

Conference, Symposium, and Panel Reports

Exploring Challenges and Prospects in the 21st Century

The International Conference on Research in Islamic Laws 2009 (ICRIL'09) was held on 15-16 July 2009 at the University of Malaya's (UM) Department of Shari'ah and Law. The 145 presenters focused on the contemporary challenges and prospects in Islamic studies. Zubaidah Ismail (director, ICRIL'09) welcomed the audience and spoke of the importance of Islamic laws; Ibrahim Lembut (director general and chief Shari'ah judge of Malaysia) gave an opening address, and Ahmad Hidayat Buang (director, the Academy of Islamic Studies) declared the event officially opened on behalf of Ghauth Jasmun (vice chancellor, UM).

The first day's first parallel session, "Methodology of Research in Islamic Law," began with Saim Kayadibi (UM), who highlighted the idea of *istihsan* goes back to the Prophet's time, even though it was not used in the technical sense before Iyas bin Ma'awiyah (d.122/740), and that all legal schools have used it (albeit sometimes under a different name). Salih Qadir al-Zanki (Qatar University) discussed using the Shari'ah's objectives as a research method in Islamic jurisprudence and its principles. M. Zuhdi Marzuki (University of Wales, Lampeter) focused on studying the nature of *fiqh* and its value judgments with ethical considerations, as such considerations permeate all issues connected with science and technology. Adis Duderjia (University of Western Australia, Perth) and Majed Fawzi Abu-Ghazalah (Jordan) presented a strategic analysis for preparing an academic thesis.

The second parallel session, "Islamic Banking and Finance," comprised Ehsan Waquar Ahmad (Karachi University), Ardi Hamzah (Trunojoyo University, Indonesia), and Ahcene Lahsasn (INCEIF). Ahmad talked about alternative financial instruments for Islamic banks to manage their short-term liquidity issues, while Hamzah focused on Shari'ah and non-Shari'ah stocks in selected financial accounting ratios and securities systematic risk. The third parallel session, "Shari'ah Courts' Procedure and Evidence," consisted of Mahmoud al-Mubarak (King Faysal University, Saudi Arabia),

Abdullahi Saliu (Nigeria), Arskal Salim (Germany), Kayadibi, Zubaidah Ismail (UM), and Syed Ahmad S. Alsagoff (IIUM). Alsagoff pointed out that a paid legal profession is anomalous in a Muslim society, for defending accused people is part of one's worship. Under colonialism, however, this was replaced by the western concept of a paid legal profession. In another parallel session, Mohd. Istajib Mokhtar (UM) reviewed the Shari'ah's view on conserving water quality and quantity, and Zulina Mohd. Kusrin and Wafa'a Yusuf (UKM) elaborated upon the concept of separating powers according to civil and Islamic law.

The afternoon session started with Raihanah Abdullah (UM), who stated that various Muslim feminist scholars have argued that a woman's need for a guardian (*wali*) to get married is unjust and discriminatory. She cited Moroccan family law, which abolished this provision in 2004. Taslima Monsoor (Dhaka University), Zakaryya Mohamed Abdel Hady (Qatar University), and Mohamad Syafiqe Abdul Rahim (UM) presented their research in the sessions on "Gender and Islamic Family Law" and "Islamic Banking and Finance." H. Ahmad Mukri Aji (State Islamic University, Jakarta) spoke on Indonesia's attempt to ensure the law's supremacy as regards all people, regardless of their social or any other position, to protect and serve the society's stability, and how the Prophet insisted upon personal equality before the law. Ahmad Sanusi Hassan (USM) analyzed Islam's first appearance in the archipelago through such historical evidence as Kampung Laut's Old Mosque (Kelantan) and claimed that Islam came to the area first from China, not from India or Arabia.

