging their beliefs.

3.0 THE PRACTICE OF FATWA IN MALAYSIA

There are two main types of fatwas that are commonly used in Malaysia, official and unauthorized fatwas. In more depth, though, fatwas can also be divided into three categories: the mufti's opinions, public fatwas, and unpublished fatwas. Published fatwas are official fatwas that have been decided upon by the mufti or mufti committee with the sultan's or ruler's approval. Publication through government gazettes is subject to permission by the State Executive Council and State Legal Adviser in certain other states. A fatwa that is published becomes enforceable against all Muslims in the state in which it is published (Buang, 2000).

Conversely, answers to queries without any consensus for publication are referred to as unpublished fatwas. Its non-recognition by any court makes it very challenging to apply and enforce. Not every matter presented to the mufti or fatwa committee is published to become legislation. However, a fatwa is regarded as a government document and is governed by applicable laws when it is formally obtained through letters or inquiry. As a result, some of these fatwas are private and should not be shared with the wider public. This group comprises the National Fatwa Council deliberations, which are considered private despite their lack of legal standing (Buang, 2004).

The first and second categories of fatwas deal with significant societal challenges for which no Islamic reference book offers a definitive solution. The comments expressed by the mufti, whether in writing or verbally, based on their personal beliefs during religious Q&A sessions in person, through the media, or over the phone, fall into the third group. Since the fatwa is based solely on the mufti's personal opinion and does not involve committee meetings, it does not bind any particular Muslim. Oral fatwas of this kind are not official. As a result, these fatwas may be released for public use. For instance, the State Mufti of

Kelantan's Collection of Fatwas, which appeared in the *Pengasuh* magazine circa 1920s (Buang, 2004).

In conclusion, even though the Islamic tradition regards the practice of muftis providing religious legal advice as 'fatwa', the definition of this term has changed over time in tandem with regional traditions and shifts in social mores.

4.0 METHODOLOGY OF DELIVERING FATWAS AND RULING ANSWERS FROM A CONTEMPORARY PERSPECTIVE IN MALAYSIA

Modern Muslims face problems and conflict, divided between remaining faithful and surrendering to wants. People live in a materialistic world, valuing self-interest, and the majority are somewhat disconnected from religious doctrine. Therefore, it is the obligation of Islamic scholars, especially those involved in issuing fatwas, to provide explanations and facilitate religious activities for the community while preserving the agreed-upon core principles of Shariah ('Uqlah, 1991).

Regarding the historical trajectory of fatwa practices since the time of the Prophet Muhammad SAW, the process of issuing fatwas has played an important part in the formation of Islamic law. As a result, the practice of fatwa in this era demands more organized, disciplined, and systematic methodological direction to build rules that are accurate and effective for adoption by society (Rahman, 2003).

In general, the methodology in question is separated into two major parts: the method of issuing and the method of delivery. The technique of issuance is studied and elaborated on in books and publications about inference procedures, whereas the method of delivery is detailed in fatwas, muftis, and Islamic history. This article focuses on how to offer legal responses or the best methods for providing fatwas to the public. In essence, the delivery method is another topic of discussion on the principles of Islamic jurisprudence (*Usul al-Fiqh*) that receives less attention than other branches of discussion.

Based on the analysis of suggestions from classical and contemporary scholars who are experts in the field of fatwa (al-Qaradawi, 1988; al-Harrani, 1380H; al-Mughni, n.d.; Majid, 2000; Rahman, 2003; Razak, 2013), the writer elaborates on the method of delivering fatwas based on current realities in Malaysia, as follows:

4.1 Understanding the Reality of the Questioner (*Mustafti*) and Society

Understanding the intended reality entails understanding the question, the questioner's cultural background, the sociological environment, and an assessment of their current living conditions (Majid, 2000). To go deeper, the importance of comprehending the actuality of the question and the questioner is derived from various instances recounted in the sayings of the Prophet Muhammad SAW. Among them, Abu Hurairah RA recounted a Hadith that states:

"Once a man came to Prophet Muhammad SAW asking about the ruling on being intimate with his wife while he was fasting, and the Prophet SAW permitted him to do so. Conversely, Prophet Muhammad SAW prohibited another man from doing the same..."

