



Management of Khilaf Issues in Malaysia: Selected Case Analysis

Islamic
Legal
Reasoning

Pengurusan Isu-Isu Khilaf di Malaysia: Analisis Kes Terpilih

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ABSTRACT

The concept of khilaf according to Syariah means a difference of opinion based on arguments, which does not involve lust, reckless accusations, and blind fanaticism. Instead, it is centred on openness, wisdom, maturity, brotherhood, and mutual respect. Thus, this study will explore the concept of khilaf according to the Islamic perspective and identify the methodology of rulemaking by scholars. This research also focuses on how Malaysian authorities handle khilaf issues in accordance with Islamic law and legal enactments. This study uses content analysis where a systematic and replicable technique for compressing many words of text into fewer content categories based on explicit rules of coding. When it comes to analyse the books (i.e. fiqh books), the assumption made is that the words which are mentioned most often are the words that reflect the greatest concerns. Thus, the study found that *mujtahid* scholars have various methods to answer current ruling issues, leading to some differences between them. Disagreement or difference of opinion highlighted by them clearly has its own methodology that needs to be explored. In fact, they also have specific methods in dealing with khilaf for their implementation in society. Further in this study, there are many misunderstanding issues that arise especially in Malaysia that need enlightenment. This is because there are 14 states in this country that have different Islamic religious management even though they are led by YDP Agong as the Head of State for all states in Malaysia including Sabah and Sarawak.

Keywords: Khilaf, differences, disagreement, opinion, fiqh, Malaysia





ABSTRAK

Konsep khilaf menurut Syariah bermaksud perbezaan pendapat berdasarkan hujah yang tidak melibatkan hawa nafsu, tuduhan semborono, dan fanatisk buta. Sebaliknya, ia berpusat pada keterbukaan, hikmah, kedewasaan, persaudaraan, dan saling hormat-menghormati. Oleh itu, kajian ini akan mengkaji konsep khilaf menurut perspektif Islam dan mengenal pasti metodologi pembuatan hukum oleh cendekiawan. Selain itu, kajian ini juga memberi tumpuan kepada pengurusan isu-isu khilaf di Malaysia oleh pihak berkuasa mengikut perspektif Islam dan peraturan undang-undang. Kajian ini menggunakan analisis kandungan, iaitu teknik sistematik dan boleh diulangi untuk merangkumkan banyak perkataan teks kepada kategori kandungan yang lebih sedikit berdasarkan peraturan kod yang eksplisit. Apabila menganalisis buku-buku (iaitu buku fiqh), andaian yang dibuat adalah bahawa perkataan yang disebutkan paling kerap adalah perkataan yang mencerminkan keseimbangan terbesar. Oleh itu, kajian mendapati bahawa cendekiawan mujtahid mempunyai pelbagai kaedah untuk menjawab isu-isu peraturan semasa, yang membawa kepada perbezaan di antara mereka. Perselisihan atau perbezaan pendapat yang mereka tegaskan jelas mempunyai metodologi tersendiri yang perlu diteroka. Malah, mereka juga mempunyai kaedah khusus dalam menangani khilaf untuk pelaksanaannya dalam masyarakat. Lebih lanjut dalam kajian ini, terdapat banyak isu salah faham yang timbul terutamanya di Malaysia yang memerlukan penerangan. Ini kerana terdapat 14 negeri di negara ini yang mempunyai pengurusan agama Islam yang berbeza walaupun mereka dipimpin oleh YDP Agong sebagai Ketua Negeri bagi semua negeri di Malaysia termasuk Sabah dan Sarawak

