

Critical Analysis of Fatwa Issuance Methodology Regarding Prayer-Related Issues in Malaysia

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Abstract

The fatwa issuance methodology is central to the validity and acceptance of a fatwa among Muslims. In Malaysia, the fatwa institution, managed by the respective Mufti Department in each state, plays an important role in issuing fatwa on various aspects of Islamic religious life, including prayer. However, the methodological aspects pertaining to the prayer-related fatwa issuing process are rarely studied critically and in depth. This study aimed to critically analyse the methodology for issuing prayer-related fatwa in Malaysia by examining reference sources, legal deduction (*istinbat hukm*) methods, fatwa deliberation process, and the level of

consistency in fatwa decisions between states. This qualitative study used the document analysis method involving primary and secondary reference sources concerning prayer-related fatwa issued by respective State Mufti Departments throughout Malaysia. The findings indicate that the methodology for issuing prayer-related fatwa in Malaysia generally follows the comparative jurisprudence (fiqh muqaran) method, with the Shafi'i school as the basis, but with flexibility in considering other schools' (madhabs') thoughts when needed. Findings also indicated methodological gaps, including inconsistencies in the application of fiqh rules and differences in fatwa decisions between states on the same issue. This study recommends improvements to the methodological framework of prayer-related fatwa in Malaysia to achieve higher levels of consistency and credibility.

Keywords: Methodology, Fatwa, Prayer, Mufti's Department, Malaysia

Introduction

Fatwa is one of the key mechanisms in the Islamic legal system that functions as a source of Shariah ruling for the Muslim community. The issuance of a fatwa involves a complex methodological process and requires expertise in the foundational principles of Islamic jurisprudence (usul al fiqh), comparative fiqh (fiqh muqaran), and other related Islamic disciplines (Setyawan, B. 2025; Mohd Kamel et al., 2017). Malaysian fatwa institutions have been given clear roles and authority under state Islamic religious administration laws to ensure that every fatwa issued rests on a sound methodological foundation.

Prayer is among the most common subject raised in fatwa inquiries among Muslims in Malaysia. This is largely because prayer is a daily obligation that cannot be neglected, yet many Muslims face concerns when carrying out this obligation due to the challenges of modern life, such as long working hours, different health conditions and long-distance travel (Basri et al., 2022). Hence, State Mufti Departments regularly receive enquiries related to various prayer-related issues, including the permissibility of combining and shortening prayers, the required travel distance for a musafir, prayer rulings for the sick, and rulings on Friday prayer in certain situations.

Although prayer-related fatwa are frequently issued, the principal scholarly problem is not simply whether particular rulings differ, but how such rulings are methodologically produced. This study therefore examines the application of legal reasoning in prayer-related fatwa in Malaysia, with particular attention to the selection and use of evidence (dalil), methods of preference (tarjih), the role of madhhab authority, considerations of maslahah, and the treatment of contemporary realities. It compares these methodological elements across fatwa issued by State Mufti Departments in order to identify patterns of reasoning and the sources of consistency or divergence.

Literature Review

Earlier studies on fatwa in Malaysia may be grouped into three main clusters: studies that analyse fatwa outcomes and legal content; studies that examine conflicts and coordination between states; and studies that discuss fatwa methodology, procedures, or administration in general. These clusters have contributed significantly to Malaysian fatwa scholarship, but they address different questions. Outcome-focused studies explain what was decided; coordination studies identify the occurrence and consequences of differing decisions; and general methodological studies examine institutional procedures or practices. None,

however, provides a systematic comparative account of how core methodological principles are applied in the derivation of prayer-related fatwa across Malaysian states.

In the first cluster, Ahmad Hidayat Buang's (2002) *Analisis Fatwa-Fatwa Semasa Syariah di Malaysia* is one of the earlier important literary works that systematically mapped the fatwa landscape in Malaysia. The study showed that a sub-field of worship, particularly prayer, was among the areas receiving the greatest attention from state fatwa institutions. Its contribution, however, focused more on classification, mapping and descriptive analysis of the fatwa that had been issued. The study had not moved into a deeper methodological analysis, especially in evaluating how religious decrees or evidence (*dalil*), principles of *usul fiqh*, *tarjih* methods, consideration of *maslahah*, contemporary realities and the *madhhab's* authority were applied in the fatwa-making process. In other words, Ahmad Hidayat Buang (2002) had successfully explained the type of fatwa issued, but did not critically address how and why certain fatwa decisions were formed through particular methodological frameworks. This limitation leaves considerable room for further research to examine the legal deduction (*istinbat hukum*) process in a more analytical manner.

