

EDITORIAL

It is with great pleasure that I present to the reader the July 2017 issue of IAIS Malaysia's flagship journal, *Islam and Civilisational Renewal*. This issue contains six substantive articles and four viewpoints, in addition to several event reports and a book review.

I myself write the first substantive article, entitled 'Actualisation (*taf'il*) of the Higher Purposes (*maqasid*) of Shari'ah'. In this article, I explore the ways in which the higher purposes, or *maqasid*, of Shari'ah can be applied and actualised. I have identified some of the weaknesses in the way the *maqasid* have been positioned in the conventional methodology of *usul al-fiqh*. I also make suggestions on how the *maqasid* should relate to *fiqh*, *usul al-fiqh* and *ijtihad* respectively. The actualising aspect of *maqasid* is expounded through a detailed examination of the ways the *maqasid* relate to their means (*wasail*). The narrative I have developed then proceeds to offer numerous illustrations of the *maqasid*-oriented *fatwas* of both classical and contemporary scholars on various issues of concern to the actualisation of *maqasid*.

The second article, entitled 'Environmental *Fitrah* in The Light of a Systemic Approach to Shari'ah and Science' is jointly written by Ahmad Badri Abdullah and Shahino Mah Abdullah. The authors argue that the principle of environmental preservation (*hifz al-bi'ah*) via the *maqasid al-shari'ah* has unresolved ambiguities with regard to its actual implementation in dealing with the phenomenon of global warming and world climate change. They suggest an alternative conception of environmental preservation by drawing a connection to the Shari'ah's objective of preserving *fitrah*. In the Islamic intellectual tradition, *fitrah* lays an intelligible foundation for the *maqsad* of environmental protection, which the authors have sought to develop through their engaging new research.

The third article, entitled '*Waqf* in Bosnia and Herzegovina during the 20th and 21st Century' is presented by Jasmin Omercic. This article investigates the socio-economic role of *waqf* in Bosnia and Herzegovina from the 20th century onwards. The overview of the evolution of Bosnia and Herzegovina *waqf* institutions advanced here underlines various abuses of these institutions and helps chart the way forward. A contemporary challenge is to reconstruct *waqf* with the emergence of Islamic Economics. The author observes that the *Waqf* Directorate of Islamic Community of Bosnia and Herzegovina (WD-ICBIH) has initiated reforms since 1995 to revive the socio-economic role of *waqf* and integrate it into Bosnia and Herzegovina development.

The fourth article, entitled 'Re-emergence of Shari'ah Penal Law in Northern Nigeria: Issues and Options' is jointly authored by Dr. Hanafi A. Hammed and Professor Wahab O. Egbewole. As the title suggests, the writers discuss the current

state of affairs surrounding the initiative to re-introduce Shariah Penal law in Northern Nigeria. They argue that the narrative of this effort began with the quest for political legitimacy as well as for religious purity by the former governor of Zamfara state. Despite the positive response of several states to this initiative, the federal government of Nigeria has, however, declared Shari'ah to be incompatible with the constitutional guarantee of freedom of religion. The northern governors responded by highlighting that the same constitution vested in states concurrent powers to establish their own court systems. The writers then set out to look into the constitutional provisions that guarantee freedom of religion side by side with several judicial decisions in Nigeria and abroad, where the right to practice one's religion has been vindicated.

The fifth article, entitled 'Boko Haram's Claim to an Islamic Caliphate: Is it Creditable?' is presented by Abdul Gafar Olawale Fahm. The central issues examined here are Boko Haram's declaration of an Islamic caliphate in Nigeria and the manner in which the group has gone about their activities by imposing Shari'ah law and persecuting and kidnapping young girls. The author asserts that it is timely to enquire into both the workings of the early caliphate and the role an Islamic state should play in the world today. This article's ultimate aim is to counter Boko Haram's approach to the caliphate by juxtaposing its actions with the exemplary leadership displayed by the pious caliph, Umar bin Abdul Aziz. An attempt has also been made to assess the impact of the Boko Haram insurrection and any lessons that can be drawn from it.

