

Form of Rukhsah For Prayer in Critical Situation

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Abstract

Prayer is the pillar of religion. It must be performed either in normal or critical situation as long as Muslims possess sane mind. Except that in critical situation, there are *rukhsah* (leniency) given by Islamic laws to people facing the situation. *Rukhsah* is a leniency or concession given to an accountable Muslim in performing Allah's commandments during certain situation due to obstacle or any matter permitting exception from general principle. This article is posed to explain on the concept of *rukhsah* for prayer in facing critical situation. Methodology of this study is of qualitative research. Data were collected from document analysis by referring to history books either on history of prayer decreeing classical fiqh books, contemporary fiqh book, current fatwas, views of scholar figures, observation and interviews with Officers of Fire Department and Critical Air Traffic. Data collected were analysed and elaborated through inductive, deductive and comparative methods to gain result complying with assigned objectives. This study found that there are three critical situations in Islam which are rainfall, sickness and arising need or difficulty. There are two main methods practised by Muslim community in Malaysia while facing critical situation which are skipping prayer and then replacing it the prayer. However, there is a more accurate method according to al-Sunnah and scholars' view which is by performing *jamak* for two prayers in a period due to dire and unavoidable need.

Keywords: Rukhsah, Prayer, Azimah, Masyaqqah, Taklif.

Introduction

Prayer is the pillar of religion obligated upon every accountable Muslim to perform it five times a day. The obligation of performing prayer is constant from evidences in al-Quran and al-Hadith. The obligatory law of prayer is stated by Allah SWT in His words:

Meaning: Then when you have performed (your) prayer, then remember Allah while standing up, sitting and lying down. Then when you feel secure, then perform the prayer (as usual). Truly, the prayer is an obligation which its times are determined upon the believers.

(Surah an-Nisa', (3: 103))

Considering that prayer is a *taklif* obligatory of performance in any condition, Islam allocates leniency and *rukhsah* in performing the obligation, while its people are facing difficulty (*masyaqqah*), hardship, obstacle or emergency state. Emergency arising from unfortunate event, sickness and others does not entirely drop the obligation of performing prayer but can be performed according to individual capability. Therefore, laws allocate *rukhsah* for people who are in those situation that the prayer is not merely skipped and that accountable Muslims can continue serving Allah SWT.

Allah exempts certain individuals from fulfilling the demand of performing general rituals normally by implementing *Fiqhiyah* method which is *al-darurah tubihu al-mahzurat* (emergency state permits the forbidden). It is more when human need in life consists of matters in *daruriyat*, *hajiyyat* and *tahsiniyat* forms. Here, laws appreciate human need by securing the need either of *taklifi* or *wad'i* form.

At this extent, there are still no specific writing discussing on the guidelines of *rukhsah* for prayer in facing critical situation. Nevertheless, other studies related to this topic have been done and can be benefited. There are two forms of studies and writings done that relate with the above topic which is the concept of *Rukhsah* and prayer during critical situation. al-Sadlan (1417H) for example wrote on "*al-Qawa'id al-Fiqhiyyah al-Kubra Wa Ma Tafarra'a 'Anha*". Meanwhile, Kamil (1999) wrote on "*al-Rukhsah al-Syar'iyyah Fi al-Usul wa al-Qawa'id al-Fiqhiyyah*". His writing is more focused on the execution of *rukhsah* in fatwas of laws involving current financial and business issues.

Al-Sallabi (2002) meanwhile wrote on the title "*al-Rukhsah al-Syar'iyyah Ahkamuha Wa Dawabituha*". This writing is the result of Master level thesis in the field of comparative fiqh. Ramzi (1999) has produced a thesis at Master level titled "*Rukhsah implementation in rituals: A study in Military Service*". In this thesis, besides discussing on the definition of *Rukhsah* literally and technically, he also discussed on the practical laws regarding *Rukhsah* involving *Rukhsah* of khuf wiping, conditions related to khuf wiping, methods of khuf wiping and duration allowed for khuf wiping for settling people.

