

The Role of Mura'ah al-Khilaf Epistemology in the Standardisation of Fatwa: An Analysis at the Perlis State Mufti Department

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Abstract

The concepts of fatwa and *ijtihad* allow everyone to issue *ijtihad*. It is supported by the method of fiqh, whereby an '*ijtihad* cannot invalidate another *ijtihad*'. This has a significant effect as when many parties issue fatwas, there will be many different fatwas on the same issue that can result in the emergence of fatwas that are non-Shariah-compliant, dangerous, and misguided, which can disrupt harmony in the society. Therefore, this study would like to propose an approach known as the *mura'ah al-khilaf* method, in resolving the fatwas issued by various parties, especially in the state of Perlis, through the role of the Perlis State Mufti Department. This study's methodology is qualitative, in which the data are collected through library research and field studies. The library research was conducted by examining books, articles, statutes, and related circulars. From the practical aspect, field studies were conducted using an unstructured interview method with two interviewees from the Perlis State Mufti Department. The results showed that the *mura'ah al-khilaf* method has a significant role in supporting the role of the mufti department as the main reference by all state government bodies and the public in matters of fatwa and religion of Islam. The results also found that the mufti department has a strong fatwa committee composition and fatwa issuance method. Findings revealed that there is legal control over the issuance of fatwas and religious guidelines, which are not to be abused by any parties.

Keywords: Fatwa, Standardisation, Perlis Mufti Department, Mura'ah Al-Khilaf, Religious Practices

Introduction

Fatwa is a legal answer to a question related to Islam. This concept has been in practice since the Prophet PBUH, the Companions, and the next generations (Asni, 2020). Social development and modernity have made the field of fatwa more challenging because religious issues cannot be addressed directly by referring to the books of authoritative sects alone. Rather, there is a need to perform a strong process of *ijtihad* which involves various critical

areas of expertise so that the fatwas issued are Shariah-compliant and able to solve the increasingly complex problems (Hassan & Khairuddin, 2020).

Carelessness in the fatwa issuance process will lead to various negative implications such as issuing Shariah non-compliant fatwas, creating diversity of fatwas on the same issue, endangering lives, initiating fights, promoting racial divisions, extremists, radicals, confusion and so on. This becomes worse when there are individuals who have certain invested interests or wrongly intend to issue fatwas. Furthermore, if the individual has a respectable number of fanatical followers or heads certain organisations, it will surely worsen the situation (Azhar & Baderuddin, 2018).

Based on the concept of *ijtihad* and fatwa, a person can perform *ijtihad* or fatwa if he has certain qualifications, such as understanding the pillars of inference (*istinbat*) in Shariah. This general concept allows various parties to issue *ijtihad* and fatwa (Asni & Sulong, 2021). Furthermore, there is a method of fiqh which states, "*ijtihad cannot invalidate other ijtihad*", causing multiple parties to issue their fatwas without the need to imitate or follow fatwas from other parties (al-Zuhaili, 2013). Furthermore, some people think it is illegal for them to follow fatwas issued by other parties. This can bring huge problems and shortcomings as not everyone can issue fatwas properly by referring to authentic Shariah sources (Asni, 2017). Thus, it will cause these individuals to issue fatwas which are contrary to each other, resulting in inaccurate fatwas and not complying with the Shariah.

To provide control over the misuse of fatwa and *ijtihad*, the government in Perlis has established the Perlis Mufti Department, which is fully responsible for managing fatwa matters. This aligns with the law stating that the state manages all Islamic religious affairs through the State Islamic Religious Council (Hazman et al., 2020). Therefore, from the Shariah debate, the question arises whether individuals deemed qualified to issue a fatwa can follow the fatwa issued by the Perlis State Mufti Department. These problems and questions will be addressed in the following topics.

Literature Review

The concept of fatwa and ijtihad in usul al-fiqh

Usul al-Fiqh is the main essence in the method of fatwa, which is the main pre-condition for the qualification of a mufti. A fatwa is a view or decision, either personal or produced by a group of *mujtahids*, on a particular Shariah law. The accuracy of a fatwa is highly dependent on the method of argumentation used and its parallel conformance with the *maqasid al-shariah*. According to al-Ghazali (1997), a mufti is a *mujtahid* who can perform *ijtihad* and infer the law. Thus, a mufti and a *mujtahid* are the same in general; as the difference in both terms only refers to the cause, whereby a fatwa is issued to answer a question or a problem that has occurred while *ijtihad* is not bound by such conditions (al-Ashqar, 2008).

However, a mufti can proactively address a question by directing legal research even if there is no application for a fatwa, as a preparatory measure (Khudzri, 2006). Thus, some scholars do not differentiate between the functions of a mufti and a *mujtahid* because everyone can issue a fatwa, regardless of whether there is an existence of questions or not (al-Shatibi, 1997).