Kata kunci: Khilaf, perbezaan, perselisihan, pendapat, fiqh, Malaysia

INTRODUCTION

"Khilaf" is an Arabic term that can be translated as "difference," "disagreement," or "contradiction." In Islamic terminology, it is often used to refer to a difference of opinion or interpretation regarding the teachings of Islam (Abd al-Karim, 2000). For example, there can be khilaf among scholars regarding the interpretation of a particular verse of the Quran or a hadith (a saying of the Prophet Muhammad). In general, the concept of khilaf in Islam recognizes that there can be diversity of opinion within the community of believers, and that this is not necessarily a cause for division or conflict. Instead, it is seen as a natural outcome of the human effort to understand and interpret the divine guidance provided in the Quran and the Sunnah (the practice and example of the Prophet Muhammad). However, in some cases, the differences of opinion may lead to controversy and division within the Muslim community. In these situations, it is important to approach the issue with respect, tolerance, and an open-minded attitude, seeking to resolve the difference through peaceful means and in accordance with the principles of Islamic law and ethics. The problem of differences of opinion should be understood holistically from every angle of discussion. The wisdom and istifadah (benefit or advantage) of khilaf need to be worked on as much as possible so that the importance of khilaf in religious affairs can be highlighted and implemented with full



courtesy by all parties. The encouragement given by the Prophet SAW in the name of khilaf, especially to his companions, signals that there is virtue and benefit to Islam and the ummah if khilaf is managed with full responsibility and tolerance. However, if it is not managed in the best way as required by syariah, it will cause the possibility of division in society (Hashim, 2008).

Meanwhile, technological changes and advancements in cyberspace along with the passage of time which should be the best and fastest medium to spread authentic information to all levels of society, instead has turned into a medium to spread issues of chronic differences leading to conflict in society, further leading to various negative elements in the community without any regard for the stability of the people. This kind of situation will become worse when the community becomes a victim of arguments after arguments between religious people openly, or at least make discussions in private and limited to the parties involved only. If this situation continues to happen, it will surely harm the religion and the nation. It is not impossible; this conflict can also spread to other things in the life of the community as it happens in the political world. There are occasions where the Prophet SAW often advises his companions through several hadiths that have been recorded. Among them are hadiths that emphasize the importance of looking at the benefit of society in matters of worship, that is, as qiyas to issues of khilaf. Among them is a hadith from Abu Mas'ud al-Ansari who said that a man came to see the Prophet SAW and said:

O Messenger of Allah, indeed (on this day) I was late for the Fajr prayer because there was so-and-so son of so-and-so who prolonged the prayer when he was leading us. Abu Mas'ud said, I never saw Rasulullah SAW's face angry on the day he gave a warning except on that day. Then the Prophet SAW said: Indeed, there will be among you who will run away (away from religion). So those who are imams among you (congregational prayers) should shorten their prayers (do not prolong the recitation and movement). Because there are among you, makmum who are weak, there are also makmum who are old (usur), and there are makmum who have hajat (needs) to be completed.

Malfeasance issues have persisted since the earlier companions' time and are still present today. The topic of khilaf comes up frequently and is one that the Muslim community in Malaysia discusses frequently. The community will search for a solution to find a resolution each time this issue comes up. The community views the State Mufti Department or the National Council's Fatwa Committee as the most credible and authoritative entity to handle these matters. Fake news and incomplete information, in particular, are to blame for this misconception. Official bodies' fatwas do not provide detailed answers to problems until discrepancies in those replies have led to confusion within the community. The rise of "unqualified scholars" who make subjective social media comments on the subject exacerbates the dilemma. Therefore, before any opinions are expressed, the understanding of Malaysia's Islamic administrative legislation that is under the authority of the Sultan, King, or Yang di-Pertuan Besar of the state in question needs to be clarified. Any ruling made by one state only affects that



state and not other state. Therefore, when a court decision made in one state varies from a decision made in another, dispute results. Because the research was limited to a small number of carefully chosen instances, this study is important for understanding how misunderstanding issues are managed in Malaysia. This study can give the Muslim community more insight about how to handle issues from an Islamic perspective and in light of Malaysian legislative enactments.