Another parallel session introduced M. Azam M. Adil (University Technology Mara), who dwelt upon the controversial issue of punishing apostates. He stated that the majority of classical jurists favored the death penalty, that modernist jurists prefer to leave the matter to God, and that the Qur'an does not prescribe a specific punishment. In conclusion, he distinguished between the oft-confused terms *apostasy* and *blasphemy*. Ruzman Md. Noor and Mohd Zaidi Daud (UM) elaborated upon the Islamic judiciary system in selected Asian countries, mentioning that its correlation with local elements means that each country has different set of laws and legal system.

Islamic banking and finance have undergone enormous developments since they first appeared in 1969 in Egypt. Islamic banks are more than an alternative for conventional banks, however, because they provide a competitive rate for Muslim depositors. Shahrul Azman Abd Razak (INCEIF) analyzed the differences between conventional and Islamic banks to correct the widely held mistaken idea that both of them are focused on making profits.

This was the last parallel session of the first day of the seminar's second sitting, which consisted of Ahad Gholizadeh Manghutay (University of Isfahan), Jendrius and Heri Candra, Mahadi Ahmad (International Islamic University Malaysia [IIUM]), and Sherin Kunhibaya (Monash University). The evening's welcoming dinner, hosted by the Organizing Committee in UM's Ungku Aziz College to honor the participants, was spectacular.

The second day of the seminar was launched by keynote speaker Abdul Monir Yaacob (senior research fellow, Department of Shari'ah and Law, UM), who talked on the importance of traditional and contemporary Islamic law research in order to develop it and elaborate upon its theoretical and practical approaches. The first parallel session of the second sitting featured Masahiro Yamao and M. Saheedul Haque (Hiroshima University), Gelonavi Nani (Tbilisi State University, Georgia), Nico P. Swartz (University of the Free State, South Africa), and Lugman Zakariah (University of Wales). Nico, exploring the prohibition of usury (*riba*), discussed those ethical considerations of the banking system that may help alleviate the global financial crisis.

The second parallel session, chaired by Taslima Monsoor (Dhaka University), featured Mohamed Rafeek Mohamed Mousoon (United Kingdom), Kayadibi and Nurul Wahidah Fauzi (UM), Ermin Sinanovic (US Naval Academy, Annapolis), and Moh. Manzur E-Elahi (National University of Bangladesh). Mousoon outlined how post-Second World War religious minority immigrants to Britain faced numerous sociopolitical and religio-cultural problems and that the Muslims' lack of proper religious guidance might cause them to lose their identity. Fauzi laid out how the *Majallah al-Ahkam al-Johor* was influenced by the Ottomans' *Majallah al-Ahkam al-Adliyah* and stressed the effort of the Al-Attas family to translate it into Malay.

The next parallel session featured Tamkin Borhan and Muhammad Ridhwan Ab. Aziz (UM), who discussed agricultural contracts from the Shari'ah's perspective; Kerstin Steiner (Monash University, Australia) summarized the administration of zakat in Malaysia as regards federalism and economic development; and Mashitoh Mahamood (UM) explained the validity and implementation of *wasiyah* (last will and testament) in favor of an heir.

Following the parallel sessions, other research was presented, among them that of Yusuf Jelili Amuda (IIUM) on the validity of having female judges in Shari'ah courts; Kobayashi Yasuko's (Nanzan University, Japan) focus on the ulama's changing perspective on women's social roles; and Khalifa Mohamed Omer's (Khartoum University) analysis of Imam Malik's *Al-Muwatta'* as a source for Madinah's socioeconomic life under the caliphs. He stressed the importance of hadith books and the value of jurisprudence in studying Islamic history.

The seminar's parallel sessions were concluded with the final parallel session, chaired by Mohammed Manzoor Malik (UK) and consisting of Abdul Haseeb Ansari (IIUM), Narizan Abdul Rahman (UM), Roqayyah Saeed Salameh al-Qaraleh (Ph.D. student, UM), Bustanuddin Agus (Andalas University, Indonesia), and Daud's study of *waqf* cases that were decided and reported in Malaysia's law journals. He claimed that both Shari`ah and civil courts have the power to adjudicate such cases.

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