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Adaptation and Simulation of Fiqh Method in Academic Writing of Islamic Studies

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Abstract
Research in the discipline of Islamic studies is usually in the form of qualitative such as to research the hukm for fiqh contemporary issues that require an instrument of hukm issuer in the form of nassi or ijtihad. Fiqh method is one of the instruments of hukm issuer in the form of ijtihad. Islamic studies research can also be in the form of quantitative in the event of such studies require statistical analysis to verify the relevance of the law enforcement that is flexible in nature (al-Murunah). For this purpose, researchers should analyze the fiqh method, because it is of a general nature (Kulliyyah or Aghlabiyyah) on the execution of a law or practice to confirm its current relevance. As a scholarly research trainee, graduate students in the Islamic studies discipline need to learn the technique of adapting fiqh method on issues concerning the research. Therefore, this article aims to expose to the trainees of scholarly research in the Islamic Studies discipline the concept of Fiqh methods, the position of Fiqh method in Usul al-Syari’ah, source of fiqh methods in al-Quran and al-Sunnah, benefits in learning Fiqh method, the argumentation of fiqh method as an instrument of hukm issuer and the categorization of Fiqh methods and its relation to the Maqasid al-Syar’i’ah concept (Jalb Al-Maslahah wa Daf‘u Al-Madarrah) and earlier works of Fiqh method. In addition, this article also discusses the need of scholarly research trainee in the Islamic Studies discipline to master the technique of adapting fiqh method on issues concerning the research either in the form of inductive or deductive or both depending on the objectives of the research being carried out. This article entirely uses the qualitative method whereby the data were collected through document analysis from classic and modern scriptures related to fiqh method. The outcome of this article will be of an advantage for Islamic studies researchers in producing quality research concerning current issues and to achieve hypothesis by simulating discussions through adaptation of fiqh methods that correlate with the title of the research.

Keywords: Fiqh Method, Islamic Studies Research.

Introduction
Fiqh methods which is the result of the development of fiqh knowledge is not a creation or invention of the fuqaha (experts in fiqh), or specific groups in the studies discipline at any part of the time. In fact, it is taken by the fuqaha from the previous ummah such as the al-Tabicin and al-Mujtahidin, even though it was not booked; recorded at that time. Scholars of the development of Islamic fiqh knowledge have found the origins of this knowledge as what has
been mentioned above, as a guideline for the fuqaha, to gather issues of fiqh issues from getting left out.

The determination of the preceding fuqaha in issuing *hukm hakam* related to the fiqh issues based on the verses of Al Quran and *hadith* al-Nabawi has created less complex fiqh methods but, yet comprehensive to gather issues of fiqh that are unison in *'illah*. Verses of the Al-Quran and hadits al-Nabawi that is made as fiqh method has gathered a lot of issues of fiqh that is unison in *'illah* of command or prohibition of certain commandment (Al-Qurtubi, 1994M). For that reason, it is added to the *al-Qa'idah definition, the trait of 'kulliyah* which is the trait of ‘as a whole’ or comprehensive to the extent that the fiqh method is able to gather all the issues of fiqh that is unison in *'illah* (al-Nadwi, 1994M).

Examining the compilation of verses in fiqh method, some of them are similar to the compilation of verses in *hadiths al-Nabawi* that is concise or known in the knowledge of al-Nahw as Jawami’ al-Kalam. Thus, a number of fiqh methods are taken directly from *hadith al-Nabawi* in which that is concise and became a very powerful source of *hukm* issuer. The Prophet PBUH was sent to mankind with his words that are in the form of Jawami’ al-Kalam (Hanbal, t.t.). When the Prophet PBUH said something, it is usually in the form of *Jami* (gatherer) all matters in the phrase and meaning of the utterance whether the matter has happened at that time or it has not yet happened (Al-Asqalani, 1379H). As an example, when it comes to matters related to eating and drinking, the Prophet PBUH said ‘*Kullu Muskir Haram*’ which means: All that is intoxicant are haram (Al-Bukhari, 1987M).

The *matn* (main text) of this *hadith* tells us that every drink or food regardless of its type, whether it exists in the time of the Prophet PBUH such as alcohol or newly found at the moment such as drugs is haram based on *'illah* prohibition of that matter in which to lose one’s sanity. If in the future, there are other forms of food or drink that have similarities of *'illah* with alcohol and drugs (intoxicating to the extent of losing sanity or common sense) then it also receives the same ruling of *haram* based on the words of Prophet PBUH that is *Jami*. There are several other methods that are directly taken from the *matn* hadith such as, Prophet PBUH said ‘*Kullu qard jarr manfa’ah Fahuwa Riba*’ which means: every loan that brings a benefit to the lender is riba (al-Manawi, 1356H).