LITERATURE REVIEW

Issues of Khilaf: Back to Islamic Main Sources

Authoritative scholars from all schools of jurisprudence, especially the imams of the four schools of thought, agreed to make evidence from the Qur'an and the Sunnah as a priority in determining the ruling. Evidence from the Qur'an and Sunnah is the highest evidence that is given optimal attention and is highly emphasized as a parameter to obtain accurate rulings. Both complement each other in building a cohesive system as a yardstick for determining the ruling on all issues in the life of Muslim community. The two sources of revelation have succeeded in proving the truth of the Islamic religion as well as raising the dignity of Islam as a heavenly religion that is accepted as the only true religion from Allah SWT (Abuhamid, 1997). In Surah Ali-Imran Allah SWT says, meaning:

Verily, the religion (which is acceptable) in the sight of Allah is only Islam. There is no dispute among those who have been given Al Kitab except after knowledge has come to them, because of malice (that exists) between them. Whoever disbelieves in the verses of Allah; then indeed Allah is very swift in reckoning.

(Ali 'Imran, 3:19)

Based on the verse, the difference of opinion that occurs is only focused on the interpretation of the text which the scholars see as partly general and thus, not final. Scholars have the role of interpreting general texts, then analysing and commenting on current issues that are floating around in society. This action does not directly mean that they are creating their own view on lust without any basis. What they interpret and explain is based on the recommendations and signals from the Qur'an and the Sunnah itself, to ensure that the religion remains relevant throughout time and can be practiced more easily and practically. However, the interpretation of the text that is the rule of law for them, does not at all contradict the arguments of syariah found in the text, or will not at all depart from the platform of the original meaning of the text. The description of the text pioneered by the mujtahid is based on the khilaf that is built on the breadth of knowledge and the sharpness of their minds in observing everything that is required by the Quran and Sunnah. Without scholars of the status of mujtahid, it is almost certain that the description will have an inaccurate effect on the law or may be lost from the original meaning of ijthihad in evaluating the will of the syariah (al-Maliki, t.t). The resolution of every ruling issue is highly dependent on these conditions and because of that it continues to develop and create its own history within khilaf discussion.



Khilaf Limited to Furu' or Branches Matters

Every authoritative jurisprudence that exists today has been tested and evaluated with the eyes of knowledge until it is proven to optimally meet the true meaning of khilaf as recommended by the Syariah. Scholars differ in many matters related to arguments that are not conclusive, which are calculated from various angles such as linguistics, terminology, urf and so on. Their disagreement is not about the main issues in religion that have been agreed upon but involves the issue of furu' or branches matters. The furu' discussion means that all debates about khilaf are never related or touch the main principles in Islam. The debate related to furu' also revolves around ruling problems that are branches and have a general nature that very much need a touch of interpretation from scholars. In addition, the other reasons that allow the scholars to differ in their views are because the proofs available for an issue are purely zanni¹, or the nature of the proofs is not specific, which opens the widest possible space for different views. The khilaf debate is very broad because it is pioneered by religious scholars who are experts and skilled in understanding the requirements of the law and are very careful and thorough in analyzing and commenting (Abu al-Qasim, 1935).

The result of the sharpness of khilaf has led to the birth of several additional sources of law such as Ijma'², Qiyas³, Istihsan⁴, Istishab⁵, 'Urf⁶ and so on. The branches of knowledge compiled by the eminent scholars of the past allow the knowledge to be passed down from generation to generation by future generations to unravel all current ruling issues. Therefore, in this regard, the people who are categorized as muqallid or referred to as the group that follows, need to know, and realize that the opinion of the scholars on the path of khilaf only covers matters that are classified as small or moderate problems in Islam and does not touch the fundamental issues at all. In addition, the role of religious people should also be given attention to minimize confusion about religion that may arise for various reasons. But unknowingly, sometimes they also contribute to confusion in society due to the ideas that may differ from each other (Abu al-Qasim, 1935). This situation needs to be rectified accordingly for the good of all parties.

¹ a belief or judgement that is based on limited information or evidence and is not necessarily supported by facts or proof.

² the consensus of the Muslim community on a particular issue.