Al-Qaradawi (2005) wrote on *fiqh of priority based on al-Quran and al-Sunnah*. Argument was focused by him on the real concept of fiqh of priority, relationship between fiqh of priority and other fiqhs, fiqh of priority on field of knowledge and thought, fatwa, preaching and practice, field of commandment execution, field of avoiding Allah's prohibitions, field of reformer and fiqh of priority related to preaching by figures of Islamic reformer in modern era. Ibrahim (2011) in his work "*Sickness is Not an Excuse of Skipping Prayer*", mentioned on the performance of prayer for bed-ridden patient in hospital with variety of its categories. The argument touched on ablution, dry ablution and performance of prayer by patient. *Rukhsah* of prayer was also touched but not in details such as on permissibility of jamak prayer for patient immobilised and lacking of assistance to perform ablution.

Ariffin (2015) wrote on "*Guidelines of Ibadah in Difficult Situation*". The argument focused on prayer and laws related to it as regularly discussed in books of fiqh. Writer also touched on prayer during travel, sickness and war situation. By doing observation to all resources stated in literature review above, it is clear that detailed discussion on *rukhsah* of

prayer involving critical situation has not been done yet by researchers and also writers, moreover on the building of guidelines for rukhsah of prayer for those involved in the situation mentioned above such as officers of fire department and critical air traffic, which is entirely unavailable and it must be done immediately to assist officers of fire department and critical air traffic of having clear guidelines on the status of rukhsah for prayer while facing critical situation, that prayer ritual can be performed properly and compatible with fiqh of priority even though it cannot be performed perfectly.

The purpose of this study is to investigate the forms of rukhsah for prayer in critical situation which are applicable by Muslim people especially officers on duty in the situation. This is because there are officers who skip prayer due to misunderstanding of the rukhsah related to prayer which are applicable.

Research Methodology

Methodology of this study is of qualitative approach. Data were collected from document analysis by referring to books related to tafsir, sunnah, classical fiqh books, principles of Islamic jurisprudence (usul fiqh), fiqh of priority, current fatwas and views of contemporary Islamic scholars, questionnaires, observation and also interviews. Data collected were analysed and elaborated by implementing deductive, inductive and comparative methods to gain results compatible with assigned research objectives.

Findings

According to AbuLuwis (1997: 254) rukhsah literally means to lighten and to ease. Technically, *rukhsah* means leniency or concession for mukalaf (accountable person) in performing Allah's commandments in certain situation due to difficulty, a reason permitting exception from general principles on account of *al-Hajat* or *al-Daruriyat*. *Rukhsah* is also what decreed by Allah SWT involving affairs related with laws of permitting leniency to mukalaf in specific subject due to element of difficulty in certain affair (Khallaf, 2008: 353)

Allah is the Most Benevolent to His servants. He bestows leniency to perform prayer for travelling people. Travellers are allowed to shorten the four-rakaat prayer into two rakaats, and gather two prayers in the first period of prayer or known as jamak *taqdim* or in the second period of prayer or known as jamak *ta'khir* to ease the affairs of the traveler himself. This is because travellers are not deserted from facing various difficulties. *Rukhsah* of prayer is an ease and leniency given by Allah SWT in performing obligatory prayer in certain conditions such as during travel, sickness and field of war (Al-Medani, 2009: 88). Many scholars discussed on rukhsah of prayer other than travelling reason. Among them are:

- a. Khatib al-Syarbini (1997), Mughni al-Muhtaj, Beirut: Dar Ihya al-Turath al-Arabi, Volume: 1, p : 275.
- b. Ibn Muflih (1463), Al-Raudhul Murbi', Beirut : Thobo' al-Mahfudzhoh, Volume : 2, p: 111.
- c. Al- Nawawi, Abu Zakaria Yahya ibn Sharaf (1994). *Raudah al-Talibin*, Beirut: Dar al-Kutub al-'Ilmiyyah. p: 503.
- d. Al-Hisni al-Syafi'i (1994). *Kifayat al-Akhyar*. Tahqiq: A Hamid Ba Haji. Beirut: Dar al-Khayr. p: 104.
- e. Ibn Rushd, Muhammad Ibn Ahmad (1994). *Bidayat al-Mujtahid*. Tahqiq: Abdullah Labadi. Volume: 1. Damsyiq: Dar al-Qalam. p: 398.