The above *hadiths* use the phrase ‘*Kull*’ in its *matn* which serves as *Jawami’ al-Kalam*. In al-Nahw’s method, the word ‘*Kull*’, ‘*Man*’ and ‘*Ayy*’ is generally applicable to the subject, in which it is mentioned before it, either generally or reserved with certain attributes or adjectives. Thus, the *matn* *hadiths* which contain words that serve to gather everything in front of the word as mentioned above has been used as a comprehensive and effective fiqh method against fiqh issues that have similarities of *'illah*.

However, not all fiqh methods are taken directly from the verses of the Qur’an and *matn* al-Sunnah. There are several fiqh methods that is in a form of summary or gist from both Syariat sources. For example, the method of ‘*al-'Umur bi Maqasidiha*’ is a screening of verse 5 al-Bayyinah al-Quran and *hadith Sahih* ‘Innama al-'a'mal bi al-niyyat’ which means: The deeds depend on the intention (al-Bukhari, 1987M). This can be understood that there are two types of fiqh methods. First; Fiqh method in which the *matn* is taken directly from al-Quran and al-
Sunnah. Second; Fiqh method in which the matn is not taken directly from al-Quran and al-Sunnah, instead it is a screening, a summary or gist of al-Quran and al-Sunnah.

Definition of Fiqh Method
The term method comes from the Arabic word al-Qa‘idah. al-Qa‘idah from the point of Arabic language means al-‘Asas (Al-Raghib al-‘Asfahani,1961M). According to Ibn Manzur, al-Qa‘idah derives from al-‘Uss. The plural form al-Qa‘idah is al-Qawa‘id as Allah SWT said in al-Nahl verse 26. al-Qawa‘id derives from al-‘Isas (Ibn Manzur, 1990M). Al-Qawa‘id is the foundation for something and is its origin (‘Usus al-Syay‘ Wa ‘Usuluh) either in the form of Hissiy like the foundation of a house or in the form of Ma‘nawiyy like the foundation of religion or its pillars (al-Nadwi, 1994M) as Allah has stated in surah al-Baqqarah verse 127.

The word al-Qa‘idah in both of the verses above defines as foundation that something is erected on it. While the meaning of the word al-Qa‘idah from the terminology by the fuqaha has defined it in several definitions. According to al-Suyuti, 1998M; Al-Jurjani, 1983M, al-Qa‘idah can be defined as ‘A comprehensive fiqh issues or (qadiyyah kulliyyah) that is used on the fraction of the whole issue’. According to al-Subki, 1991M dan al-Tafizani, t.t. al-Qa‘idah can be defined as ‘A comprehensive Hukm (hukm kuliyy) that is used on the large fraction of fiqh issues so that they can understand and recognise the hukm from it. According to al-Subki, 1991M al-Qa‘idah can be defined as’ A matter that is comprehensive (‘amr kuliyy) that is used on the large fraction of fiqh issues so that they can understand and recognise the hukm from it.’

All disciplines of knowledge have their own al-Qa‘idah. The above definitions give a very clear picture of the meaning of al-Qa‘idah inherent in all disciplines of knowledge. Based on the given definition above, al-Qa‘idah is thorough or comprehensive that applies to the branches of problems in any discipline of knowledge. As an example, the methods in the discipline of al-Nahw studies, such as al-Fa‘il mesti Marfu‘, al-Maf‘ul mesti Mansub dan al-Mudaf Ilayh mesti Majrur. The methods in the discipline of Usul al-Fiqh on the other hand such as al-Amr receives the hukm wajib (obligatory) whereas al-Nahy receives the hukm haram (forbidden). The methods in both of the disciplines of knowledge are applicable to all of the issues related to both of the discipline.

Although, to certain extent, there are a small portion of issues that the hukms are exempted in certain methods in any discipline of knowledge this rare occurrence do not affect the application of such rules in any discipline of study. While according to some fuqaha‘, al-Qa‘idah is the hukm to most (aghlabiyyah) fiqh issues. This is because any method of all disciplines is not without the presence of isolated fiqh issues (al-syuwoz) or issues that are exempted (al-mustathnayat) hukm from it (al-Nadwi, 1985M).