³ the application of a legal principle from the Quran or the Sunnah (the sayings, actions, and teachings of the Prophet Muhammad) to a new situation based on its similarity to a previously established legal precedent.

⁴ the process of seeking the best or most equitable solution in a particular legal case. In this context, "istihsan" refers to the use of personal discretion and judgement by a jurist in applying Islamic law to a particular case, to achieve the best outcome for the parties involved.

⁵ The principle of Istishab is based on the idea that, in the absence of any evidence to the contrary, it is reasonable to assume that a particular legal status or condition continues to exist. This principle is often applied in Islamic law in cases where there is a question about the continuation of a legal obligation or the validity of a contract.

For example, in cases of marriage, the principle of Istishab assumes that a married couple continues to be married until there is evidence of divorce or annulment. Similarly, in cases of property ownership, the principle of Istishab assumes that a person continues to own a property unless there is evidence of transfer or abandonment.

⁶ the traditional norms, practices, and beliefs of a particular community or society, which are used to complement and supplement the formal laws and regulations that govern that community.



Dealing With Khilaf

The issue of khilaf has become a polemic and has invited great debate from scholars since long ago. It aims to ensure the extent to which a ruling made based on this khilaf really conforms to and approaches the intentions of the Syariah based on texts from the Qur'an and Hadith. According to history, scholars debated at length about the issue of wrongdoing and how solutions to ruling issues in society can be produced according to the Syariah model. However, recently, the manifestation of khilaf which should be a solution to the problems of society has turned into a part of a long-lasting problem in society whereas the necessity of khilaf given by syariah is intended to provide flexibility, convenience, and lightness to Muslims in ruling matters. This gives that the Islamic religion is merciful and realistic to its followers according to the changes of technological progress without abandoning the basic principles in the text. It also shows the uniqueness of Islam in taking care of the welfare of the ummah around the world which can be practiced easily without any difficulty (al-Ansari, 1996).

On the other hand, the effects of khilaf that are not managed and organized well, can cause some confusion in society. This result is far from the will of the Syariah that separates people from confusion and doubt as Prophet said: "*Leave what doubts you, to what does not doubt you.*" Khilaf should be understood as deeply as the 'depth of an ocean' so that unity in society is maintained. This big role needs to be played by all levels of society. Even the religious authorities are the most important group in playing this role. Scholars have taken an earnest, diligent and thorough attitude in collecting all available texts and studying every aspect of the issue raised. They bring together all the arguments, so that they can be evaluated from every angle so that they can set the law according to the correct rules without ever turning their backs on any related arguments (al-Khin, 1994). They are disagreeing with solid and concrete reasons according to the actual methodology of Syariah to produce accurate laws. This is to ensure that Islam remains relevant and universal in every ruling issue in community life as Allah says

(And remember) the day (when) We will raise up in every nation, a witness over them from among themselves and We will bring you (Muhammad) as a witness over all mankind. And We sent down to you Al Kitab (Al Quran) to explain everything (as law) and guidance and mercy, and glad tidings for those who surrender.

(Al-Nahl, 16:89)

Without a scholar of the rank of mujtahid⁷, Muslims are unable to understand the text of the Qur'an and the Hadith directly. The contribution of the mujtahids in this regard from the past cannot be denied by anyone. The height of intellect and vast mastery of knowledge as bestowed by Allah SWT to the mujtahid scholars, paralleled by their high

⁷ someone who could interpret the Qur'an and the Sunnah (the teachings and practices of the Prophet Muhammad) to arrive at a ruling on a particular issue. Mujtahids play an important role in the development of Islamic law and jurisprudence, as they are responsible for providing guidance on legal matters to the wider Muslim community.



devotion to Allah has helped them obtain appropriate ruling and serve as a guide and reference for all Muslims. Furthermore, the mujtahid scholars, especially the authoritative imams, have certain methods that are used as a basis in the process of consistent *istinbat*⁸. With that methodology, they can present a solid basis for the determination made on all ruling issues (Abd al-Karim, 1988). As a result, they agreed on some matters and disagreed on some other matters based on the method, resulting in additional sources of law for their respective sects.