Al-Shaukani (1999) has defined *ijtihad* as mobilising the ability to obtain a comprehensive Shariah law by following the method of *istinbat*. While al-Amidi (2003) has defined *ijtihad* as pouring all the ability to understand the Shariah law which is *zanni* (uncertain), when he feels unable to find more than that. Thus, *ijtihad* can be understood as the effort of a *mujtahid* who maximises all his mental and intellectual efforts to study and

understand the Shariah law. The effort ultimately produces findings or results from such *ijtihad*, which is called a fatwa (Asni & Sulong, 2017). A fatwa decided by one *mujtahid* is sometimes the same as the view of another *mujtahid*, and sometimes different. This is because it is the intellectual result of a *mujtahid* without being influenced by other *mujtahids*. Therefore, the *ijtihad* of one *mujtahid* cannot be invalidated by another *mujtahid*.

Accepting disputes (mura'ah al-khilaf) in fatwa

Based on the concept of openness of *ijtihad* and *fatwa* among *mujtahids*, as examined in the previous discussion, the probability of differences of opinion becomes inevitable. In this case, the scholars should be open to dealing with this situation. According to the scholars of the Maliki school, the method of accepting the dispute (*mura'ah al-khilaf*) is in respect of the opinion of another *mujtahid*, whereby the view has been issued after a sincere effort was made (Musa, n.d.).

The method of *mura'ah al-khilaf* has several meanings and implementations. Al-Risa' (1993) has defined it as prioritising the arguments and opinions of other *mujtahids* over his own arguments and opinions. This is based on a view issued and is also influenced by the strength of the proposition held, its suitability to the issue, and the accuracy of the current situation. So, in this case, the views of other *mujtahids* must be considered. Ibn Abd al-Salam has defined it as prioritising dissenting opinions (al-Manjur, n.d.). According to Ibn 'Urfah, practising a *hukm* is according to its habit and, in other circumstances, practising a different *hukm* (al-Risa', 1993). The position of respecting this difference is because different fatwas or opinions of *mujtahids* are found to be stronger in terms of evidence and *maslahah* (well-being).

Al-Shatibi (1997) has explained *mura'ah al-khilaf* as a situation where a *mujtahid* is to adhere to his opinion before a dispute occurs. After the dispute, if it turned out that his opinion was too weak (*marjuh*) to continue to be held, then it is necessary to accept other opinions to eliminate the harm (Asni, 2017). According to al-Fahri (2001), the method of *mura'ah al-khilaf*, as according to al-Shatibi, is where a person changes his views which are "incorrect" when there is a difference of opinions, to achieve the objectives of Shariah. In other words, it is to practice the law on habit and then to practice the law issued by other parties because it considers the *maslahah* and *maqasid shari'ah* (al-Fahri, 2001). A *mujtahid* can get out of the attachment of a sect and his opinion by adhering to other opinions that are more accurate (*rajih*), based on certain factors (Jaddiyyah, 2010).

The application of *mura'ah al-khilaf* can unite Muslims by respecting the views of other *mujtahids*, thus closing the gap between sects, narrowing differences, and eliminating difficulties for Muslims. According to al-Nadwi (2009), this method is crucial because its effect can create uniformity and harmony in religion, foster love, and bring *maslahah*.

The method of mura'ah al-khilaf and the standardisation of fatwa

History shows that sectarian fanatics lead to harm. For example, in 326 H, there was a war between the followers of the Shafi'i, Maliki and Hanafi schools at the *Masjid al-Jami' al-'Atiq* in Egypt, which had claimed thousands of lives (al-Dusuqi, n.d.). The same happened in Isfahan, Baghdad in 414 H, 422 H, 447 H and 1382 H, where fights took place due to differences in the schools of faith and fiqh (Kathir, 1988). It is obvious that extreme differences in religion can lead to harm to Islam and its adherents.

Thus, the need for the unification of views and its standardisation among Muslims is vital. Indirectly, measures to consolidate and standardise fatwas can avoid extremism, create unity and stability, and even ensure that administration and laws can be implemented consistently and fairly (Asni & Sulong, 2016). Historically, efforts to unite and respect these

differences of opinion have been made by various parties since the time of the Companions, such as Ibn Mas'ud, who stated that the disagreement was an unfortunate thing until he followed the *ijtihad* of Uthman (Caliph at that time) and abandoned his own *ijtihad* (Abu David, 2009).

Similarly, Umar al-Khattab stated that he felt ashamed of Allah if he differed with Abu Bakr, and in that case, Umar preferred the views of Abu Bakr (al-Qayyim, 1973). According to al-Sha'bi, the mufti among the Companions highly respected the views of the Companions who were contemporaries with them. Among the examples, Abdullah bin Mas'ud preferred the opinion of Umar bin al-Khattab, Abu Musa preferred the opinion of Ali, and Zaid preferred the opinion of Ubay bin Ka'ab although they all have their *ijtihad* (al-Shaukani, 1396H).