Therefore, al-Qa‘idah al-Fiqhiyyah is the hukm for most (akthari) fiqh issues and not the hukm for all (kulli) fiqh issues (al-Hamawi, 1985M). Thus, they define al-Qa‘idah al-Fiqhiyyah as ‘Hukm-hukm Syarak in most (‘aghlabiyyah) fiqh issues that is comprehensible of the hukm-hakam included therein’. In examining the above definitions, there are two statements that can be analyzed. First, by looking at the definition of al-Qa‘idah whether it is a Fiqh issue or hukm Secondly, from a perspective of its competence either in total as a whole or just several. The analysis that can be done here is:
First: Definition from al-Suyuti and al-Jurjani that define al-Qa'idah as fiqh issue. From this definition, we can comprehend that al-Qa'idah is the fiqh methods built from the branches of fiqh issues. On the other hand, the definition by al-Subki and al-Taftazani that defines al-Qa'idah as hukm gives us the understanding that the construction of al-Qa'idah aims at issuing hukm for fiqh issues. This definition is clearer because issuing hukm is the essence that is intended to achieve from al-Qa'idah. In defining al-Qa'idah as Qadiyyah (issues) will list under it all the doings of mukallaf(a sane person that is obliged to abide Islamic). In defining al-Qa'idah as al-Hukm on the other hand will list all the hukms hakams.

Second: Ulama that defines al-Qa'idah as hukm Akthari orAghlabi (hukm for most of fiqh issues) is because of the exemption of hukm (al-Mustathnayat) and isolated issues (al-Syuwaz) in fiqh methods. Whereas to the ulama that defines al-Qa'idah as hukm Kulli on the other hand perceive the exemption of hukm (al-Mustathnayat) and isolated issues (al-Syuwaz) in fiqh method does not affect the comprehensive attribute of a certain method. According to them, al-Mustathnayat and al-Syuwaz in the basic 5 fiqh method is too small that it does not require the alteration of the definition from'Kulliyyah' to 'Aghlabiyah'. al-Kulliyyah’s attribute in a method is in the form of ratio and not as a whole thus creating issues with isolatedly hukm in certain method. Thus, the definition of al-Qa'idah can be summed up as 'The origin of a comprehensive fiqh that contains general Islamic hukm on issues of discussed topic.

The definition of al-Fiqh in terms of language is to think of something (‘idrak al-sayy’), to learn (al-ilm bihi) and to understand (al-fahm lahu). Everything learned is term as Fiqh. al-Fiqh is then specified to learning Syariah because of its glory and advantages over another knowledge (Ibn Manzur, 1990M). Dalil(proof) regarding to comprehend in knowledge is evident in surah al-Nisa verse 78, Taha verse 28 dan v Al-Tawbah : 122 and hadiths such as ‘Allhamma faqqihhu fi al-din’ which means : O Allah! Grant us understanding of Deen (al-Bukhari, 1987M). From the point of terminology, al-Amidi said, 1404H al-Fiqh can be term as A knowledge that is a result of branches of hukm Syariat and reasoning technique. According to Ibn al-Liham,1400H on the other hand said al-Fiqh from the point of terminology means ‘To learn the branches of hukm Syariat from its evidence that is detailed in reasoning’.

While according to al-Fayruzabadi,1405H he stated ‘To comprehend the hukms of Syariat as al-Ijtihad’. Al-Ghazi (1996M) on the other hand termed al-Fiqh as ‘To comprehend the hukms of Syariat that is related to the actions of Mukallaf particularly’. However, the definition that is often used is the definition made by, al-Baydawi, 1401H which is ‘To comprehend the practical hukms in Syariat that have been taken from its evidence with such detailed.’ It can be concluded from the given definitions of Fiqh as above, al-Fiqh is a knowledge of hukm-hakam in Syariat that is related to the act of mukallaf as a result of research and discussion of its evidences either from the al-Quran, al-Sunnah and others that is detailed.