In the same cluster of studies, Hanan and Nurul Ilyana (2020), in their literary work *Ta'lim Jamak Solat Mengikut Pandangan Empat Mazhab*, had provided the rationale behind the permissibility for combining prayers (*solat jamak*) according to the views of the four classical schools of Islamic jurisprudence. This study carries academic value in terms of its discussion of substantive legal rulings (*hukm*) and comparison of the various *madhhab's* perspectives. Its scope, however, remains limited to classical *fiqh* discussions and does not critically connect these discussions to the practice adopted by Malaysian fatwa institutions. It does not explain how the *madhhab's* opinions were selected, weighed, adapted or applied by *muftis* and fatwa committees in the current context. Hence, this study's focus leans more toward the legal content itself rather than the methodological process behind the issuance of the ruling (*hukm*). This indicates the existence of a gap between classical *fiqh* discussions and current application of fatwa methodology in Malaysia's formal institutional framework.

Mohd Hapiz, Azri and Mohd Dasuqkhi (2021) also discussed prayer-related fatwa during the Covid-19 pandemic, especially pertaining to issues involving congregational prayer and the use of prayer spaces. The study is significant because it presents prayer-related fatwa in the context of a public health crisis that demands dynamic legal considerations. Nevertheless, the discussion still leans more toward justifying fatwa that were issued rather than critically analysing how these fatwa were actually derived, despite using the *al-tarakhkhus fi al-fatwa* framework. Questions such as the extent to which medical data served as a basis for legal consideration, how principles like *rukhsah*, *sadd al-dhara'i'*, *maslahah* and *Maqasid al-Shariah* were applied, as well as how religious authorities interacted with public health authorities, were not examined in much depth. Therefore, the study still falls short of explaining the methodology involved in issuing prayer-related fatwa in Malaysia in a systematic and critical manner.

The second cluster consisted of studies that focused on conflicts and coordination of fatwa between states. Muhammad Ikhlas Rosele, Luqman Haji Abdullah, Paizah Haji Ismail, and Mohd Anuar Ramli (2013), in their literary work *Konflik Fatwa di Malaysia: Satu Kajian Awal*, had identified several factors that contribute to inconsistencies in fatwa across Malaysia,

including differences in fatwa methodology between states. The study is important because it opens discussion on the relationship between methodology and the diversity of fatwa decisions. Nevertheless, the discussion on methodology remains fairly general and does not closely examine the actual methodological differences involved. The study did not explain in detail which principles of legal deduction (*istinbat hukm*) were used by certain states, how *madhhab* authority was handled, the extent to which *tarjih* methods were applied, or what institutional factors shaped the differences in fatwa decisions. Hence, Muhammad Ikhlas et al. (2013) had succeeded in identifying the markers of fatwa inconsistency rather than dissecting the deeper methodological roots behind those conflicts in prayer-related issues.

In a similar vein, Muhammad Fathullah Al Haq Muhamad Asni and Jasni Sulong (2017), in *Penyelarasan Fatwa Antara Negeri-Negeri: Analisis Amalan dan Kaedah Penyeragamannya di Malaysia*, found that some states issued fatwa based on weak evidence (*dalil*) without undergoing sufficient *tarjih* processes. This finding indirectly points to methodological weaknesses in Malaysia's fatwa practice. The study, however, paid greater attention to coordination issues and mechanisms for standardising fatwa between states. Methodology was discussed only as part of the broader problem of coordination rather than the main focus of the analysis. The discussion did not specifically focus on prayer-related fatwa, even though prayer issues carry their own methodological characteristics due to their connection with ritual worship, *madhhab* authority, the scope of *rukhsah*, contemporary needs and the sensitivities of public religious practice. This leaves room for a more nuanced study that examines how the methodology of prayer-related fatwa is shaped, applied and critically assessed in the context of Malaysia's fatwa institutions.