Critical Situation

Critical situations involving performance of prayer are:

- a. Sickness causing prayer to not be performed normally
- b. Travel of good intention
- c. Continuous heavy rainfall
- d. Rescuing flood victims, flight and extinguishing critical fire
- e. Treating patients in critical wards involving two or three periods of prayer
- f. Inability of cleaning the body and clothes stained with excrement
- g. Inability of covering aurat
- h. Strong fearful situation
- i. Inability of facing kiblat normally

Forms of *Rukhsah* for Prayer in Critical Situation

There are several forms of *rukhsah* for prayer in critical situation which are applicable by Muslim people, among them are:

Performing prayer as jamak and qasar

Jamak and qasar prayer is an ease and leniency provided for travelling person. The travel is conditioned of good intention and not of immoral purpose. Allah SWT provides leniency to Muslim people to shorten prayer which is shortening the four-rakaat prayer into two rakaats only (Zohor, Asar and Isyak prayer) and leniency for jamak, which is gathering to prayers in a period of prayer. For example, performing prayer as jamak *taqdim* which is gathering of the second prayer into the first period of prayer such as gathering Asar prayer into the period of Zohor and Maghrib into the period of Isyak or jamak *ta'khir* which is gathering the prayer which should be performed in the first period into the second period such as gathering Zohor prayer into the period of Asar and Maghrib prayer into the period of Isyak. Regarding proof of jamak prayer during travel, from Ibn Abbas R.A, he said:

Meaning: *"Rasulullah SAW gathered Zuhur prayer with Asar during journey (which is travel) and gathered Maghrib prayer with Isya'."*

(al-Bukhari: 1056)

The next hadith, from Ibn Abbas R.A:

Meaning: *"Prophet SAW gathered prayers in journey that we took during war of Tabuk. He gathered Zuhur prayer with Asar and Maghrib prayer with Isyak. Said bin Jubair said: I asked Ibn Abbas: What encouraged him to do that? He answered: He did not want to burden his people."*

(Muslim:705)

Performing Prayer as Jamak Only

There are other conditions permitting Muslim people to gather their prayers. These conditions were mentioned in authentic hadiths and also ijthad of mujtahidin scholars in understanding hadiths related to prayer jamak issue. The subject is found in al-Syafi'i sect but not emphasised in community until turns weird to certain people. It does not involve travelling situation.

Conditions or *masyaqqah* allowing Muslim people to gather prayers, among them are:

- i. Jamak due to rainfall
- ii. Jamak due to sickness
- iii. Jamak due to arising need or difficulty

Al-Syafi'i sect is the firmest sect in permitting jamak of prayer due to rainfall. However, there are methods and conditions lined by them in which among them is *rukhsah* of gathering prayers due to rainfall can only be done by congregation at mosque and the prayer allowed is only Zohor with Asar or Maghrib with Isyak or in other words only jamak *taqdim* is allowed in the case of *rukhsah* for prayer due to rainfall (al-Syarbini, 1997:275).

The next condition is that the rainfall does not stop until the accomplishment of Zohor or Maghrib prayer. The rainfall must be of that can wet clothes or heavy and not just a drizzle (al-Nawawi, 1994:503). There are also scholars among al-syafi'i sect that put an extra condition which is that jamak can only be performed by people who live far from the mosque, while people who live near to the mosque are not allowed to perform jamak. This view however is objected by Imam Nawawi as according to him the view has no strong basis and no strong depended proof (al-Hisni, 1994:140).

Among other scholars in agreement with imam al-Syafi'i and his followers was Imam Ahmad bin Hanbal who opined in a wider perspective by allowing jamak in snowy season, storm, muddy path and unordinary coldness. Imam Malik was also in alignment with Imam al-Syafi'i allowing jamak only due to rainfall and not analogising with others. Imam Abu Hanifah meanwhile did not permit jamak of prayer except in Arafah and Muzdalifah only during pilgrimage season. Some of the recent scholars of al-Syafi'i such as al-Nawawi and others and recent scholars of Maliki sect agreed with Ahmad's opinion by widening the reasons allowing jamak of prayer (Ibn-Rushd, 1994:398).