The definition of al-qawasid al-fiqhiyyah according to Mustafa Ahmad al-Zarqa,1993M is the usul fiqah(root of knowledge) that is comprehensive in nature that is simple and in the form of legal text that contains general principles of Syariah.
The Position Of Fiqh Methods (Al-Qawā'id Al-Fiqhiyyah) In Usul Al-Syarīah

In Usul Al-Syarī'ah; al-Quran, al-Sunnah, al-Ijma' and al-Qiyas are the main sources of adapting hukms (Khallaf, 2003M) according to the order as mentioned. All four as mentioned above are the dalils of syarīq agreed upon by ulama oh his argumentation in determining the hukm-hakam in religion. Mazhab al-Nizamiyyah, al-Zahiriyah and certain sect of Syī'ah do not acknowledge al-Qiyas as hujah syar'iyyah and term it as Nafat al-Qiyas (‘Abd al-Wahhab Khallaf, 2003M). The word al-Dalil in terms of language means: Indication of a matter in Hisn or Ma'nawi either towards good or evil. Whereas from the point of Usul al-Fiqh ulama al-Dalil is termed as 'Something that is shown with a proper research of hukm Syar'i either with certainty (Qat'i) or near cerainty (Zanni) (Khallaf, 2003M).

Aside from the 4 main sources that has been agreed upon jumhur ulama as mentioned above (al-Quran, al-Sunnah, al-Ijma' dan al-Qiyas), there are several other sources for adapting hukms used by a number of ulama. However, the argumentation sources were not agreed upon by the ulama because some of them accepted the souces,while others rejected the use of these resources as a basis for adapting of the hukm. The sources are al-Istishsan, al-Maslahah al-Mursalah, al-Istishab, al-Urf, Madhhab al-Sahabi and Syar' Man Qablana.

How about the position of fiqh method in Usul al-Syarīah? Is it one of the four sources agreed upon or the six sources for adapting hukm that is not agreed upon or is it a separate source altogether? This question of position of fiqh method in Usul al-Syarīah can only be answered when the sources, the argumentation of the fiqh methods is known from the discussion of the next topic.

Sources of Fiqh Methods (Al-Qawā'id Al-Fiqhiyyah) In Al-Quran And Al-Sunnah

The knowledge of al-Qawā'id Al-Fiqhiyyah is not a newly created knowledge. It exists along with the revelation of Prophet Muhammad PBUH. From this revelation came the rules of fiqh which was then placed as a special discipline to facilitate researchers to conduct studies oh hukm. General method ‘al-Darurat Tubih al-Mahzurat’ for example is a derivative of verse 173 surah al-Baqarah, verse 119 dan 145 surah al-An'am, verse 115 surah al-Nahl and verse 3 surah al-Ma'idah. In fact, there are many fiqh methods derives from al-sunnah itself. From hadith ’Innama al'a'aml bi al-niyyat’(al-Bukari, 1987M) as an example, is the birth of a comprehensive method which is ‘al-Umur bi Maqasidihā’. Whereas method al-Darar Yuzal’ is created from hadith marfu' to Prophet PBUH that reads ‘La darar wa la dirar’ (al-Naysaburi, 1990M).

The above explanation clearly shows that knowledge of al-Qawā'id Al-Fiqhiyyah is a knowledge that is parallel to the descent of al-Quran and al-Sunnah. It is not the invention or fabrication of the ulama’, on the contrary, it is created from excerpt of al-Quran or matn al-Sunnah. Only it has been harmonized as a discipline of knowledge for the purpose of facilitating the issuing of hukm.

Argumentation of Fiqh Methods (Al-Qawā'id Al-Fiqhiyyah) As an Instrument of Hukm Issuer

From past discussions on the importance, privilege, and the source of al-Qawā'id Al-Fiqhiyyah the writer has found that al-Qawā'id al-Fiqhiyyah serves as a guideline for hukm researches to come out with hukm hakam that is in line with it in any field of fiqh issues. The question that arises is to what extent the argumentation of al-Qawā'id Al-Fiqhiyyah as an instrument of
hukm issuer? According to Imam al-Haramayn al-Juwayni, t.t. fiqh method is not an instrument of hukm issuer. Instead, it is just an opinion or a point of view.

The same goes with Ibn Nujaym in al-Fawa’id al-Zayniyyah in which he stated that one should not issue a fatwa based on al-Qawā’id al-Fiqhiyyah because it is not a hukm that is the whole (kulliyah) of fiqh issues, instead it is just a hukm for several (aghlabiyyah) fiqh issues (al-Hamawi, 1985M). In Syarh Majallah by ‘Ali Haydar, t.t. mentioned that fiqh hukm that cannot be backed by naqal that is Sarih, a hukm cannot be issued based solely on the Fiqh methods.