The third cluster involved studies that come closest to the issue of fatwa methodology itself. Mohd Faez Mohd Shah and Norhidayah Pauzi (2018), in *Metodologi Pengeluaran Fatwa di Jawatankuasa Fatwa Negeri Johor*, had directly examined fatwa methodology at the state institutional level. The study found that the research methods adopted by the Johor State Fatwa Committee were not fully grounded in a structured discipline of Islamic legal research, and contemporary inputs related to legal determinants were not clearly stated in the process of issuing rulings. This finding is important because it exposes a gap between the fatwa methodology's ideal standards and the actual practices of fatwa institutions. However, the study still has two main limitations. First, it is confined to only one state, namely Johor, which means the findings cannot fully represent the broader methodological pattern of fatwa issuance in Malaysia. Second, the study focused more on general fatwa procedures and administration without treating prayer issues as a specific field of analysis. The study is still insufficient in explaining the methodology behind prayer-related fatwa at the national level in a comprehensive manner, despite its significance from a methodological perspective.

Hisan Abdul Halim, Azman Ab Rahman and Abdul Manan Ismail (2018), in *Amalan dan Kaedah Pengeluaran Fatwa oleh Jawatankuasa Fatwa Negeri Kelantan: Analisis Awal*, found that differences existed between actual practice and the fatwa procedures stipulated under the Kelantan state enactment. This finding strengthens the argument that issues surrounding fatwa methodology are not merely theoretical matters but also involve gaps between legal provisions, administrative procedures and real implementation. Even so, the study remains preliminary and does not reach the deeper critical analysis level of the legal deduction (*istinbat hukm*) process itself. Similar to Mohd Faez and Norhidayah (2018), this study was

also limited to a single state and did not specifically focus on prayer-related fatwa. As such, even though it contributes to an early understanding of fatwa practices at the state level, its scope is still not broad enough to fully address questions regarding the methodology for issuing prayer-related fatwa in Malaysia.

The literature therefore demonstrates two broad orientations. The first comprises studies of fatwa outcomes and doctrinal content. These works map, classify, compare, or explain the substantive rulings that have been issued, but do not systematically reconstruct the reasoning through which the rulings were reached. The second comprises studies of general fatwa methodology, administration, conflict, and coordination. These studies identify procedural practices, institutional differences, or the need for standardisation, but they do not treat prayer-related fatwa as a distinct field for comparative methodological analysis across states.

The specific gap is thus not merely a lack of research on fatwa methodology or on prayer-related fatwa separately. Rather, it is the absence of a focused analysis of how methodological principles are actually operationalised when State Mufti Departments issue prayer-related fatwa. In particular, existing studies do not comparatively examine how authorities select and evaluate *dalil*; apply *tarjih* when competing juristic views are available; maintain, qualify, or depart from Shafi'i madhhab authority; invoke *maslahah* and related *fiqh* principles; and respond to contemporary social, medical, geographical, or institutional realities. These methodological choices are especially important in prayer matters because such fatwa commonly involve both established rules of ritual worship and practical circumstances that may require *rukhsah* or contextual legal assessment.

Accordingly, this study addresses the following research problem: how are *dalil* selection, *tarjih*, madhhab authority, *maslahah*, and contemporary realities applied in the formulation of prayer-related fatwa across Malaysian states, and how do these applications explain patterns of consistency and difference in the resulting rulings? By moving beyond the description of fatwa outcomes and general discussions of fatwa procedure, the study offers a critical, comparative analysis of the *istinbat* methodology underlying prayer-related fatwa. This focus clarifies the study's novelty and is important for assessing the methodological rigour, transparency, and credibility of fatwa institutions in Malaysia. It may also help explain differing rulings that affect Muslims seeking practical guidance on the performance of prayer.

The Fatwa Institution in Malaysia

Malaysia recognises Islam as the official religion of the Federation, as stated in Article 3(1) of the Federal Constitution. Under the Ninth Schedule, List II (State List) of the Federal Constitution, matters related to Islam, including the authority to issue fatwa, fall under the jurisdiction of the respective State Governments (Ahmad Hidayat, 2002; Ahair et al., 2020; Kusrin, Z. M et al., 2022). Therefore, every state in Malaysia has its own Mufti Department that functions as a reference body for Islamic legal rulings.