(Narrated by Abu Daud)

This happened because the first man who asked Prophet Muhammad was elderly and frail, whereas the second man was younger. The example above demonstrates how Prophet Muhammad fully grasped the topic by responding differently to the identical question based on the questioners' diverse backgrounds. The answers provided were appropriate and reasonable for each questioner's standpoint. This depiction clearly shows that the

questioner's background effects their interpretation of the question and the legal response to be provided (Zameno, 2008). As a result, for issues questioned directly, a mufti must carefully analyze the questioner's background in terms of age, social rank, and other criteria.

A mufti should also consider societal realities. When a ruling question is posed to the mufti in writing or when the issue goes viral across the community, it might be assumed that the questioner is representing not just themselves but also a group of community members who are experiencing the same difficulty. Therefore, muftis must be sensitive to the Islamic understanding of the Muslim population in this country.

Malaysia's Malay community has represented the Islamic community since Islam arrived in the Malay realm. In terms of theology, Malay society traditionally follows the teachings of Ash'ariyyah or Ahl al-Sunnah wal Jama'ah, adheres to the Shafi'i school of fiqh, and practices sufism based on al-Ghazali's teachings as well as some sufi organizations (Abdullah, 1992). Most Malaysian states, with the exception of Perlis, acknowledge this reality in their fatwa enactments. State muftis and fatwa committees will consider the Shafi'i school as the primary reference before accepting opinions from other schools if there is a conflict with public interest in their particular states (Kasan, 2008).

Regarding the Malay community's lifestyle or culture, it has distinct characteristics that distinguish it from Muslim cultures elsewhere, such as dress style, social interactions, customs, family relationships, language, literature, arts, and so on (Hamid, 1985). The primary explanation for these qualities, as mentioned, is because the Malay population lives in locations with a mild climate, resulting in individuals with kind souls as compared to those living in hot climates such as the Middle East (Ibn Khaldun, n.d.). Therefore, fatwas should be given in accordance with local customs, using a delicate and moderate approach.

Fatwas to be issued should take into account not only the special demands of Malay-Muslim society, but also the sensitivities of Malaysian society in general. The provisions of the Malaysian Constitution acknowledge that Malay-Muslims in Malaysia live in a multicultural society with diverse cultural and religious roots. This condition also implies that, although being the majority, the Malay community's absolute authority is limited to Malay customs and Islamic religion (Ibrahim & Joned, 1999). It is critical to realize that the author does not intend that Islamic law must accommodate the requests of minority communities, but rather that appropriate consideration of cultural sensitivities should be prioritized before issuing any fatwa.

The following explanation demonstrates that the reality of Malaysia's Islamic community plays a critical role in deciding judicial replies or fatwas. A broad review has also shown the existence of legal concerns that are truly current and local in Malaysia, which were not present in the past or in classical fiqh works. Therefore, it becomes the duty of muftis to do their best efforts in discovering the finest ruling solutions to the issues given properly, without violating the principles defined by Shariah (Rahman, 2008).

4.2 Free from 'Asabiyyah and Taqlid

Muslims should uphold the intellectual values established by classical scholars who founded their separate schools of fiqh. This is because history has shown that their wisdom and care in issuing fatwas surpasses that of modern experts (Rahman, 2004). However, fatwas undergo revisions depending on particular factors. Fatwas are *ijtihadiyyah* in nature, which means they are fundamentally relative to time, location, and situation. This is because rules are predicated on the presence of Allah. When the *'illah* changes, the law changes to reflect the reality of the *'illah* (al-Zuhaili, 1986).

In this regard, society should understand that the way to respect and honor the contributions of past fuqaha and imams of schools of thought is to use their methods and principles of ijihad and legal research as very useful reference materials (al-Qaradawi, 1996). With this approach, discussions on fiqh rules are no longer static, but fluid, meeting contemporary interests based on established Islamic approaches.

The history of Islamic ruling law also shows that a ruling can vary dependent on local circumstances. The clearest example is when Imam al-Shafi'i's fiqh evolved in response to local reality. The introduction of new perspectives during his time in Egypt demonstrates a review of past thoughts or opinions held while in Iraq. Imam al-Shafi'i reassessed these ideas based on variances in place, time, and customs, as well as the finding of a hadith that he was previously ignorant of (Ali, 2008).