Our sixth and final substantive article, entitled 'Kesan Pertukaran Agama Ibu bapa Terhadap Status Agama Anak' (The Effect of Parents' Conversion on the Religion of a Child) is jointly written by Mohamed Azam Mohamed Adil and Rafeah Saidon. This insightful piece articulates the need to respect the legitimate interest of a spouse who converts to Islam to dissolve his or her marriage when such was solemnized and registered under the civil law. Civil courts, according to the authors, must be given the room to entertain and ultimately make a final determination on the petition to dissolve marriage brought up by the Muslim spouse. With regard to the religion of a child, the authors have made recommendations that include the possibility of establishing a mediation tribunal.

Turning to our four viewpoints, the first is by Shanino Mah of IAIS Malaysia. Entitled 'Smart Energy Consumption Could Preserve Natural Resources', the author stresses the need to reduce fossil fuel dependency by introducing the right energy mix as well as observing 'green practice' through 'energy efficiency' implementation.

In our second viewpoint, Muhammad Adha Shaleh of IAIS Malaysia presents us with 'Community Engagement and the Creation of Social Capital'. He signals some important directions for the vitality of community engagement in the creation of social capital. Certain obstacles would have to be removed, and when properly done so, community engagement in environmental programmes can elevate a nation's reputation, as well as build public trust and confidence.

Abdul Karim of IAIS Malaysia contributes our third viewpoint entitled, ‘Reducing Polarisation in the World’. He highlights the need to reduce polarisation between Muslims and non-Muslims by promoting a better understanding of Islam and an improved climate of understanding across the board. Muslim institutions of learning would also need to pay attention as there can be little progress without a thoughtful approach and all inclusive awareness.

For our final viewpoint, Apnizan Abdullah writes a piece entitled ‘Charities in Malaysia: Demarcation of Federal and State Jurisdictions’. She is of the view that jurisdictional issues would arise when Islamic charitable concepts (except *waqf*), such as *sadaqah*, *infaq* or *hibah*, are applied within the Federal jurisdiction because of overlapping powers between the Federal and State Governments. She argues that it is timely to revisit the current state of our regulatory regime governing charities so that certain Islamic philanthropic concepts can be extended and enjoyed by both Muslims and non-Muslims.

In addition to the substantive articles and viewpoints, this issue of the *ICR* also reports on four important events. The first event, held on 9 May 2017 at IAIS Malaysia, was a ‘Seminar on Muslim Intellectuals, Freedom and Creativity’, and featured three speakers, Mohammad Hashim Kamali, Ali Gheissari and Syed Farid Alatas. The issue of intellectual creativity in Islam is connected with the concepts of *tajdid islam* and *ijtihad*, which the panelists addressed in considerable detail, generating a lively discussion.

The second event, held on 22-23 May 2017, was entitled ‘Training Programme: Shari’ah Standards on *Murabahah*, *Tawarruq*, *Ijarah*, *Rahn*, *Qard* and *Wa’d*’. This event was organised to keep participants abreast with the latest updates on the Shari’ah standards of the respective contracts. The training was conducted by two IAIS Malaysia research fellows, Mohammad Mahbubi Ali and Apnizan Abdullah. Based on the overwhelming response of the participants, the training programme was a success. Participants came from different sectors, including Islamic banking and financial institutions, higher education institutions, commodity *murahabah* brokers and research institutes.

The third event was a round table discussion on ‘Islam and Human Capital Development’. The discussion was held in Oxford, UK, and co-organised by the Legacy Association of Tun Abdullah and Oxford Centre for Islamic Studies (OCIS). It was held on 2 June 2017, in conjunction with Tun Abdullah Badawi’s visit to the Centre. Dr Mohamed Azam Mohamed Adil represented IAIS Malaysia in the event.

This issue of the *ICR* ends with a review of Mohammad Hashim Kamali’s *The Middle Path of Moderation in Islam: The Qur’anic Principle of Wasatiyyah*, written by Jabal M. Buaben of the Sultan Omar ‘Ali Saifuddin Centre for Islamic Studies. Buaben succinctly summarises the gist of Prof Kamali’s book and commends the author for his ability to explain complex ideas and technical jargon in a simple and lucid manner.

As a final word, I would like to extend my heartfelt appreciation to all our contributors. They have produced an outstanding body of thought provoking work. I am confident that policy makers, scholars and other interested parties will find this issue enlightening and useful.

Mohammad Hashim Kamali
Editor-in-Chief