The same spirit prevailed in the age of the *tabi'in* and *tabi' tabi'in*, until the views of the most authoritative scholars at a given time were accepted to avoid disputes. Therefore, in the Abbasid period, the Secretary of State, 'Abd Allah ibn al-Muqaffa' had suggested to Caliph Abu Ja'far al-Mansur to take the book *al-Muwatta'* written by Imam Malik, so that it became the main view of the Government and for his *ijtihad* to be enacted into a code of law (Sulong, 2014). Similarly, it was the intention of the Caliph al-Mahdi and the Caliph al-Rashid to make the Maliki school the official reference (al-Dhahabi, 1985). This proposal was finally accepted by Abu Yusuf of the Hanafi school when the Government of Harun al-Rashid had appointed him as a Chief Judge and made his book *al-Kharraj* as an official reference (Sulong, 2014).

In addition, the government of the Bani 'Abbasiyah had ordered al-Mawardi to write the book *al-Ahkam al-Sultaniyyah* to be used as an official reference (al-Mawardi, 1986). To unite fiqh views, Khadive Muhammad Ali Pasha, who ruled the Ottoman government, once issued an order that only judges or muftis of the Hanafi sect were allowed to issue fatwas or legal decisions in cases related to the Islamic law (Sulong, 2014).

The efforts to standardise and create only one fatwa view to be practised in a country have not stopped there. In this regard, the muftis and administrators must also understand the method of inference of the Shariah law that is accurate and uniform so that the result of *ijtihad* will lead to a firm decision. Thus, 'Abd al-Rahman bin Mahdi once suggested to Imam Shafi'i to write a reference book that explains the methodology of the production of fiqh law based on Shariah arguments, namely the Qur'an and Hadith, as well as the use of arguments that are *qat'i*, *zanni*, *nasikh*, and *mansukh*. The objective of this writing is to outline a uniform procedure about Shariah law in which the legal results achieved will be orderly and consistent (Sulong, 2014). In addition, standardisation is also encouraged by the imams of the four sects, in an implicit form, where all of them are instructed to prioritize the strength of evidence when practising law and leave their opinion if weak (al-Shahid, 2005).

From the point of Shariah law, it is permissible to unite the opinions of fiqh. This is the opinion of Ali al-Sheikh, Soleh bin Ghasin, Rashid bin Khunain (al-Muhamid, 2001; Mustafa al-Muraghi, 2011; Abu Zahrah, al-Muhamid, 2001; al-Khafif, al-Muhamid, 2001; Makhluaf, al-Muhamid, 2001; 'Abd al-Wahhab Hafiz & al-Muhamid, 2001; 'Abd al-Barr & al-Muhamid, 2001; al-Qaradawi, 2011; al-'Attar, 1993; al-Zarqa, 1999; al-Zuhaili, 2014; al-Tha'alabi, 2012; al-Mawdudi & al-Muhamid, 2001).

This opinion is based on the argument of *maslahah*, where it can facilitate the Islamic scholars and the Muslim community in referring to Shariah law, reduce errors when issuing fatwas, consolidate national fatwas by taking the most appropriate law, and avoid the disadvantages of disputes (al-'Attar, 1993). The use of *maslahah* argument is correct, because of the absence of arguments prohibiting (*mulghah*) or prescribing it (*mu'tabarah*); in fact, it is

greatly beneficial to be applied according to the concept of *al-siyasah al-shar'iyah* where the administrator has set Shariah laws that facilitate community affairs and enforce them (al-Muhamid, 2001).

The determination of a uniform fatwa decision is one of the government's jurisdictions under the principle of *siyasah al-shar'iyah*. If a leader has set a law, it is obligatory to obey the law based on surah al-Nisa' verse 59. Based on this verse, Allah SWT commands obedience to the *wali al-amr*, depending on the rulers or the scholars. Thus, the mufti sets a fatwa to be turned into law, while the government enforces the law (al-Muhamid, 2001).

Similarly, the Sunnah of the Prophet PBUH stipulates the rule of obeying the leader, as in the hadith which means, "listen and obey even if the one who rules you is an Abyssinian slave" (al-Bukhari, 1422H). In this case, if there is a *khilaf*, then it is obligatory for other scholars in the country (*mura'ah al-khilaf*) to follow the official fatwa that has been decided, even if it conflicts with its fatwa (Ibn 'Abidin, 1386H). The attitude of accepting and respecting the official fatwa will give birth to a uniform implementation of the law, which can create a fair atmosphere that is the purpose of Shariah (al-Subki, 1991).

However, to be solid, the official fatwa must also take the most accurate view based on the evidence, *maslahah* and *maqasid al-shari'ah*. This ensures that the mufti's views can be accepted by the local scholars and the Muslim community (al-Zuhaili, 2014). Thus, the standardisation of the fatwa can be done in a better reconciliation and further ensure that the process of enforcement and administration of Islamic law can be conducted fairly (Sulong, 2014).

