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TITTLE :

THE ROLE OF COMPARATIVE FIQH IN MUAMALAT

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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.

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TABLE OF CONTENT

NO	SUBJECT	PAGES
1.0	DEFINITION OF FIQH MUQARAN	1-2
2.0	4 TYPES OF FIQH (SCHOOLS OF COMPARATIVE FIQH)	3-7
3.0	DEFINITION OF ISLAMIC FINANCE	8-9
4.0	PROPER FIQH IN INSTRUMENT IN MUAMALAT	10-12
5.0	ISSUE OF ISLAMIC FINANCE IN COMPARATIVE FIQH	13-15
6.0	CONDITIONS OF COMPARISON IN FIQH MUQARAN	16-18
7.0	STEP OF COMPARISON IN FIQH MUQARAN	19-20
8.0	COMPARISON BETWEEN MUAMALAT AND CONVENTIONAL BANKING	21-23
9.0	THE ROLE OF COMPARATIVE FIQH IN MUAMALAT	24-26
10.0	CONCLUSION	27
11.0	REFERENCE	28-29

1.0 DEFINITION OF FIQH MUQARAN

Fiqh Muqaran is one of the elements of Islamic jurisprudence that looks for the judgment of a specific problem that has multiple judgments given by jurists based on the use of different evidence and different understandings to establish a suitable opinion. The Islamic scholars, Imam, and Mujtahid do not agree on the sub-issues since they have various perspectives on them. First, gather several jurists' opinions, then study and assess these opinions and pieces of evidence to compare them and choose the best viewpoint. The Imams of the various Mazhab utilize different approaches to tackle the same problem, but the results are not the same since the Mazhab will eventually adopt different considerations and views.

The term "al-fiqh al-muqaran" is made up of two words: "fiqh" and "muqaran." Fiqh means "extensive understanding" in Arabic. It is the science of practical syara' rules that may be examined and discovered in extensive debates. In this example, fiqh refers to a collection of Islamic laws about human behavior. Such behavior consists of textual words or deeds, as well as additional Shariah arguments (Yayan Sopyan, 2018). Moreover, the Fiqh includes two key areas of laws that apply not just to acts but also to the circumstances surrounding those actions. Additionally, these norms apply not just to Mu'amalat (transactions between persons), but also to 'Ibadaat (worship). Usul al-fiqh is derived from both primary and secondary sources (the Quran and Sunnah). The linguistic definition of Al-Muqaran is muqaranah, which has two meanings. To begin, combine and collect. Comparing is the second meaning. Theoretically, muqaranah means to compare two points of view to determine their similarities and differences, as well as which one is supported by stronger evidence (Ibn Manzūr, al-Jawharī, and Majma' al-Lughah al-'Arabiyah bil Qahirah, 2021). Definition of "al-fiqh al-muqāran" as a name of a specific discipline. It can be defined as a discipline that focuses on gathering scholars' opinions regarding different fiqh issues and comparing them using a specific methodology (Ramadan, 2021).

In the early days of Islam, if there were questions or misunderstandings about religious issues, whether worship or muamalat, all Muslims would refer the problem to the Prophet Muhammed s.a.w to get certainty about the law of the problem faced so that the worship or muamalat could be performed properly. But after the death of Prophet Muhammad and because of the need to inform people who are in different areas about practical issues that are considered to be a branch of Islam. Therefore, this process cannot be done by anyone. So, Islam tries to