This sunnah is very practical for those who live overseas especially in non-Muslim countries where a mosque is far from a Muslim individual's dwelling. They surely face difficulty of commuting to the mosque during snow, strong wind and rainfall (Ibn-Rushd, 1994:398). It also has no obstacle of being practiced in Malaysia, considering the *illah* or reason that brings to permissibility of jamak of prayer which is the rainfall and not due to difficulty of hardship.

Next is jamak of prayer due to sickness, it is permissible under the reason that critical sickness is more burdening for a Muslim to perform prayer than rainfall according to view of Imam Ahmad. In this topic, Imam Ahmad allowed a critical patient to gather his prayer that they will not be burdened by waiting for the period of prayer that they can have rest while waiting for the recovery calmly (Ibn-Muflih, 1463H: 111). This view is supported by certain scholars of al-Syafi'i sect such as al-Muzani, al-Nawawi, Qadhi-Hussin, al-Mutawalli, al-Rawayani, al-Khattabi and others. In Syarah Muslim, al-Nawawi said: "Several imams allowed jamak for settling person, when there is a need as long as it is not made a habit. This is also the view of Ibn-Sirin and Asyhab from Maliki group, and according to al-Khathabi and also view of al-Qaffal and al-Syasy al-Kabir from Syafi'i group, also from Ishak Marwazi and group of hadith expert, and this is the chosen view of Ibn al-Mundzir (Sabiq, 1990:227).

The next situation is gathering prayer due to arising need and difficulty forcing him to not performing prayer in its period. For example, a doctor who has to conduct surgery for hours and if it will harm the patient if he leaves the surgery even for a moment. That also goes to a person who is trapped in traffic congestion causing him to be in his car for hours and not capable of escaping from the situation. A student overseas who is facing examination and has

to attend class that takes period of Maghrib, Zohor and anything related which is short. An officer of fire department and critical air traffic who serves field tasks forcing them to be in service area for the whole day. A person in the prison, lockup or detainment disabling him from estimation of prayer periods in details. Security officers who have to guard, observe and secure a place, situation, street and anything disallowing them from leaving the place due to critical situation at instance (al-Utsaimin, 2008:413)

In general practice in Malaysia, there are two alternatives usually implemented which are skipping prayer during critical situation and the situation is their biggest argument and license to skip prayer. Second, replacing the skipped prayer. It is practised by majority of Muslim community in Malaysia. This replacement doctrine sometimes becomes an instrument for many Muslims to skip their prayer without any strong reason. There is a method which is more sharia-compatible and approved by many scholars and al-Sunnah itself without skipping prayer and performing replacement which is by gathering two prayers in a period due to dire and unavoidable need. Recent scholars of Hanbali sect, Asyhab from Maliki sect, Ibn Mundzir, Zahiriah group, Hadis member sect and Ibn Sirin opined that jamak due to dire need is permissible (Ibn-Rusyd, 1994:398). This is based on a hadith narrated by Anas bin Malik:

Meaning: "Truly when Prophet saw travelled before the sun passes the zenith, he would delay or adjourn Zohor prayer until period of Asar arrived, then he stopped at a place and perform jamak for both prayers. When he departed before the sun passes the zenith, Prophet would pray Zohor and then departed."

(Bukhari: 1111; Muslim: 704)

Performing Prayer as Jamak Suri

Jamak suri as mentioned by scholars of Hanafi sect is known as *al-Jam'u Fi'lan Laa Waqtan* (Jamak of action and not period). It is performed by delaying Zohor prayer at the end of period and hastening Asar prayer at the beginning of period, until it looks like gathering the two prayers, in fact not. All prayers are performed in their period. Only Zohor prayer is delayed and Asar is hastened (Ibn-Abidin, 2003:564). However, the usage of jamak suri term is not from Hanafi sect but it is a term used by later scholars based on definition by scholars of Hanafi sect to jamak performed by Prophet SAW. This prayer can be performed by excused people such as sick people, woman of unordinary istihadah, cook who cannot leave his task and so on (al-Nawawi, 2003.5:218).