Fatwa institution in the state of Perlis

The official fatwa institution in the state of Perlis was established in 1948, during the establishment of the constitution of the Perlis Government. The law states that the Ruler may establish Islamic Religious and Malay Customs Council (MAIPs) to assist and advise on matters related to Islam. Since the establishment of MAIPs, all matters related to Islam that require a fatwa response will be presented in the council meeting for the fatwa issuance process. The mufti acts to prescribe a fatwa before MAIPs certifies it for gazetting purposes (Perlis Government Constitution Act, 1948).

In 1964, the law relating to the method of administration of Islam and Malay customs (MAIPs) was approved as the Perlis Islamic Religious Administration Law 1964. The law states the existence of a committee, function, and expertise. Thus, there is an official and authoritative committee in fatwa matters in the state of Perlis under the name of the Perlis State Shariah Committee (JSNP). The committee acts as an advisor to MAIPs in fatwa related matters where it consists of a mufti, two councillors, and two scholars in Islam. Therefore, all issues and problems related to Islamic affairs will go through this committee first before being approved by the MAIPs as an official fatwa (Perlis Islamic Religious Administration Law 1964).

In 1988, an amendment was made about the total membership of the Shariah Committee. The previous membership of five people has been increased to a larger number of seven people involving the mufti, three representatives from among the Members of the Islamic Religious Council and three religious scholars who are not among the Council Members (Perlis Islamic Religious Administration Law, 1964).

In 1996, the Perlis State Mufti Department was established. Previously, the officers assigned to fatwa matters were stationed at the Fatwa Division, Perlis Islamic Religious Department. However, the Public Service Department issued a circular separating the fatwa

section from the Islamic Religious Department. The result was establishing the Perlis State Mufti Department led by the mufti as the head of the department (Dahlan et al., 2014).

In 2006, the Perlis Islamic Religious Administration Law was enacted, which has improved the 1964 enactment, involving provisions related to fatwa institutions at the Perlis state level. Among them is the change of name from the Shariah Committee to the Fatwa Committee. The improvement has resulted in the Fatwa Committee membership being increased from seven people to nine people, namely the addition of religious scholars as reference experts, a deputy mufti, and an officer from the mufti department as secretary (Perlis Islamic Religious Administration Enactment 2006).

Fatwa determination methodology

The methodology of fatwa determination in the state of Perlis has been determined based on the two provisions, namely (Dahlan et al., 2014):

i. The Perlis Government Constitution Act 1948 states, "*The Religion of the State shall be the Muslim Religion Ahli Sunnah Waljama'ah as heretofore professed and practised in the State.*"

ii. The Perlis Islamic Religious Administration Law 1964 states, "*When the Majlis issued a fatwa and the Shariah Committee gives its opinion, then the body must follow the Quran and the Sunnah of the Prophet PBUH.*"

Both provisions do not explain in detail the policies that need to be taken in deciding a fatwa. Therefore, the Perlis State Shariah Committee decided the meaning of *Ahl al-Sunnah wa al-Jama'ah*, while at the same time, explained the fatwa methodology that refers to the Quran and Sunnah. JSNP in 1970, with the consent of MAIPs, has issued a fatwa regarding *Ahl al-Sunnah wa al-Jama'ah* and the policies in taking legal sources for a fatwa issued and the holding position the schools of fiqh (Dahlan et al., 2014).

The first thing that was improved concerns the fatwa reference source. Based on the decision of the Fatwa on *Ahl al-Sunnah wa al-Jama'ah* issued by MAIPs through JSNP, to issue a fatwa, the Shariah Committee must be guided by its fatwa based on the following principles according to priority, al-Quran, hadith, *ijma'*, fatwa of companions closer to the Quran and Sunnah, hadith *mursal* and *daif*, *qiyas*, *masalih mursalah*, *sad al-dharai'*, *istihsan*, *istishab*, *'uruf*, *qawa'id fiqhiyyah* (Dahlan et al., 2014; Yusli et al., 2021).

While the second thing that was improved is the methodology of determining the fatwa as the attachment of the fatwa with a particular sect. Thus, the JSNP has ruled that the authoritative fatwa body is not bound by any particular sect. This means that the committee needs to consider all recognised sects such as Hanafi, Maliki, Shafi'i and Hanbali, to prescribe a fatwa with strong backing from the Quran and Sunnah (Dahlan et al., 2014).

Methodology

Research Design

This study uses a cross-sectional narrative review conducted using a qualitative data collection method, specifically unstructured interviews. In this study, the interviewing technique was used to understand the subject matter of the research and those used in previous studies (Robertson and Samy, 2015; Gunarathne and Senaratne, 2017).

Narrative research design is a design of inquiry from the field of humanities, in which the researcher studies the experiences of individuals and asks those individuals to provide stories about their experiences (Creswell, 2014; Riessman, 2008). According to Creswell (2014), the researcher often retold the information in a narrative chronology. In the context of this study, stories from respondents about their experiences and knowledge were recorded

and handwritten by the researcher to obtain information on the role of the Perlis state mufti department in managing fatwa and Islamic affairs in Perlis.