Establishment of 13 Mufti Departments in the states of Malaysia plays an important role in the issuing of fatwa to meet the needs of the Muslim community in their respective states (Muhammad Faisal et al., 2020). At the federal level, Jabatan Kemajuan Islam Malaysia (JAKIM), through its Fatwa Management Division, coordinates legal and religious issues at the national level through the Muzakarah of the National Council for Islamic Religious Affairs

Malaysia (MKI) Fatwa Committee (Jabatan Kemajuan Islam Malaysia, 2015). Decisions reached through the MKI Muzakarah are not directly binding on the states, yet they function as guidelines used by Mufti Departments in the issuance of various fatwa.

Fatwa issued by the respective Mufti Departments in every state follow procedures and regulations provided under the Acts, Enactments and Ordinances of each State Islamic Religious Administration in Malaysia. According to Mohd Kamel et al. (2017), fatwa are issued based on the following procedures:

By royal command from the Yang di-Pertuan Agong or the Ruler of a state.
At the request of the Mufti and the State Fatwa Committee.

Through written applications submitted by individuals to the Mufti or the State Fatwa Committee.

Through collective decisions (jama'i) made by the State Fatwa Committee for gazettment. Fatwa decisions agreed upon are then presented to the State Islamic Religious Council.

The Secretariat of the Fatwa Committee prepares the fatwa text or sighah, which is later reviewed and verified by the State Legal Adviser's Office.

The fatwa is gazetted after receiving royal consent from the Yang di-Pertuan Agong, Sultan, or the State Islamic Religious Council.

The fatwa is published in the state gazette as an official and final ruling.

The gazetted fatwa is then publicly announced and disseminated.

In general, fatwa issued by the various muftis in Malaysia refer mainly to the views of the Shafi'i school (Syafie Asni et al., 2021). Nevertheless, the muftis also refer to opinions from other schools, namely the Hanafi, Maliki and Hanbali schools, especially when the Shafi'i position is seen as less suitable for the welfare and interests (maslahah) of the Muslim community (Isa Ansori, 2017; Raihan et al., 2024; Hassan, W. Z. W. 2014). Fatwa issued in Malaysia can generally be divided into three categories, such as gazetted fatwa, rulings decided through fatwa committee meetings, and personal fatwa issued individually by muftis either orally or in written form (Muhammad Ikhlās et al., 2013).

Malaysian fatwa institutions issue rulings in three main areas, namely Shariah, Usuluddin and social matters. Fatwa related to Shariah make up the largest category, and under the Shariah branch, the prayer-related worship section represents the highest number of fatwa issued, including rulings (hukm) concerning the implementation of Friday prayer (Ahmad Hidayat, 2002).

Methodology of Fatwa Issuance In Malaysia

Sources of Reference When Deliberating and Issuing Fatwa

Fatwa issuance methodology in Malaysia follows a structured hierarchy of reference sources, which are generally divided into two main categories, namely primary sources and secondary sources. Primary sources consist of the Holy Quran, Sunnah of the Prophet Muhammad SAW (Hadith), and scholarly consensus (ijmak). Secondary sources include opinions found in recognised schools of Islamic jurisprudence, especially the Shafi'i school, together with established legal maxims (qawa'id fiqhiyyah) (al-Raysuni, 2013; Omar et al., 2020).

In the context of prayer-related fatwa, these sources are applied according to their hierarchical position. Quranic verses and authentic hadith form the primary basis for determining prayer-related rulings (hukm). Among the Quranic texts frequently referred to is the exhortation by Allah SWT regarding the obligation of prayer:

فَإِذَا قَضَيْتُمُ الصَّلَاةَ فَادْكُرُوا اللَّهَ قِيَمًا وَقُعُودًا وَعَلَىٰ جُنُوبِكُمْ ۚ فَإِذَا اطْمَأْنَنْتُمْ فَأَقِيمُوا الصَّلَاةَ ۚ إِنَّ الصَّلَاةَ كَانَتْ عَلَىٰ الْمُؤْمِنِينَ كِتَابًا مَّوْقُوفًا

Meaning: And when you have completed the prayer, remember Allāh standing, sitting, or [lying] on your sides. But when you become secure, re-establish [regular] prayer. Indeed, prayer has been decreed upon the believers a decree of specified times. (al-Nisa: 103)