The rapid advancement of the modern world emphasizes the significance of legal scholars engaging in ijihad and breaking free from blind allegiance. This is because, as previously said, numerous never have been seen new cases are appearing in earlier publications, necessitating extensive research to settle (al-Qasimi, 1986). According to al-Qaradawi (1996), fulfilling this need does not necessarily require one to attain the status of a *Mujtahid Mutlaq*, but it is sufficient to meet certain requirements such as the ability to understand evidence and perform *istinbat*, the capability to perform *tarjih* (evaluation) among various opinions using specific methods and methodologies compiled by Islamic ruling scholars, and possessing expertise and qualifications to engage in partial ijihad on new issues.

To meet the necessity for current ijihad, most modern scholars advise that it should be conducted collectively, also known as collective ijihad or *ijihad Jama'i*. This technique allows experts from diverse fields to collaborate and share information in tackling current difficulties. (Rahman, 2004). The author highlights that the concept of being free of attachment or blind allegiance is limited to legal scholars who are experts, not the ordinary population. The general population should subscribe to or follow (*taqlid*) any school of thinking of a mujtahid imam, regardless of whether they stick to a single mujtahid or switch between different mujtahids. (Al-Buthi, 1985)

4.3 Convenient and Non-Burdensome

Islam is a religion that is simple, practical, and relevant throughout history. In line with this reality, those involved in the practice of issuing fatwas are encouraged to adopt an approach of facilitating and easing, rather than complicating and burdening, so that people can fulfill their religious responsibilities easily and in accordance with Shariah's objectives (al-Qaradawi, 1996).

The author's use of the term 'not burdensome' suggests that it is neither narrow nor burdensome. There are numerous verses in the Quran and hadiths that stress this point. Among them is the utterance of Allah SWT, which means:

"No hardship in the religion".
(Al-Hajj (22): 78)

"Allah intends ease for you, not hardship".
(Al-Baqarah (2): 185)

Meanwhile, the hadiths of the Prophet Muhammad SAW extensively discuss this issue. Among them is a statement of the Prophet Muhammad SAW that means:

“Give glad tidings and do not make people run away from you; make things easy and do not make them difficult”

(Narrated by Muslim)

The Quran’s descent and the application of its laws occurred gradually in order to enable mankind’s worship. In this regard, the Prophet Muhammad SAW condemned individuals who made Islam so difficult that it caused suffering and difficulty. The saying of the Prophet Muhammad SAW implies:

“Whatever I forbid you from doing, stay away from it. And whatever I command you to do, do it to the best of your ability”

(Narrated by al-Bukhari and Muslim)

Although the notion of convenience is emphasized in Islam, it does not mean leniency in dealing with sections of Islamic texts that clearly state their requirements. This is because the true goal (maqasid) of Shariah is to ensure the safety and well-being of life in this world and the next (al-'Alim, 1994). It is not proper to disobey the rules of Islamic laws that have already been established with the objective of aiding the performance of religious responsibilities, since it fully opposes the principle of allowable leniency and the purpose of human creation.

4.4 Presenting Clear and Rational

Writings on fatwas demonstrate a consensus to formulate fatwas in a brief and condensed way, omitting details such as lawful, impermissible, halal, or haram. However, al-Qaradawi opposes this technique. He believes that a mufti does not only provides answers, but also serves as a teacher, guide, leader, doctor, and enlightener for the community. Therefore, a mufti must explain a fatwa clearly and fully to bring more benefits to the questioner and the community (al-Qaradawi, 1988).

Prophet Muhammad SAW used this strategy while issuing fatwas, even repeating the fatwa to ensure that the inquisitive community grasped the intricacies. The Prophet did not only respond to the precise subject posed, but he also offered related topics indirectly in order to provide his companions with a more complete understanding. This reflects the Prophet’s practice of not only delivering straight answers to inquiries, but also including facts and explanations as needed and appropriate. This perspective demonstrates that suitability and necessity determine whether the fatwa response needs to be extensive or brief, as each has its own grounds and bases (Razak, 2013).

In terms of credibility, a fatwa should be clear, engaging, and rational, with supporting arguments and proof. When there are opposing viewpoints on the stated problem, the party delivering the fatwa should explain why a particular opinion was chosen (Kasan 2008). This strategy ensures that the fatwa is fully recognized, especially when dealing with vital and difficult matters. Furthermore, in the modern challenging times where Islam is often viewed as inflexible and impractical, any review, facts, logic, and arguments should be offered to support and enhance the chosen solution.