According to them, it is not allowed to rule fatwa with fiqh methods if it is the only means of basing the hukm without any other sources of hukm that the argumentations are agreed upon by the ulama. This is because the fiqh methods contain fiqh issues that are exempted from hukm (al-Mustathnayat) and also contain fiqh issues that are isolated (al-Syuwaz) in certain method. It is of a concern that the fiqh issues that need to be issued the hukm belongs to the issues that are exempted from hukm or isolated issues that cannot be issued a general hukm like the rest of the issues in fiqh method.

There is a group of ulama who says that the above opinion is not the only opinion. This is because some of the basic fiqh method are constructed from excerpts of al-Quran and al-Sunnah. According to them, fiqh methods can be used as the basis of hukm or the source of issuing a fatwa if it is based on dalils that are Sarih: al-Quran and al-Sunnah. There are several methods that is taken directly from excerpt of al-Sunnah such as the method of La Darar Wa La Dirar, al-Darar Yuzal, al-Kharaj bi al-Daman and al-Bayyinah ‘Ala al-Muddā’i Wa al-Yamin ‘Ala Man Ankar, al-‘Adah Muhakkamah and others (al-Nadwi, 1994M).

From the observation of the writer, both of the opinions above do not contradict each other. The first opinion that prohibits the use of the fiqh methods as an instrument of hukm issuer is not a prohibition that is mutlaq. On the other hand, the prohibition applies only when the fiqh method that is intended to be used as an instrument of hukm issuer is not constructed based on dalils Usuli which are the al-Quran and al-Sunnah (al-Qawā’id al-Mustanbatah) and is the only basis for the fiqh issue. And if the fiqh method is from dalil Usuli (al-Qawā’id al-Mansusah) therefore it is not any form of restriction to argue with it. Same goes in arguing with fiqh methods that is not constructed from excerpts of Usuli if excerpts of Usuli that are Sarih serve as the main basis in any of the fiqh issue.

The opinion that permitted the use of fiqh methods as an instrument of hukm issuer is not based on the fact that it is a fiqh method but it is based on the method as excerpt Usuli. Should the fiqh method that is intended to be used as an instrument of hukm issuer is not constructed on excerpts of Usuli and no excerpts of Usuli can be use as the basis of hukm in any fiqh issues, therefore the argumentation of the fiqh method in that particular situation is also not permitted by this second opinion.

The conclusion from this this discussion is that the fiqh methods that are constructed fro excerpts of Usuli can be made as an argument, instrument or source of hukm issuer. Fiqh methods that are not constructed directly from excerpts of Usuli too, can be made as argument, instrument or source of hukm issuer if there is the basis or other sources of Usuli excerpts. The argumentation of fiqh methods is the same of the likes of excerpts of al-Quran or al-Sunnah that is directly constructs Fiqh methods (fiqh method sounds the same with
extracts and matn) or indirectly (fiqh method serves as a summary or gist of the excerpts or matn).

However, the ulama disagreement about the strength of the argument of Fiqh method that is not built directly from the excerpts of al-Quran or matn al-Sunnah is not so much so that it rejects a method, instead the dispute is whether fiqh method can be an argument alone or it must be supported by the excerpts of al-Quran or the matn of al-Hadith.

Benefits of Learning Fiqh Method (Al-Qawā‘id Al-Fiqhiyyah)
There are a lot of benefits and privilege in learning the knowledge of al-Qawā‘id al-Fiqhiyyah. It is considered as a knowledge that can sharpen the mind because it connects al-Qawā‘id al-Fiqhiyyah with the branches under it. The fiqh methods that are comprehensive is a glorious knowledge and helpful to researchers including in the quest to find the secrets and wisdom of the provision of a hukm (al-Qarafi, t.t.).

For each method, there are countless of branches in Syariat. These fiqh methods are vital in fiqh knowledge and extremely beneficial because it increases the vigilance of a fiqh member as his knowledge deepens. Their fatwa methodology will be clearer and more revealed. The ulama are competing to master this knowledge because the mastery of this knowledge causes them to be highly regarded (al-Qarafi, t.t.).

Among others, the importance and privilege of this knowledge is that, learning al-Qawā‘id al-Fiqhiyyah enables fiqh member to compile and list out the fiqh issues in a list that is similar to hukm and justification (al-Zarkasyi, 1402H; al-Suyuti, 1998M). A fiqh member who deepens this knowledge will clearly understand the objectives of the legislation of a law and know in depth the wisdom of the legislation of the practice. The knowledge of al-Qawā‘id al-Fiqhiyyah will make it easier for a fiqh member to identify the rulings for a new fiqh issue by researching and studying existing fiqh problems based on the appropriate fiqh issues based on an appropriate fiqh methods. al-Qawā‘id al-Fiqhiyyah helps fiqh member to remember the branches of fiqh issues that are abundance by examining Fiqh method. (al-Subki, 1991M; al-Zarkasyi, 1402H).