When a Quranic verse or hadith does not provide a clear or detailed ruling (hukm) for a certain situation, the mufti will first refer to fiqh scriptures from the Shafi'i school. However, if the Shafi'i opinion is found to be difficult to apply or unsuitable for present-day public interest cases, views from other schools, such as Hanafi, Maliki and Hanbali, may then be considered (Isa Ansori, 2017; Raihan et al., 2024). This approach is known as *at-tarjih bayna al-mazahib* (preference between madhhabs), which is regarded as an authoritative method in legal reasoning when an urgent need arises (Abdul Karim Zaidan, 2014).

The Legal Deduction (Istinbat Hukm) Method

Istinbat hukum refers to the process of deriving fiqh rulings (hukm) from the sources of Islamic law (Syarak). According to Abdul Karim Zaidan (2014), legal deduction (istinbat hukm) involves several major sources, such as the al-Quran, Sunnah, ijmā, qiyas, maslahah mursalah, and 'urf. In the context of prayer-related fatwa in Malaysia, these methods are applied in an organised manner depending on the issue being discussed.

One of the fiqh maxims most frequently used in prayer-related fatwa is the *al-masyaqqah tajlib al-taysir* principle (hardship brings about ease) (Al-Sayuti, 1985). This principle serves as a major basis for granting flexibility to Muslims who face difficulties in performing prayers under normal circumstances. The permissibility to combine prayers (jamak) for surgeons carrying out lengthy surgical procedures, for example, is based on this legal maxim (Umar Mukhtar, 2017).

Another principle often applied is *la darar wa la dirar* (there should be neither harm nor the causing of harm). This maxim appears in several prayer-related fatwa, especially those involving health and patient safety, such as fatwa concerning the permissibility to combine prayers (jamak) for medical personnel (al-Nawawi, 2003).

The qiyas method also plays an important role in determining rulings (hukm) for contemporary prayer-related issues that lack clear textual evidence. One example is the ruling that permits chronically ill patients to combine prayers (jamak) by drawing an analogy with the ruling for travellers (musafir). The analogy is based on a shared 'illah or legal cause, namely the hardship experienced in both situations (Mohd Hapiz et al., 2021).

Mechanisms and Processes Relevant to Fatwa Meetings

In practice, fatwa deliberations (muzakarah) in Malaysia are carried out through collective discussions organised by the respective State Fatwa Committees. This mechanism generally involves four fundamental phases, based on the framework outlined by Wan Mohd Yusuf (2016):

The identification and clear definition of the issue together with the collection of relevant data, whether empirical or textual in nature.

2. The analysis of Shariah texts followed by critical examination of the views of classical and contemporary ulama.

3. Collective discussion at the committee level where findings are debated and examined in detail.

4. The formulation of legal resolutions (hukm) or fatwa, followed by the gazetting process. Each stage in this process requires pragmatic, accurate and systematic methodological competence to ensure accurate legal deductions (istinbat hukm).

Composition and Approach of Al-Ijtihad Al-Jama'i

In the context of the discussion's operational structure, the Fatwa Committee is chaired by the Mufti and assisted by members consisting of religious scholars (ulama) and fiqh experts. Besides that, the committee also brings in expertise from other disciplines, if the situation warrants. The involvement of medical specialists, for example, becomes especially important in resolving fatwa issues that require detailed technical, medical and scientific understanding (Ahmad Hidayat, 2002).

This collaboration and synergy between technical experts and Shariah scholars clearly manifests in the application of al-ijtihad al-jama'i (collective ijtiḥad). According to Yusuf al-Qaradawi (d.u.), this approach is regarded as one of the most ideal and authoritative methodologies for dealing with complex and multi-dimensional contemporary fiqh issues.

Critical Analysis of the Methodology of Issuing Prayer-Related Fatwa in Malaysia

Based on an examination of prayer-related fatwa issued by the respective Mufti Departments in Malaysia, several methodological patterns can be identified. This section critically analyses these methodologies from the perspective of their strengths, weaknesses and the challenges they faced.