In parallel with the passage of time, the differences that once existed between the Imams of the sect have grown to the point where there is a difference within the same sect. In fact, the expansion and development of khilaf has reached to views other than those of the imams of the sect. Looking at this situation, the role played by the mujtahid scholars in teaching the text to protect the interests of the religion and the welfare of the ummah cannot be ignored, rather it should be made part of the priorities. The prowess of knowledge shown by the scholars in explaining ruling issue is truly extraordinary and shows excellent results in the field of syariah. The mujtahid scholars at that time were considered noble not only because of their height in the field of knowledge, but they were also considered great because of their worship, character, and personality (Abdul Halim, 2001). There are also negative values that contribute to a misunderstanding of the meaning of flexibility as given by the Syariah on the necessity of khilaf. Especially when there are religious groups who are also involved in making the situation worse with their different ideas. This situation occurs because of failing to understand the true meaning of khilaf in syariah, and then conveying it to the community that lacks knowledge, causing the community to also be confused. Because of the situation that is displayed and the reality that is being shown in the middle of society, then a study like this should be able to contain all the bad elements that affect the society in their religious affairs (Taha, 1987).

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⁸ the process of deducing Islamic legal rulings from the sources of Islamic law, such as the Qur'an, the Sunnah (the teachings and practices of the Prophet Muhammad), consensus of the community (*ijma*), and analogical reasoning (*qiyas*). The goal of *istinbat* is to derive a legal ruling for a specific issue based on the principles and evidence found in the sources of Islamic law.



sustainable khilaf management needs to be worked on to bring good to all levels of society and contribute to the harmony of the practice of Islam in Malaysia. Confusion only brings difficulties and hardships to anyone, while every practice carried out from a religious point of view must be done with full confidence without being interrupted by doubts and delusions.

Basis in Being Khilaf

Basically, the khilaf debate has led to the development of a very wide field of jurisprudence since the time of the Prophet SAW, that is when he wanted to send Muaz bin Jabal to Yemen to be the Qadhi of the Muslims there. The Prophet SAW said

"O Muaz, if something comes to you that you want to be asked (by anyone), how do you answer and solve it? Muaz answered, I will judge with the Book of God, the Quran. The Prophet SAW asked again, what if you don't get the answer from the Quran? Muaz answered, I will get the answer from al-Sunnah to judge. The Prophet asked Muaz, what if you do not find the answer from al-Sunnah, how do you judge him? Muaz replied, I will judge using my own opinion as ijtiḥad and I will not budge. The Prophet SAW continued to place His Majesty's hand on Muaz's chest while saying: Praise be to God who has given his taufiq (guidance) to the representative of his Messenger who is pleased."

(Narrated by Abu Daud and al-Tirmizi)

The hadith above clearly states that ijtiḥad is a method adopted by syariah as a source of legislation in Islam. Different ijtiḥad from scholars in a ruling issue is a khilaf that exists today. The question of khilaf is very broad, but in this case, one of the sources of khilaf is ijtiḥad where sometimes the ijtiḥad produced by mujtahids is different. This is because the evidence that exists is only of a general nature that is very necessary for a specific decision to determine the law. Although there are different views, the khilaf caused by the scholars is something that is accepted by the syariah with certain conditions so that the Prophet SAW once stated how much Islam celebrates khilaf if it is in a harmonious space and environment. The Prophet SAW has said

"If an appointed judge conducts ijtiḥad in a ruling matter and then it is found that his ijtiḥad is correct, then there are two rewards for him. And if the judge makes ijtiḥad and then it is proven that his ijtiḥad is also wrong, then for him there is a reward."