Selecting the respondents, data management and analysis

The researcher used a purposive sampling method and applied the interview technique, whereby experienced and knowledgeable respondents were asked about the problems concerned by the study (Etikan et al., 2016). In this regard, the researcher interviewed two Islamic affairs officers at the Perlis State Mufti Department. Both respondents were selected because they know the role and management of the mufti department holistically. The interviews lasted for about 50 to 60 minutes each.

The interviews were recorded through audio recording methods and manually written in notebooks for additional storage if the audio recording became damaged or destroyed. The responses were then transcribed to obtain emerging themes through a methodology suggested by Miles and Huberman (1994).

Qualitative data study involves three linked sub-processes (Miles and Huberman, 1994), which include data reduction, data display, and concluding. Specifically, the stories that were told during the interviews were written by the researchers and subsequently transcribed. The post-interview analysis of the transcripts encompassed a detailed search for underlying themes in the evidence collected. Following the initial transcripts studied, a comprehensive coding system was developed intuitively to facilitate the identification of issues and topics emerging from the transcript analysis ("open coding"), as outlined by Parker and Roffey (1997). Further, in line with Miles and Huberman (1994), matrices and templates summarising the themes identified by each interview were developed to display the core issues that emerged from the coding process. This has aided in identifying cross-case patterns in the data, with predominant ones becoming evident partially by mapping the relative incidence of different codes. Lastly, detailed field notes, memos, interview summaries and post-interview analyses were studied and analysed together with the matrices and templates outlined above. To safeguard the respondents' information, their names were encrypted as requested by them. Thus, the respondents are known as IV1 and IV2.

Result

Table 1

Interview Results and Themes

No	Quotation	Theme
1	The results of the interviews with respondents IV1 and IV2 showed that: "The Perlis State Mufti Department is the sole body under the auspices of the Ruler of the State of Perlis, where it is responsible for managing fatwa affairs in the state of Perlis. Therefore, all state government bodies, and the public must comply with the fatwa issued by the Perlis State Mufti Department, including the Perlis Islamic Religious Council and the Shariah Court."	Perlis State Mufti Department as the sole reference for fatwas in Perlis
2	The results of the interviews with respondents IV1 and IV2 showed that: "The Perlis state mufti department has a fatwa committee composition consisting of 12 religious scholars who have high knowledge in Islam apart from Shariah officers who are experienced as assistants. Apart from that, the Perlis state mufti department also	Has a strong fatwa committee composition and fatwa issuance method

	has a strong method in the fatwa issuance process based on the inference of fiqh principles and involves professional bodies if it involves critical issues such as medicine and so on.”	
3	The results of the interviews with respondents IV1 and IV2 showed that: “Government bodies and the Muslim community highly respect the Perlis state mufti department. They strongly believe in the department's authority in Islamic affairs, especially in the field of fatwas. This is because of the establishment of the mufti department before Malaysia achieved independence. In addition, among the supporting factors is that many Muslims contact the department to inquire about Islamic affairs from time to time.”	High support by state government bodies and the public for the Perlis state mufti department
4	The results of the interviews with respondents IV1 and IV2 showed that: “Many legal controls are enacted, such as not being able to contradict the fatwas and guidelines of Islam set by the mufti department, if they disobey the fatwas or guidelines of Islam issued, they will be fined or imprisoned. In addition, preachers and imams in Perlis are allowed to deliver religious teachings if permitted by the Government through selection by the mufti department so that religious teachings delivered are in line with the objectives of the mufti department and the State Islamic Religious Council and will be withdrawn if not complied with. The text of the Friday sermon will also be coordinated in all mosques by the Perlis State Mufti Department.”	Legal control over the issuance of fatwas and religious guidelines
5	The results of the interviews with respondents IV1 and IV2 showed that: “This coordination and monitoring are very good to prevent certain parties from issuing fatwas or religious opinions that do not comply with Shariah such as legalising illegal things or vice versa, issuing religious opinions based on political interests or certain groups such as fatwas of Muslim scholars are considered infidels because they accept the system of disbelief and recognise democracy, as well as denying the terms qada' and qadar in Islam so that it can lead to fights and confusion in society.”	A single body in charge of fatwa affairs can curb inaccurate and misguided fatwas that are circulating among the community

Discussion

Based on the study findings, the Perlis State Mufti Department serves as the sole reference for fatwas in the state of Perlis. This is because the mufti department is very authoritative in resolving religious issues faced by various parties, especially the public (Hazman et al., 2020). This authority is based on having a fatwa committee composition consisting of 12 religious scholars who have high knowledge in Islam and practice a strong method in the fatwa production process as suggested by *usul al-fiqh* (al-Ghazali, 1997). Due to these qualities, the mufti department is highly respected by government bodies and the public.