Analysis of the Methodology Used for Issuing Fatwa Regarding Jamak and Qasar Prayers

The findings show that fatwa related to jamak and qasar prayers issued by respective Mufti Departments demonstrate a relatively high level of consistency in several aspects. States that issued fatwa concerning the two-marhalah travel distance requirement for performing jamak and qasar prayers agreed on fixing the distance at 81 kilometres (Jabatan Mufti Johor, 2022; Asmadi, 2024; Ab Rauf, 2024; Zamri, 2022). This consistency reflects effective coordination with the MKI Muzakarah mechanism.

However, methodological gaps still appear when determining more complex issues, such as the permissibility of jamak prayers for sick individuals. Fatwa issued by the Jabatan Mufti Wilayah Persekutuan permits jamak prayers for women experiencing labour pains as well as for surgeons performing lengthy surgical procedures (Naimah, 2024; Umar Mukhtar, 2017).

Fatwa concerning jamak and qasar prayers, from the reference sources' perspective, generally indicate a consistent pattern by relying on Quranic verses and authentic hadith as the primary evidence, followed by support based on opinions of ulama from various madhhabs. This comparative fiqh approach (fiqh muqaran) allows for a more comprehensive and responsive fatwa based on diverse scholarly opinions (Hanan & Nurul Ilyana, 2020). In this regard, the methodology used by the respective muftis in Malaysia can be considered as one that meets the standards of contemporary fiqh methodology.

An analysis of the fatwa on jamak prayers for surgeons performing lengthy procedures issued by the Federal Territories Mufti (Umar Mukhtar, 2017) shows the use of a fairly comprehensive methodology, which includes:

Presenting Quranic verses and hadith (dalil) relevant to the issue.

Examining the opinions of classical ulama from different madhhabs.

Referring to the views of contemporary ulama, such as Syeikh Yusuf al-Qaradawi and the Saudi Arabian Lajnah Daimah.

Relying on related decisions issued through the MKI Muzakarah.

Establishing dawabit (guiding principles or parameters) that determine the conditions for applying the fatwa.

This layered approach reflects a systematic and well-grounded methodology. It is in line with the contemporary fatwa framework proposed by Yusuf al-Qaradawi in his literary work *Fi Fiqh al-Awlawiyyat*, which stresses the importance of considering present realities and the actual needs of society when deliberating and issuing fatwa (Yusuf al-Qardawi, d.u.).

Methodological Analysis of Friday Prayer-Related Fatwa

Fatwa related to Friday prayer display a more complex methodological pattern, especially in issues involving differences in the interpretation of religious decrees or evidence (dalil) between different schools (madhhabs). The obligation and legislation concerning Friday prayer are originally based on a verse from the Al-Qur'an, as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ

Meaning: "O you who have believed, when [the adhān] is called for the prayer on the day of Jumu'ah [Friday], then proceed to the remembrance of Allāh and leave trade. That is better for you, if you only knew" (al-Jumu'ah: 9)

Issues pertaining to the minimum number of congregants required for Friday prayer serves as a useful example in illustrating methodological challenges in fatwa issuance. The Jabatan Mufti Negeri Pahang, in a 2025 meeting, adopted an interesting methodological approach by accepting the opinion that Friday prayer can be performed with only 12 congregants for isolated Orang Asli settlements (Kertas Cadangan Kebenaran Mendirikan Solat Jumaat Diperkampungan Orang Asli, 2025). This decision differed from the Shafi'i school's affirmative

and dominant position, which requires 40 congregants. The ruling, however, relied on the qaul qadim practiced by the Shafi'i school (madhhab) together with the opinions of several other ulama who permit a smaller number.

The decision by the Pahang Mufti Department, from a methodological perspective, reflects the application of istihsan 'urfi (preference based on contextual consideration) by taking into account the geographical and social realities faced by isolated Orang Asli communities. This method is consistent with the Maqasid al-Shariah principles, especially the hifz al-din (preservation of religion) aspect (al-Raysuni, 2013; Mat Zain, M. N. 2017).

Meanwhile, the Jabatan Mufti Negeri Sabah's fatwa permitting Friday prayer even when the number of congregants is fewer than 40 (Bungsu @ Aziz, 2017) demonstrates the use of the qaul qadim, which is practiced by the Shafi'i school, as the basis for its ruling. This shows that fatwa issuing methodology in Malaysia is not restricted solely to the final authoritative view of the Shafi'i school (madhhab), but could take others' opinions into consideration when circumstances warrant it.