(Narrated by Bukhari and Muslim)

In another example recorded in the hadith related to Saidina Ali, an event that had occurred related to the legal problems he experienced while in Yemen was narrated. The event witnessed the almost outbreak of a major conflict among Muslims from various races there. Since the case is the first to occur in history without any specific guidance from the scriptures, Saidina Ali has decided a decision based on her wisdom supported by the general syariah texts as shown by the Prophet SAW for the settlement



of the case. In addition to that, the legal decision made by Saidina Ali was since at that time the Prophet's location was far away in Madinah to be consulted directly, while the case needed to be resolved immediately. However, the decision was referred to the Prophet SAW through a delegation from Yemen who went to Medina to meet with the Prophet SAW. After telling the Prophet SAW everything that happened and the legal decisions made by Saidina Ali, then the Prophet SAW said "The ruling is as established by Ali.

OBJECTIVE OF RESEARCH

The objective of this study is to examine the differences in religious beliefs among the Muslim community in Malaysia. These differences in religious practices include beliefs in the branches of faith (aqidah) and also in jurisprudence (fiqh). These differences in beliefs are fundamental and deeply ingrained in some members of our society, leading to the existence of two groups known as Salafi and Ash'ari in matters of faith, or differences in jurisprudential beliefs within the four major Islamic schools of thought (mazhab yang empat) in fiqh. This study also explores how the scope of a particular enactment can create significant differences among the Muslim community, whether in matters of faith (aqidah) or in jurisprudence (fiqh).

This study also looks at how the broad scope of usage, not limited to adhering to a single school of thought as specified in state enactments, can lead to significant differences in understanding among the Muslim community, whether in matters of faith (aqidah) or jurisprudence (fiqh). For instance, the flexibility to not solely rely on the Shafi'i school of thought in addressing jurisprudential issues, such as the issue of nullifying ablution upon physical contact with women, often results in significant differences among the general public. In other words, the ample room for multi-school of thought approaches provided by state Islamic legislation has had a significant impact on differences in jurisprudential understanding among the general public.

RESEARCH METHODOLOGY

This study employs a qualitative approach, where observation methods are used to analyze current issues presented through social media and electronic media channels. Observations have been carried out on social media platforms such as YouTube, where several popular religious lectures are available on channels like "sidang kalam," "pro tajdid," "zon kuliah," and various other YouTube channels. Additionally, observations have been conducted on religious posts shared by several individuals on social media accounts, news portals, and websites related to the diverse views of scholars and religious figures in Malaysia who hold differing opinions. This includes variations in the perspectives of muftis in Malaysia.

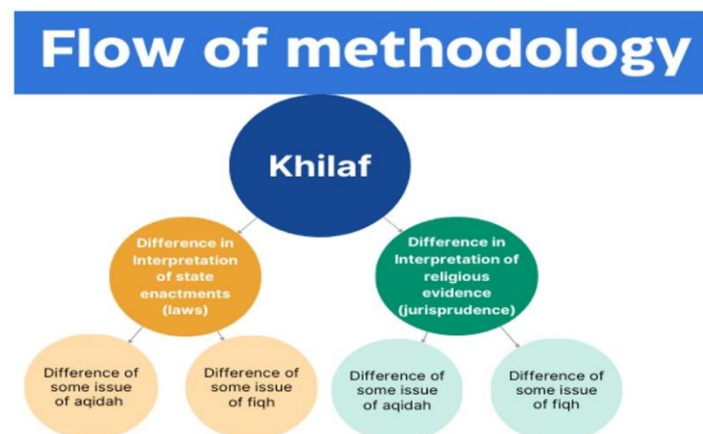
The study utilizes content analysis, a systematic and replicable technique to categorize a large amount of text into fewer content categories based on explicit coding rules. When analyzing fiqh books, the underlying assumption is that the most frequently mentioned words reflect the most significant concerns. Words such as "khilaf," "ikhtilaf,"

"perbezaan pandangan," "perbezaan pendekatan," "perbezaan corak pemikiran," and "kefahaman" become high-frequency codes, indicating their importance as themes and classifications. Therefore, the next step is to examine their relevance to the specific cases under study, whether in the context of faith (akidah) or jurisprudence (fiqh).