The findings of this study are supported by the method of *mura'ah al-khilaf*, where it is not a problem for fatwa matters to be managed by an authoritative body and followed by the Muslim community whether he is qualified to perform *ijtihad* or not and it is not an offence for *taqlid* (al-Shatibi, 1997). This is because the fatwas issued are very high quality if viewed from the composition of the fatwa committee and the fatwa issuance process. The coherence and standardisation of the fatwa are also supported by the concept of *siyasah*

shar'iyah in creating Islamic religious governance that brings *maslahah* in maintaining the harmony of the Muslim community (Asni & Sulong, 2017).

Findings from the study also suggest that there is legal control over the issuance of fatwas and Islamic guidelines. This control of the law is in line with Shariah and is supported by Zakaria's (2019) study that the government can enforce laws and regulations that benefit the public. This is because if the control is not enforced, it can cause many parties to reject the fatwas and religious guidelines from the government.

In addition, many irresponsible parties take the opportunity to issue fatwas that are not in line with Shariah and based on certain interests that can cause fights, wars, confusion, and unrest in society (Azhar & Baderuddin, 2018). This is more harmful, as stated in the findings of the study. This is also supported by the study of Ahmad et al. (2021), that radical and extremist understandings that are not controlled in religion can bring great disaster to harmony in society. This strict control also considers the position of the state of Perlis, which is at the northern tip of Malaysia, where negative elements from neighbouring foreign countries also need to be monitored properly.

The results of this study have a significant impact in that it does not become an offence for individuals who are qualified to perform *ijtihad* following the fatwa issued by the government through the state mufti department based on the concept of *mura'ah al-khilaf*. This method can also further strengthen the position of the Perlis State Mufti Department. In addition, the uniformity and coherence of fatwas bring more benefits, especially in terms of harmony and unity in the Muslim community to face increasingly challenging times. This standardisation is also an important indicator of good governance.

Conclusion

The concepts of fatwa and *ijtihad* allow everyone to issue *ijtihad*. It is also supported by the method of fiqh, '*ijtihad cannot invalidate another ijtihad*'. This has a significant effect, in view that when many parties issue fatwas, then there will be many different fatwas on the same issue; resulting in the emergence of fatwas that are non-Shariah-compliant, dangerous, and misguided that can disrupt harmony. Therefore, this study would like to propose a *mura'ah al-khilaf* method approach in resolving the various fatwas issued by various parties, especially in the state of Perlis, through the role of the Perlis State Mufti Department.

The results showed that the method of *mura'ah al-khilaf* has a key function in supporting the role of the mufti department to be the main reference by all state government bodies and the public in matters of fatwa and the religion of Islam. The findings also indicated that the mufti department has a strong fatwa committee composition and a reliable fatwa issuance method and thus is trusted by many relevant parties. Moreover, the results demonstrated that there is legal control over the issuance of fatwas and religious guidelines, not to be abused by certain parties.

Limitation and Recommendation

This study only examines the standardisation of fatwas by the Perlis State Mufti Department based on the *mura'ah al-khilaf* method. Further research can be done in other state mufti departments, involving more and diverse respondents or studying from the perspective of other fiqh theories.