An analysis of the methodology used by the Jabatan Mufti Wilayah Persekutuan (Nadzirah, 2015) concerning the Friday prayer falling on the same day as Eid al-Fitr, revealed a comprehensive approach that included examination of various opinions from the Hanafi, Maliki, Shafi'i and Hanbali schools. The department also analysed related hadith (dalil) and applied the al-khuruj min al-khilaf concept (avoiding areas of scholarly disagreement) as part of the basis for its ruling. This approach reflects a mature methodological framework in dealing with issues involving strong differences of opinion among scholars.

Issues Concerning Methodological Consistency and Standardisation

One of the main challenges in the methodology used for issuing prayer-related fatwa in Malaysia concerns consistency and standardisation amongst states. Not all states adopt the muzakarah's decisions in a uniform manner, even though coordination mechanisms exist through the MKI Muzakarah (Muhammad Ikhlas et al., 2013; Yahya et al., 2018).

This study found that differences in prayer-related fatwa between states can generally be divided into two categories. The first involves differences arising from variations in the methodology of legal deduction (istinbat hukm), where each state might apply different hierarchies of reference sources or different tarjih methods. The second involves differences shaped by varying local contexts and realities between states, including geographical, cultural and social factors affecting local communities.

According to Rosidi, M. H. (2021), differences in fatwa between various states should not be automatically viewed negatively as long as the differences are grounded in clear methodology and supported by strong reasoning. Problems emerge when differing fatwa are issued without sufficient methodological explanation, leaving the Muslim community unable to properly understand the reasoning behind the differing rulings.

This study, in the context of fatwa related to jamak and qasar prayers, found that coordination through the MKI Muzakarah had managed to achieve a fairly satisfactory level of consistency. The decision to set 81 kilometres as a distance equivalent to two marhalah has been adopted

by all states that have issued related fatwa (Jabatan Mufti Johor, 2022; Asmadi, 2024; Ab Rauf, 2024; Zamri, 2022). This suggests that the MKI coordination mechanism works effectively when the issue involved is technical in nature and does not require differing contextual interpretations.

Research Methodology

This qualitative study had critically analysed the methodology used to issue prayer-related fatwa in Malaysia. The research design was based on a content analysis involving the examination, evaluation and analysis of documents pertaining to prayer-related fatwa and the methodologies used in their deliberation and issuance from fiqh and usul fiqh perspectives.

The data collection instruments involved two categories of sources. Primary sources consisted of fatwa texts issued by various State Mufti Departments in Malaysia concerning prayer-related issues, including gazetted fatwa and those issued in the form of irsyad hukum. Secondary sources included journal articles, books, theses and various Mufti Departments' official websites.

The collected data were then descriptively analysed to identify patterns, strengths, weaknesses and gaps in the methodology used for issuing prayer-related fatwa in Malaysia. The analysis also employed a comparative fiqh approach (fiqh muqaran) to compare methodologies used by different states in dealing with the same prayer-related issue.

Findings and Discussions

This study presents several major findings concerning the methodology used in the deliberation and issuance of prayer-related fatwa based on the analysis of these fatwa issued by various State Mufti Departments in Malaysia.

Methodological Foundation Based on the Shafi'i School with Flexibility

This study's findings confirm that the main methodological foundation for issuing prayer-related fatwa in Malaysia is rooted in the Shafi'i school (madhhab), though applied with a significant degree of flexibility. This flexibility manifests in three main mechanisms.

First is the use of qaul qadim from the Shafi'i school when circumstances warrant it. In the issue concerning the minimum number of congregants for Friday prayer, for example, the Jabatan Mufti Negeri Sabah applied qaul Qadim, which permits a congregation of fewer than 40 people (Bungsu @ Aziz, 2017). Second, the acceptance of other schools' (madhhabs) opinions when there is a reasonable need to do so. In matters concerning jamak prayer for sick individuals, views from the Maliki and Hanbali schools (madhhabs) were also taken into consideration (Al-Nawawi, 1928; Mazri et al., 2024). Third, the application of collective ijtihad (al-ijtihad al-jama'i) when addressing new issues that do not have clear precedents in the classical fiqh tradition, such as rulings concerning jamak prayer for medical staff treating critically ill patients (Wan Mohd Yusuf, 2016).