Making shortcuts in the issuance of hukm by simply remembering the branches of fiqh issues or arranging the fragments of hukm without knowing the cause of the source is unacceptable to the sane soul and the rest of the knowledge seeker. (al-Subki, 1991M). These fiqh methods made the learned with fundamentals of mazhab and the origin of taken sources until the very end and to arrange the problems or issues that are scattered on a path (al-Zarkasyi, 1402H).

The knowledge of al-Qawā‘id al-Fiqhiyyah is also able to expend the talent of issuing a hukm amongst the researchers of fiqh issues by uncovering the facts of fiqh and the findings of the hukm, finding its sources and justifications, facilitate memorization and memory, enabling researchers to perform correlation and review of the evidence, able to differentiate the hukm of fiqh issues that are not in right path, knowing events or cases occurring in the past (al-Suyuti, 1991M).
Categorization of Fiqh Methods and Its Relationship with the concept of Jalb Al-Maslahah and Daf’u Al-Madjarrah (Maqasid al-Syarî’ah)

The descendent of Syariat has its al-Maqasid or purpose which is the arrangement of law and discipline that preserves human well-being. Syariat is also a form of syllabus that has been prescribed by Allah SWT to be followed by human kind. Syariat entirely, whether those that were descended to Prophet Muhammad SAW and to the previous Rasuls before Him such as Prophet Musa AS and Prophet Isa AS; It is aimed at safeguarding human’s interests in two ways, namely; Benefiting humans (Jalb al-Maslahah) and to prevent harm from befalling them (Daf’u Al-Madjarrah) whether the result is in immediate (al-‘Ajil) or delayed (al-‘Ajil) (‘Ibn ‘Asyur, 1997M).

The concept of Jalb al-Maslahah and Daf’u Al-Madjarrah is created by humans’ act guided by Syariat, whether it is in the form of a specific ibadah(worship) that is fardu ‘Ayn such as solat, zakat, Haj and others, or general ibadah that is fardu kifayah such as providing service in various fields. According to this Maqasid or Syariah objectives, the ulama have published a number of fiqh methods as a foundation or formula to achieve the purpose of the syariat in all aspects of life including treatment procedure. In other words, the concept of Jalb al-Maslahah and Daf’u Al-Madjarrah are the objectives or Maqasid al-Syarî’ah, whereas methods of al-Darurah is the procedure, formula or method in producing the objectives of the syariat.

Beginning with the method of determining the direction, vision and mission known in the syariat as intention which is al-Umur bi Maqasidiha until to the fragments of fiqh methods related to criminal conviction, economy, ibadah and others. Likewise in the concept of Jalb al-Maslahah and Daf’u Al-Madjarrah, methods of al-Darurah as discussed above which is taken from the al-Quran and al-Sunnah has been enacted by ulama as a benchmark in producing al-Maslahah and opposing al-Mafsadah or al-Madjarrah.

The Usuli ulama categorise the fiqh methods to several parts. Most of them, divide it into 5 main1 fiqh method which are al-‘Umur bi Maqasidiha, al-Yaqin La Yazul bi al-Syaqq, al-Masyaqqah Tajlib al-Taysir, al-Darar Yuzal and al-‘Adah Muhakkamah. Among the ulamas who divide the main fiqh methods into five parts are Ibn Taymiyyah and al-Suyuti (al-Suyuti, 1998M). Some of the other ulama of ‘Usuli divide it into more than five (Ibn Nujaym, 1993M). Each of the main fiqh method has the branch of fiqh methods under it.

The main fiqh method of al-‘Umur Bi Maqasidiha has a branch of fiqh methods such as al-‘Ibrahim Fi al-‘Uqud Li al-Maqasid wa al-Madari’ani La Li al-Alfaz Wa al-Mabani. Whereas The main fiqh method of al-Yaqin La Yazul bi al-Syaqq has a lot of fiqh method branches such al-Asl Baqa’ Ma Kan ‘Ala Ma Kan, al-Qadim Yatruk ‘Ala Qadamini, al-Asl Bara’ah al-Dhimmah, Ma Thabata Bi Zaman Yahkum Bi Baqa’ih Ma Lam Yujad Dalil ‘Ala Khila’fih, al-Asl Idafah al-Hadith ‘Ila ‘Aqrab ‘Awqatih, al-Asl Fi al-Kalam al-Haqiqah, La ‘Ibrahim Bi al-Zann al-Bayyin Khata’uuh and few other fiqh method branch.