References

- Abu Dawud, S. S. (2009). *Sunan Abu Dawud*. Beirut: Dar al-Risalah al-'Ilmiyyah.
- Ahmad, M., Aziz, A., Afad, M. N., Muniroh, S. M., & Qodim, H. (2021). The Sufi order against religious radicalism in Indonesia. *HTS Teologiese Studies/Theological Studies*, 77(4), 11.
- Al-'Attar, A. T. (1993). *Tatbiq al-Shari'ah al-Islamiyyah fi al-'Alam al-Islami*. Qaherah: Dar al-Fadilah.
- Al-Amidi, S. M. (2003). *Muntaha al-Sul fi 'Ilm al-Usul*. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Ashqar, U. U. (2008). *Faуда al-Ifta'*. al-Urdun: Dar al-Nafais.
- Al-Bukhari, M. I. (1422H). *Sahih al-Bukhari*. Jiddah: Dar Tauq al-Najah.
- Al-Dhahabi, S. M. A. (1985). *Siyar A'lam al-Nubala'*. Beirut: Muassasah al-Risalah.
- Al-Dusuqi, M. (n.d.). *al-Ijtihad fi al-Fiqh al-Islami*. Qaherah: al-Majlis al-A'la.
- Al-Fahri, I. F. (2001). *Mafhum al-Ijma' 'inda al-Imam al-Shafi'i*. Qaherah: Dar al-Salam.
- Al-Ghazali, M. M. (1997). *al-Mustasfa fi 'Ilm al-Usul*. Beirut: Muassasah al-Risalah.
- Al-Manjur, A. A. (n. d.). *Sharh al-Manhaj al-Muntakhab*. Riyad: Dar al-Shanqiti.
- Al-Mawardi, A. M. H. (1986). *al-Ahkam al-Sultaniyyah*. Kuwait: Maktabah Dar Ibn Qutaibah.
- Al-Muhamid, S. A. H. (2001). *Masirah al-Fiqh al-Islami al-Mu'asir*. Urdun: Dar 'Ammar.
- Al-Muraghi, M. M. (2011). *al-Ijtihad fi al-Islam*. Jiddah: Maktabah Kunuz al-Ma'rifah.
- Al-Nadwi, A. A. (2009). *al-Qawa'id al-Fiqhiyyah*. Dimashq: Dar al-Qalam.
- Al-Qaradawi, Y. (2011). *Madkhal li Dirasah al-Shari'ah al-Islamiyyah*. Qaherah: Maktabah Wahbah.
- Al-Qayyim, M. A. (1973). *I'lam al-Muwaqqi'in*. Beirut: Dar al-Jil.
- Al-Risa', M. A. (1993). *Sharh Hudud Ibn 'Urfah*. Beirut: Dar al-Gharb al-Islami.
- Al-Shahid, A. A. (2005). *Hujjah Allah al-Balighah*. Beirut: Dar al-Jil.
- Al-Shatibi, I. M. (1997). *al-Muwafaqat*. Sa'udi: Dar Ibn 'Affan.
- Al-Shaukani, M. A. (1396H). *Al-Qawl al-Mufid*. Kuwait: Dar al-Qalam.
- Al-Shaukani, M. A. (1999). *Irshad al-Fuhul*. Beirut: Dar al-Kitab al-'Arabi.
- Al-Subki, T. A. (1991). *al-Ashbah wa al-Nazair*. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Tha'alabi, M. H. (2012). *al-Fikr al-Sami fi Tarikh al-Fiqh al-Islami*. Beirut: al-Maktabah al-'Asriyyah.
- Al-Zarqa', M. A. (1999). *Fatawa*. Dimashq: Dar al-Qalam.
- Al-Zuhaili, M. M. (2013). *al-Qawaid al-Fiqhiyyah*. Dimashq: Dar al-Fikr.
- Al-Zuhaili, W. (2014). *Juhud Taqnin al-Fiqh al-Islami*. Dimashq: Dar al-Fikr.
- Asni, F. (2018). Analysis of the Concept of Fatwa Uniformity according Mura'ah Al-Khilaf Method. *International Journal of Academic Research in Business and Social Sciences*, 8(7).
- Asni, F. (2020). Management of fatwa standardisation on the practice of bay'inah contract in Malaysia: an analysis according to usul al-Fiqh and mura'ah al-Khilaf method. *Qualitative Research in Financial Markets*.
- Asni, F. (2021). The difference of Shariah risk potential and Shariah risk in personal financing products based on tawarruq munazzam contracts practised in Malaysia. *Qualitative Research in Financial Markets*.
- Asni, F. A. H. M. (2017). Al-Syatibi Approach in Fatwa Standardizations and its Effect of States' Fatwa Committee. *International Journal of Academic Research in Business and Social Sciences*, 7(4), 1175-1183.

