



اُونِيُوَرَسِيْتِي تِيكْنُولُوْجِي مَارَا
UNIVERSITI
TEKNOLOGI
MARA

ACADEMY OF CONTEMPORARY ISLAMIC STUDIES

BACHELOR OF MUAMALAT

IC210

FIQH MUQARAN (IMU601)

**ASSIGNMENT: THE IMPORTANCE OF COMPARATIVE FIQH IN
CONTEMPORARY ISSUES**

PREPARED BY:

NO.	NAME	STUDENT ID
1.	MUTHMAINNAH BINTI MAHASSAN	2021481082
2.	NUR AUNI HUDA BINTI MD RAHIM	2021836456
3.	NURUL ASHIKIN BINTI ZAHARI	2021868904
4.	WAN NURUL BALQIS BINTI ZAIHAN MARICAN	2021836466

GROUP: D1IC2104B

PREPARED FOR: DR. AHMAD MURSHIDI BIN MUSTAPHA

SUBMISSION DATE: 5TH JUNE 2023

STUDENT DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

We hereby acknowledge that in fact all of the work in the preparation of this academic work is the result of our own efforts and works except as expressly stated.

Date: 02/06/2023

Name: WAN NURUL BALQIS BINTI ZAIHAN MARICAN

ID No: 2021836466

Name: NUR AUNI HUDA BINTI MD RAHIM

ID No: 2021836456

Name: NURUL ASHIKIN BINTI ZAHARI

ID No: 2021868904

Name: MUTHMAINNAH BINTI MAHASSAN

ID No: 2021481082

ACKNOWLEDGEMENT

First and foremost, praise be to Allah S.W.T., the Almighty, on whom ultimately, we depend for sustenance and guidance. We thank to Allah for giving us this opportunity, strength and determination to complete this assignment successfully before the deadline. We also thanks to our parents because of them we can finish this assignment with their support and prayer.

Furthermore, with the help from our lecturer, Dr. Ahmad Murshidi Bin Mustapha, we are able to overcome the problems certainly. Thus, we would like to express our profound gratitude and our deep regards to our wise lecturer for her exemplary guidance, monitoring and constant encouragement throughout the course of this assignment. Otherwise, the task would not be perfect.

Not to mention, that the assignment cannot be completed without the efforts given also cooperation from the group members.

Finally, we would like to expand our gratitude to all those who have directly and indirectly guided us to writing this assignment.

TABLE OF CONTENT

NO.	CONTENT	PAGES
	ACKNOWLEDGEMENT	ii
1.	INTRODUCTION	1-2
2.	RESEARCH OBJECTIVE	3
3.	ELABORATION OF CONTENTS AND IDEAS: 3.1 DEFINITION OF AL-FIQH AL-MUQĀRAN 3.2 THE PRINCIPLES OF FIQH OUTLINED BY SCHOLARS 3.3 IMPORTANCE OF COMPARATIVE FIQH FOR THE FIQH OF CONTEMPORARY ISSUES AND NEW QUESTIONS 3.4 THE DEFINITION OF AL-QAḌĀYĀ AL-MU‘AŞIRAH (CONTEMPORARY ISSUES) 3.5 CHARACTERISTICS OF AL-QAḌĀYĀ AL-MU‘AŞIRAH (CONTEMPORARY ISSUES)	 4-5 5-6 6-8 8 8-9
4.	ANALYSIS AND DISCUSSION 4.1 JUSTIFICATION FOR POSTPONEMENT OF WORSHIP PRACTICES SUCH AS CONGREGATIONAL PRAYER, FRIDAY PRAYER, AIDILFITRI AND AIDILADHA PRAYERS 4.2 SHARIA GUIDANCE IN MUAMALAT MATTERS DURING THE COVID-19 PANDEMIC 4.3 THE OBLIGATION TO USE NON-HALAL MATERIALS IN THE PROCESS OF TREATMENT AND MEDICINE FOR COVID-19 PATIENTS	 10-11 11-13 14-15
5.	CONCLUSION	16-17
6.	REFERENCES	18

1.0) INTRODUCTION

Islam is a religion and a way of life that is syumul or comprehensive, where all its rules have been determined in all aspects of human life ranging from the question of faith, worship, and morality, to the affairs of society and statehood which range from economic, educational, political and social domains. The source of the ruling from al-Quran and al-Sunnah is the best guide to mankind where it is the revelation of Allah SWT which contains the legal explanation for every question in everyday life. The sanctioning of the ruling found in the Quran and al-Sunnah is included in two components which are Al-Thawabit (permanent and eternal) and al-mutaghayyirat (which can change). Al-Thawabit is the fundamental Islam which is the pillar, foundation, and principle of religion which does not change until the day of Resurrection, while al-mutaghayyirat is the branches or furu' ruling that can change according to the circumstances of the atmosphere and times.

The law that can change is subject to waqi' or the current reality which usually refers to the current values of culture, customs, or 'urf as well as the needs of a society in a particular locality. This change is aimed at maintaining the welfare of human life in accordance with the purpose of the Shari'a. The component of Al-Mutaghayyirat consists of rulings that are ijthadi in various fields of fiqh and it can be further developed by Islamic jurists. In other expressions, the Islamic Shari'a is fixed on matters of motion and is flexible in matters of furu' which involves many current questions in any dimension of human life.

The world today is also witnessing the increasing development of technology, more and more new things that arise involving legal problems that never arose during the time of past scholars and there is no legal answer to the problem in the treasures of past jurists. Most of the current problems that are branching atu furu' have not found a detailed answer in the Quran and al-Sunnah. Usually, the majority of these problems are included in the mutaghaiyyirat component. However, the general principle of fundamentals or thhababit has been outlined in both sources and has always been a binding policy guide in determining the ruling of furu'.

In the history of the development of Islamic law, a researcher will find various rulings of fiqh that are ijthad by a figure based on factors during his time. It is evident in the era of Sahabat, Tabi'in, and Tabi' al-Tabi'in, the days after which to the present era. Saidina 'Umar b. al-Khattab does not impose hudud punishment on thieves due to current economic factors, while Saidina 'Uthman b. 'Affan added Adhan on Friday at the Medina market due to social factors. Part of Tabi'in founded madrasah al-rays based on the fiqh of the city community in