Furthermore, fatwas can be made more engaging and valuable by presenting the wisdom and *'illah* (reason) behind the determination of a specific ruling (Bakar, 1995). As a result, the choice will be stronger and more easily accepted by the public, as current society appreciates logical thinking when accepting something. This strategy was employed in the Quran itself when Allah SWT instructed the Prophet Muhammad SAW to explain the *'illah* and wisdom behind the restriction of contacting one’s wife during menstruation. The words of Allah SWT mean:

“They ask you about menstruation. Say, “Beware of its harm! So keep away, and do not have intercourse with your wives during their monthly cycles until they are purified. When they purify themselves, then you may approach them in the manner specified by Allah. Surely Allah loves those who always turn to Him in repentance and those who purify themselves”

(Al-Baqarah (2): 222)

With such justifications, it is simpler to persuade the community to accept the supply, as everyone is horrified by the impurity. Based on the wisdom of the Quran, it is clear that a mufti's primary priority should be the wisdom of applying psychological ways to bring explanation and understanding to the community. When dealing with relatively unknown legal issues, muftis are encouraged to provide an introduction, which is a short description of the topic that can be used as an opener or introduction to the fatwa presented. This is intended to catch the attention of those who ask, and then accept the fatwa with ease and an open heart.

A mufti is also urged to provide alternatives to fatwas issued, particularly in cases with discrepancies. If it is discovered that the matter raised by the community is forbidden, the mufti must explain it carefully while presenting other possible solutions. In this manner, the Islamic community will be satisfied with the explained solution and convey a positive perception to the larger community that Islam is a practical and ageless faith.

4.5 Using Current Technologies to Spread Fatwa in Malaysia

With the advancement of technology, there are now various modern methods being used to spread fatwas in Malaysia. One of the prominent methods is through the use of online platforms. Online platforms have emerged as a popular and accessible medium for disseminating fatwas to the masses. The use of online platforms for spreading fatwas in Malaysia has revolutionized the accessibility and reach of religious rulings. These platforms not only disseminate fatwas to the masses but also allow for interactive engagement and discussion among the public. Social media, in particular, has become a powerful tool for religious authorities to reach a wide audience and address contemporary issues through fatwas (Saepullah & Muchtar, 2020).

Furthermore, mobile applications specifically designed for accessing fatwas have gained popularity, providing a convenient way for individuals to seek guidance on the go. These applications offer comprehensive databases of fatwas, making it easier for people to access and understand religious rulings in a timely manner.

Moreover, the integration of multimedia content, such as videos and podcasts, has enhanced the engagement and understanding of fatwas, catering to different learning styles and preferences. This multi-faceted approach to spreading fatwas has not only increased accessibility but also facilitated a deeper understanding and interpretation of religious rulings among the Malaysian population. In addition, television and radio programs have played a significant role in the dissemination of fatwas in Malaysia. These programs often feature religious scholars and muftis who present and discuss fatwas on various topics, allowing the audience to learn and engage with religious rulings.

The Federal Territories Mufti Department is one of the mufti departments that actively share fatwas and legal answers with the public via online channels. We can see that the topics provided to the public are current and written in plain language that is easy to understand. Such endeavors should be recognized and expanded upon by mufti

departments and other legal scholars. The Federal Territories Mufti Department (2019) has also explained its methodology which is intriguing for future investigation.

5.0 CONCLUSION

Fatwa is a vital component of Islam. Looking at the overall history of Islamic jurisprudence, numerous schools and approaches have affected the practice of fatwa in each age. Fatwa has been discovered to play an important function in guiding and explaining Islamic regulations to the entire community for both current and future activities. Fatwa is alive, dynamic, and changing, reacting to contemporary society's thinking and intellectualism by providing solutions and reactions to everyday questions from a religious perspective. However, it is not something that can be taken lightly without authority, credibility, and extensive research. As a result, as previously said, established ways of issuing fatwas that are consistent with present circumstances can serve as basic recommendations for muftis and Islamic scholars participating in fatwa matters in order to achieve the goal of harmony and continuity in the practice of Islamic ruling.

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