- Asni, F. A. H. M. (2017). Al-Syatibi Methodology Analysis In The Unification Of Usul Al-Fiqh Methods. *International Journal of Academic Research in Business and Social Sciences*, 7(7), 260-268.
- Asni, F. A. H. M. (2017). The Practices Of Weak (Daif) Hadiths In Production Of Islamic Law From The Perspectives Of Hadith Studies And Fatwa Legislators In Malaysia. *Al-Qanatir: International Journal of Islamic Studies*, 7(1), 1-9.
- Asni, F. A. H. M., Sulong, J., & Ismail, A. (2017). Penggunaan hadis daif dalam fatwa mengenai wasiat di Malaysia serta langkah penyelesaiannya. *Journal of Hadith Studies*, 2(1): 39-50.
- Asni, F., & Sulong, J. (2021). The mura'ah al-khilaf and ma'alat method in fatwa decisions: its application for fatwa coordination related to conditional hibah in Malaysia. *International Journal of Islamic and Middle Eastern Finance and Management*.
- Asni, F., Mahamud, M. A., & Sulong, J. (2020). Socio-economics and management of Muslim cemetery waqf using istibdal and GIS method in Penang state. *Journal of Islamic Accounting and Business Research*.
- Asni, M. F. A. H. M., & Sulong, J. (2016). Fatwa berhubung wasiat wajibah dan keseragaman peruntukannya dalam fatwa Negeri-Negeri Di Malaysia. *Al-Qanatir International Journal of Islamic Studies*, 5(1), 1-15.
- Asni, M. F. A. H. M., & Sulong, J. (2017). Fatwa coordination between states: analysis of the practices of standardization and its method in Malaysia. *Journal of Fatwa Management and Research*, 9(1), 86-109.
- Asni, M. F. A. H. M., & Sulong, J. (2017). *Penyelarasan Fatwa Antara Negeri-Negeri: Analisis Amalan dan Kaedah Penyeragamannya di Malaysia*. Nilai: Universiti Sains Islam Malaysia.
- Asni, M. F. A. H. M., & Sulong, J. (2017). Standardisation of fatwa regarding waqf issues in Malaysia: a literature review. *Journal of Fatwa Management and Research*, 9(1), 110-128.
- Azhar, A., & Baderuddin, M. S. M. (2018). Prosedur Istinbat dan Pewartaan Fatwa Ajaran Sesat di Negeri Kedah: Satu Tinjauan: The Issuance Procedure and Gazetting Fatwa of Deviant Teaching in Kedah State: an Overview. *Journal of Fatwa Management and Research*, 86-99.
- Creswell, J. W. (2014). *A Concise Introduction to Mixed Methods Research*. SAGE Publications.
- Dahlan, M. A., Solahuddin, A. H., Abd Rahman, N. N. (2014). *Sejarah penginstitution fatwa di negeri Perlis: Pentadbiran dan metodologi penetapan*, In: 23rd International Conference of Historians of Asia 2014 (IAHA2014), 23 - 27 August 2014, Alor Setar, Kedah, Malaysia.
- Etikan, I., Musa, S. A., & Alkassim, R. S. (2016). Comparison of convenience sampling and purposive sampling. *American journal of theoretical and applied statistics*, 5(1), 1-4.
- Gunarathne, N., & Senaratne, S. (2017). Diffusion of Integrated Reporting in An Emerging South Asian (SAARC) Nation. *Managerial Auditing Journal* 32(4), 524-548.
- Hassan, S. A., & Khairuldin, W. M. K. F. W. (2020). Research Design Based on Fatwa Making Process: An Exploratory Study. *International Journal of Higher Education*, 9(6), 241-246.
- Hazman, A., Ahmad, B., & Pauzi, N. (2020). An Elopement Marriage of the Virgin Who Still Has Family Guardian: An Analysis of the Fatwa in Perlis. *Journal of Islam in Asia (E-ISSN 2289-8077)* 17(3), 268-290.

- Ibn 'Abidin, M. A. (1386H). *Raddu Al-Mukhtar*. Beirut: Dar al-Fikr.
- Ishak, M. S. I., & Asni, F. (2020). The role of maqasid al-Shari'ah in applying fiqh muamalat into modern Islamic banking in Malaysia. *Journal of Islamic Accounting and Business Research*.
- Jaddiyyah, U. (2010). *Asl l'tibar al-Maal baina al-Nazariyyah wa al-Tatbiq*. Beirut: Dar Ibn Hazm.
- Kathir, I. U. (1988). *al-Bidayah wa al-Nihayah*. Beirut: Dar Ihya'.
- Khudzri, W. A. R. (2006). *Analisis Penggunaan Kaedah Istinbat Dalam Penetapan Fatwa Di Malaysia: Kajian Di Jabatan-Jabatan Mufti Terpilih*, PhD Dissertation, Department of Islamic Studies, School of Humanities, USM.
- Miles, M. B., & Huberman, A. M. (1994). *Data Management and Analysis Methods*, in Denzin, N. K., & Lincoln, Y. S. (Eds.), (2011), *The Sage Handbook of Qualitative Research*. SAGE.
- Musa, S. M. (n.d.). *al-Ijtihad wa Mada Hajatuna fi Hadha al-'Asr*. Qaherah: Dar al-Kutub al-Hadithah.
- Parker, L. D., & Roffey, B. H. (1997). Methodological themes. *Accounting, Auditing & Accountability Journal* 10(2): 212-247.
- Riessman, C. K. (2008). *Narrative Methods for the Human Sciences*. Sage.
- Robertson, F. A., & Samy, M. (2015). Factors affecting the diffusion of integrated reporting—a UK FTSE 100 perspective. *Sustainability Accounting, Management and Policy Journal*.
- Sulong, J. (2014). Pemikiran Epistemologi Ilmu Abd Allah Ibn al-Muqaffa' dalam Penyeragaman Undang-Undang: Pengaruhnya di Malaysia. *Afkar-Jurnal Akidah & Pemikiran Islam*, 97-130.
- Yusli, A. Y., Asni, F., & binti Umar, A. I. (2021). The Role of Fiqh Method in Strengthening Fatwa Related to Vaccine Injection for Prevent Covid-19 by Perlis State Mufti. *Journal of Academic Research in Business and Social Sciences*, 11(8), 1439-1449.
- Zakaria, Z. I. (2019). CABARAN PELAKSANAAN PENGUATKUASAAN UNDANG-UNDANG JENAYAH SYARIAH DI NEGERI MELAKA: The Challenges of Implementing the Enforcement of Syariah Criminal Law in Malacca. *Malaysian Journal of Syariah and Law*, 7(2), 13-26.