Performing Prayer by Sitting or Lying Down

Muslim who is sick and unable to stand up is allowed to perform prayer by sitting and lying down. In fiqh books of past scholars, there are several subjects regarded as *masyaqqah* permitting someone to perform prayer by sitting. Among them are inability of standing up, having sickness that deteriorates when performing prayer by standing up, feeling dizzy, being on the vessel, canoe, or boat, fearing of sinking if he performs prayer by standing up on the vehicle and having sickness that can disturb khushyuk in prayer.

This is based on the opinion mentioned by Imam al-Ramli allowing someone to perform prayer by sitting when there is *masyaqqah* (hardship) that can omit khushyuk during

prayer (Al-Kaf, 2003:214). Besides that, it is also allowed to perform prayer by sitting during a flight. Originally, it is more preferred to pray on the floor than on the chair. Prayer by sitting as *iftirasy* (A person sits by putting his buttocks on his left leg. Meanwhile, his left right sole is erected and its toes are faced towards kiblat) is more preferred than sitting as *tawarruk* and *tarabbu'*. If he is unable due to knee pain, fractured leg and plastered or others, he is allowed to pray on chair analogised to sitting as *tarabbu'* (leg-crossing) and prayer on the vehicle as performed by Rasulullah SAW from Ibn Umar narrated by al-Bukhari.

Meaning: When Prophet S.A.W prayed in travel on his riding animal. From the aspect of when the animal was facing towards a direction, he also faced towards that by signal. Night prayer excluding obligatory prayer, and he also performed witir supplementary prayer on his riding animal.

(al-Bukhari :1000)

There are some sicknesses that cause some of body parts to not be washable with water and there are some sicknesses that immobilise the patient from performing ablution. There are some patients who get wet dream or normal menstruation, but cannot perform mandatory bath. There are women who have ceased from menstruation normally, but cannot perform mandatory bath. In all situations above, Allah SWT provides a solution and concession through tayammum (dry ablution) as a substitute for ablution and mandatory bath to cleanse self from minor or major impurities. Allah said:

Meaning: And if you are sick or in travel or one of you come back from the latrine or you touch woman, and you do not find water, then you must perform dry ablution with pure dust, which is: Wipe your face and both of your hands with it. Allah does not want to bear hardship (difficulty), but He wants you to cleanse (purify) yourself and complete His bounties upon you, that you will be grateful.

(Surah al-Maidah,5:06)

Some scholars believe that sick person must purify by combining water and tayammum together. He must perform ablution to the parts washable with water and tayammum to the parts not washable with water. They also opine that sick people with major impurity, is obligated to put water to the parts washable with it and tayammum to the part not washable with water. (al-Nawawi, 2001: 324-325). This opinion is based on hadis narrated by Jabir bin Abdillah as follows:

Meaning: Jabir said, when we went out on a journey then one of us got hit by stone on his head and causing him heavy injury. Then (while sleeping) he got wet dream, then he asked the companions: "Is there any leniency for me that I can just perform tayammum?" They answered: "We do not have leniency for you as you are still capable of using water." Then the person had bath and then ultimately died (due to water contact on the injury at his head). When we arrived at Prophet SAW, he was told on the incident, then he said: "They have killed him, may Allah kill them! Why don't they ask when they are ignorant as the remedy for ignorance is asking. Truly it is enough for him to perform tayammum and squeezing water on his head, or bandaging his injury, then just wiping it and taking bath for other than that for the whole of other body parts.

(Sunan Abu Daud:336)

Therefore, sick people have two choices. First taking ablution by combining it with tayammum and second by performing tayammum by tapping both palms on wall of hospital ward or iron framework of his bed without taking ablution.

Performing *Syiddah Khauf* Prayer (Extreme Fear)

Khauf prayer is among the rukhsah provided by sharia during situation of alert, fear or war and this situation is categorised as situation of difficulty or need. Khauf prayer or prayer of fear is a prayer performed during situation of war with the enemy. It has been performed by Prophet Muhammad SAW during war of Uhud. Fiqh scholars have agreed on the sharia decree on this khauf prayer. What is meant by khauf according to them is not just of fear of enemy attack. Indeed, it also includes khauf of threat of fire, wild animals and others involving threat that can cause destruction and demolition (al-Nawawi, 2001.4:404). Khauf prayer is a prayer performed during fearful condition due to war and others. The khauf prayer is decreed for people of Muhammad until judgement day. After decease of Rasulullah (S.A.W.), companions also performed khauf prayer, as of permanent reason, then it can be performed as Qasar prayer. This prayer can occur in three conditions through different methods:

Enemy Not in Kiblat Direction

Imam must divide his team into two parts, a part stands up facing the enemy and a part stand up behind imam.