The main fiqh method of al-Masyaqqah Tajlib al-Taysir has branch of methods such as Al-Darurat Tubih Al-Mahzurat, Ma ‘Ubih Li Al-Darurat Yudhaddar Bi Qadriha, Ma Jaza Li ‘Uzr Batal Bi Zawalih, Yatahhammad Al-Darar Al-Khas Li Daf’ Al-Darar Al-‘Am, Al-Hajah Tunazzal Mahzilat
Al-Duraruh and Al-Taharra Yajuz Fi Kull Ma Jawwazathu Al-Duraruh. While the main method of Al-Darar Yuzal on the other hand has fiqih method branch such as La Darar Wa La Dirar, Al-Darar La Yuzal Bi Al-Darar (Bi Mithlih) and Al-Darar Al-Asyadd Yuzal Bi Al-Darar Al-Akhaff, Al-Tasarruf ʿAla Al-Raʾiyyah Manut Bi Al-Maslahah and Darʿu Al-Mafasid Muqaddam ʿAla Jalb Al-Masalih.

However, there are controversial ulamas that combines the two main methods above under one theme which is Dafʿ al-Darar wa Rafʿ al-Haraj. This theme is significant in Maqasid al-Syarʿiyyah. Under this theme, all the above branches of fiqih methods are compiled. These fiqih rules are able to match any current research issue with the fiqih method that have been formulated by the ulama of Usul al-Fiqh.

While for the main method of fekah al-ʿAdah Muhakkamah, branch of fiqih method that is placed under it are Istiʿmal al-Nas Hujjah Vajib al-ʿAmal Biha, al-Mumtani ʿAdatan Ka al-Mumtani Ḥaqiqatan, La Yunkir Taghayyur al-ʿAkhkam Bi al-Taghayyur al-ʿAzman, al-Maʿruf ʿUrfan Ka al-Masyrut Syartan, al-ʿIbrah Li al-Ghalib al-Syaʾiʿi La Li al-Nadir, al-Taʿyin Bi al-ʿUrf Ka al-Taʿyin Bi al-Nas dan Innama Tuʿtabar al-ʿAdah ʿIdhaʾ Ittradat Aw Ghala bat.

Aside from the main fiqih methods and branches of fiqih methods that has been mentioned above, there are numerous more fragments of fiqih methods in which the application is limited in specific topics such as fiqih methods related to the use and abandonment of words or speech, fiqih method related to al-Maniʿ (preventer) and al-Muqtadi (omnipotent), fiqih method related to conditions, conduct, ownership, al-Daman (compensation), grant, siyasah syarʿiyyah, conviction, testify and responsibility in criminal case and others.

Academic Writing on Fiqh Method (Al-Qawaʿid Al-Fiqhiyyah)

Writing on fiqih methods (al-Qawaʿid al-Fiqhiyyah) are in abundance. Writing about it began as early as the 4th century hijri. According to Dr. Ismaʿil bin Hasan, 2000M the earliest writing of al-Qawaʿid al-Fiqhiyyah is in the form of Mazhab Hanafi, the Usul al-Karkhi authored by Al-Karkhi (ʿUmamah (2004M) printed together with Taʾṣīs al-Nazr authored by Al-Dabusi (Dr. Ismaʿil bin Hasan, 2000M). In Mazhab Malikī, the earliest writing of al-Qawaʿid al-Fiqhiyyah is the Usul al-Fitya authored by al-Qayrawani. While the earliest writings of al-Qawaʿid al-Fiqhiyyah in Mazhab Syafie is Qawaʿid Fi al-Furūʿ authored by al-Jajarumi and in Mazhab Hanbali, the al-Qawaʿid al-Kubra Fi al-Furūʿ authored by al-Tufi (Hasan, 2000M).