The Role of Fiqh Maxims in Prayer-related Fatwa

This study found that fiqh maxims play a crucial role in the methodology for issuing prayer-related fatwa. Among the major maxims identified by this study are:

a) Al-masyaqqah tajlib al-taysir (hardship brings ease) — applied in issues related to jamak prayer for the sick, travellers (musafir) and medical personnel (Al-Sayuti, 1985; Mazri et al., 2024).

b) Al-umur bi maqasidiha (matters that are judged according to their purpose) — applied when evaluating the purpose of travel by travellers in matters involving jamak and qasar prayers (Umar Mukhtar, 2019a).

c) Al-khuru' min al-khilaf mustahabb (avoiding disagreement is encouraged) — applied in the issue of religious decrees (hukm) pertaining to Friday prayer when Eid al-Fitr also falls on a Friday (Nadzirah, 2015).

The use of these fiqh maxims reflects a holistic approach to fatwa methodology that not only relies on textual evidence, but also considers Syariah's general principles, as emphasised by al-Suyuti in his literary work *al-Ashbah wa al-Nazair* (1985).

Recommendations for Improving the Methodology

Several recommendations, based on the findings and analysis of this study, were proposed to improve the quality of the methodology used to issue prayer-related fatwa in Malaysia.

First, the establishment of comprehensive and standardised methodological guidelines for all State Mufti Departments (Nasohah, Z., 2005). These guidelines should include minimum procedures for fatwa deliberation, method for documenting the legal deduction (istinbat) process, and mechanisms for enhancing coordination between states (Wan Mohd Yusuf, 2016).

Second, improvement of the coordination mechanism through the MKI Muzakarah. The MKI Muzakarah should be mandated with an affirmative and more binding role, especially in prayer-related fatwa issues that carry national significance. This would help ensure that the muzakarah's decisions are more consistently adopted across all states.

Third, improving the documentation and publication of fatwa issuing methodology. Every prayer-related fatwa issued should be accompanied by a clear methodological explanation covering the dalil (religious decrees or evidence) used, the tarjih methods applied, and the rationale behind the final ruling. Such an approach would improve transparency in the fatwa-making process, and help the Muslim community understand and confidently accept the fatwa (Mohammad Khairul Anuar et al., 2023).

Fourth, explicitly integrate the Maqasid al-Shariah framework into the prayer-related fatwa issuing process. This framework is important for evaluating the fatwa's impact on public welfare and interest, as well as ensuring that the objectives behind the religious mandate of the prayer itself remain preserved in every ruling issued (al-Raysuni, 2013).

Conclusion

This study has critically analysed the methodology used for issuing fatwa concerning prayer-related issues in Malaysia. Based on the analysis, it can be concluded that the methodology generally follows the comparative fiqh (fiqh muqaran) approach with the Shafi'i school

(madhhab) serving as the primary foundation, though with a level of flexibility that allows the adoption of views from other schools (madhhabs) when necessary. The use of fiqh maxims, specifically al-masyaqqah tajlib al-taysir, reflects a holistic approach that takes into account the contemporary realities faced by Muslims.

However, several methodological gaps still need to be addressed, including inconsistencies in fatwa procedures amongst the various states. This study proposed several improvements to enhance the prayer-related fatwa methodology's framework in Malaysia through the formulation of comprehensive guidelines, empowering the MKI coordination mechanism, improving fatwa documentation, and the explicit integration of the Maqasid al-Shariah framework.

Overall, empowering the methodology for issuing prayer-related fatwa in Malaysia is important for ensuring that every fatwa issued is valid from the Islamic law perspective, as well as relevant and acceptable by the Malaysian Muslim community, which continues to develop and face new challenges in modern life.

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Authors' Contributions

This article is the result of contributions made by eight authors in the areas of methodology, analysis, organisation and writing. The draft manuscript was prepared by Muhammad Adib Samsudin, Salma, Mohammad Zaini Yahaya, Nik Abdul Rahim Nik Abdul Ghani, Anwar Fakhri, Ahmad Munawar Ismail, Kamaruddin Adam, Illiyin Samsudin and Muhammad Aliif.

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