Enemy in Kiblat Direction

Imam must arrange army of Islam into two rows. Imam performs *takbiratul ihram* with the whole army of Islam, then the whole army of Islam perform prayer with imam until iktidal from rukuk of first rakaat, then when imam prostrates, one of the army rows prostrate together, either the first row or the second row.

Prayer in Critical Condition

When army of Islam are in an extremely fearful situation during war, when the enemy is attacking from all directions, either form the front or back, left or right, and the period of prayer is expiring, prayer can be performed as of their capability, either by pacing or riding vehicle, either facing kiblat or not facing kiblat.

Performing Prayer of Period Respect

Performance of prayer for period respect is available in al-Syafi'i sect and not in other sects besides al-Syafi'i. It is directed to person facing situation lacking of water and dust for tayammum to perform prayer and worrying of prayer period from merely expiring. Prayer of period respect is a prayer performed in impurity state and prayer with incapability of facing kiblat. This prayer is obligated to be replaced when water or dust is obtained or facing of kiblat direction is performable. We can also replace this prayer of period respect as jamak or qasar in condition that we are still in travelling state. When we have returned to hometown, then prayer of period respect must be replaced completely. Aisyah r.a told that when she had borrowed a necklace from Asma', then it lost. Then Rasulullah SAW sent a few companions to search for it. Then period of prayer arrived, and then they perform it without ablution. When they arrived at Prophet SAW, they complaint on the incident, then the verse decreeing

tayammum was revealed. Al-Hafiz Al-Iraqi said that there are four opinions from *fuqaha* of Al-Syafi'i sect regarding prayer without taharah. The most authentic opinion alongside with scholars of sect (Al-Syafi'i) is the obligation of performing prayer of period respect and replacing it if one of them (ablution or tayammum) is performable. There is also an opinion of obligation for prayer without obligation of replacing it. This is the choice of Al-Muzani. Said Abu Thaur: This is the one that complies with *qiyas* and it was mentioned by Ibnu Abd Al-Barr from some of *fuqaha*. Imam Al-Nawawi said: "Truly this is the opinion with the strongest proof and this opinion is strengthened by this hadis in which they (the companions) performed prayer without ablution before the revelation of tayammum verse and it was not reported that Prophet SAW commanded them to repeat it" (al-Nawawi, 2001.4:404).

Conclusion

Rukhsah basically is sharia laws revealed by Allah as a blessing for His servants. It aims to avoid certain rituals in Islam from being ignored and merely skipped. An accountable Muslim is demanded to perform the decreed laws and it differs from executorial aspect according to condition and situation faced by them. *Rukhsah* depends on the difficulty faced by involved person. According to imam al-Syathibi, decree of *rukhsah* is an absolute worship without ignoring need. Forms of critical situation include *rukhsah* implementation involving sickness preventing prayer from being performed normally, travel of good intention, continuous rainfall, rescue of flood victims, flight and extinguishment of critical fire.

Forms of *rukhsah* for prayer in critical situation are performance of *jamak* and *qasar* prayer for travellers, performance of *jamak* prayer for sick person, person having extreme *istihadah*, person facing difficulty and lack of time due to rescue of flood victims and person treating critical patients taking long duration, performance of *jamak suri* for sick person, performance of prayer by sitting and lying down for those who cannot stand up due to sickness and conditions preventing him from doing that, performance of *syiddah khauf* prayer while facing fearful situation due to enemy, wild animals and others and performance of prayer for period respect.

It is suggested that a more serious study done to investigate the forms of *rukhsah* for prayer which are applicable by Muslim community involved in various forms of occupations in critical situation status. With that, it can be a guidelines for those involved to ease them in performing daily rituals especially the five-time obligatory prayer. By virtue of that, prayer which is the pillar of religion can be maintained properly by every Muslim person.

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