Among the famous writings in the knowledge of al-Qawaʿid al-Fiqhiyyah is Qawaʿid al-Ahkam fi Masalih al-Anam (ʿIzz al-Din ʿAbd al-Salam, t.t.), al-Qawaʿid al-Nuraniyyah al-Fiqhiyyah (Ibn Taymiyyah, 1994M), al-Furuq (al-Qarafi, t.t.) and al-ʿAsybah wa al-Nazaʾir. The al-ʿAsybah wa al-Nazāʾir is not the only book because there were several authors who named their book as al-ʿAsybah wa al-Nazaʾir. Among the authors of al-ʿAsybah wa al-Nazaʾir are Ibn Nujaym (Ibn Nujaym, 1993M), al-Subki (al-Subki, 1991M), Ibn al-Wakil al-Misri, Ibn al-Mulaqqin (Ulwan, 2000M) and al-Suyuti (al-Suyuti, 1998M). Based on these authors’ date of death (Al-Misri (761H); al-Subki (771H); Ibn al-Mulaqqin (804H); al-Suyuti (911H); Ibn Nujaym (970H); the author assumes that the earliest author of al-ʿAsybah wa al-Nazaʾir ialah is either Ibn al-Wakil al-Misri or al-Subki for their death is in the third quarter of the 8th century hijra and there is a 10 year gap of their death compared to other authors.
While the writings detailing al-ʿAsybah wa al-Nazaʾir has more authors such as; Al-Asybah wa al-Nazaʾir Fi al-Furuʾ authored by al-ʿAlaʾi, Salah al-Din Khalil bin Kaykaldi (M761H); Al-Asybah wa al-Nazaʾir Fi al-Furuʾ authored by al-Asnawi, Abu Muhammad Jamal al-Din (M772H); Riyadh al-Nawadir Fi al-Asybah wa al-Nazaʾir authored by al-Sarsari, Abu Rabiʾ Najm al-Din al-Baghdadi (M716H); and others (Ismaʿil bin Hasan bin Muhammad Ulwan, 2000M). Recent writings on fiqh methods are al-Qawaʾid al-Fiqhiyyah (al-Nadawi, 1994M), al-Qawaʾid al-Fiqhiyyah Bayn al-Asalah wa al-Tawjih (Muhammad Bakr Ismaʿil, 1997M) and al-Wajiz Fi Syarḥ al-Qawaʾid al-Fiqhiyyah Fi al-Syarīʿah al-Islamiyyah (Zaydan, 2003M).

In 1286H, writings of fiqh methods were published in Majallah al-Ahkam al-ʿAdliyyah and was passed by the Uthmaniyyah empire on 26 Syaʿban 1292 Majallat al-Ahkam al-ʿAdliyyah. 1968M). There are 99 fiqh methods in Majallah al-Ahkam al-ʿAdliyyah beginning from clause 2 until clause 100.

Techniques of Adapting Fiqh Methods in Scientific Academic Writing
Adaptation is the adjustment of new or different situations (Kamus Dewan 4th ed). In the current situation, there are various issues that require research to obtain the appropriateness of hukm. Research activities to obtain hukm views on new issues are always carried out by those who are given responsibility in issuing the hukm such as the mufti’s department through the method of ijtihad or qiyas which mostly uses the fiqh method as the formula for the solution. The appointed committee will meet and discuss what are the appropriate fiqh method (if there is no clear excerpts) to be adapted in an issue that arises or questioned by authorities.

A simulation is an act (exercise and others) that is based on or uses something designed or fabricated but similar to or close to the real thing. Simulation is to reproduce certain conditions for the purpose of study or practice (Kamus Dewan 4th ed). In the context of scholarly research, the training activity of adapting the fiqh methods on new issues that require hukm views can be considered as a simulation activity of scholarly training for researchers at the postgraduate level.

Researchers can adapt the fiqh methods on current fiqh issues in two ways, either inductively or deductively. Inductive research aims to create new knowledge by identifying research problems from the field of Islamic studies. Researchers will then need to collect and develop data or research questions through interview method or observation method, or any other method. In the final stage of inductive research, the researchers adopt the appropriate fiqh method using data and patterns that are identified in the issue research. This adaptation is done by focusing on new issues that are specific to the fiqh method that is general, which is also known as the bottom-up approach.

Deductive research on the other hand is a category of research that includes the hypothesis process to confirm the theory or fiqh method in the discipline of Islamic studies. Deductive research aims to test theories or methods of fiqh on new research issues. The deductive approach is more suitable to be applied in quantitative research where the researchers try to validate the theory or the fiqh method on the issues of research and propose statistical analysis. The deductive research uses a top-down approach.
Conclusion
Both of these analytical approaches may be used in the research of Islamic studies depending on the objective of the research, either to adapt the fiqh method according to the issue of research or to validate the use of the fiqh method in research issues through the statistical results of the research.

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