Based on the two methods mentioned earlier, this study examines two aspects of religion, namely faith (akidah) and jurisprudence (fiqh), as the foundation of its analysis. Differences in views related to issues in matters of faith are solely concerned with matters that are branches (cabang), which involve understanding unclear evidence such as "the hand of Allah," "the face of Allah," "the location of Allah," the religious status of individuals before the advent of Islam who are not people of the book, and so on. Similarly, in the realm of jurisprudential matters (fiqh), differences among scholars from various schools of thought (mazhab) arise concerning matters of ibadah and muamalah.

This study further extends by linking these differences to the broader perspectives of schools of thought that are not limited to the Shafi'i school alone. This diversity of views across various schools of thought does not generally apply to most state enactments, except for Perlis, as most states primarily adopt the Shafi'i school as the main approach. Therefore, this study has observed a connection between the breadth of legal perspectives that helps individuals broaden their approach to the four major schools of thought, rather than relying solely on the Shafi'i school.

To facilitate understanding and the flow of analysis in the study regarding how these differences occur, a research flowchart diagram is provided below:



DISCUSSION

Khilaf, or differences of opinion, can occur in any community, including the Muslim community in Malaysia. These differences can range from religious practices and beliefs to political or social views. It is important to handle differences of opinion in a respectful and productive manner, focusing on common ground and seeking understanding and guidance from knowledgeable sources. Criticizing or judging others



for their beliefs or practices should be avoided, and unity and cooperation should be maintained, even in the face of differences. In Malaysia, the government has made efforts to promote unity and cooperation among its diverse population, including among its Muslim community. This has included initiatives to encourage religious understanding and tolerance, as well as programs aimed at promoting social cohesion and reducing religious tensions. Overall, while differences of opinion may occur in the Muslim community in Malaysia, it is important to approach these differences with respect and a focus on maintaining unity and cooperation. The implementation of Syariah law in Malaysia is subject to the constitution which is regulated by the State Islamic Religious Council under the auspices of three main governing bodies namely the Syariah Court, the Mufti Department and the Islamic Religious Department (Alias & Shauki, 2018).

Even though each state has its own State Islamic Religious Administration Enactment, in general terms appear to be similar from a legal point of view for all states in Malaysia except Perlis (Fathullah, 2021) (Islamic Law Administration Enactment (Perlis), 1963). Examples of enactments are as follows:

"In issuing any fatwa under section 34, or certifying any opinion under section 38, the Mufti should generally follow the accepted views (Qaul Muktamad) of the Shafie School. If the Mufti thinks that following the Qaul Muktamad of the Shafie School will lead to a situation that is against the public interest, the Mufti can follow the Qaul Muktamad of the Hanafi, Maliki or Hambali Schools. If the Mufti thinks that none of the Qaul Muktamad from the four madhhabs can be followed without leading to a situation that is against the public interest, the Mufti can resolve the issue according to his own discretion without being bound by the Qaul Muktamad from any of the four Madhhabs."

(Act 505, Administration of Islamic Law (Federal Territories) Act 1993)

After looking at the similarity of acts and enactments followed by most states in Malaysia, as well as examining the views of scholars on the meaning of khilaf in various issues related to the public today, the question arises how to manage khilaf according to its implementation in Malaysia as it is used by religious authorities to deal with issues of khilaf because it is very subjective in some parts of the law. The question arises as to what causes the difference in decision can occur in the legal provisions for the states in Malaysia if they use the same enactment. This study found that mujtahid scholars have various methods to answer current legal problems, leading to some differences between them. The disagreements highlighted by them clearly have their own methodology that needs to be explored. In fact, they also have specific methods in dealing with khilaf to be implemented in the community for a certain place. This study feels that there are many misunderstanding issues arising especially in Malaysia that need enlightenment (Fathullah, 2018). This is because there are 14 states in this country that have different Islamic religious management even though they are led by a Prime Minister as Head of Government while YDP Agong is the Head of State for all states in Malaysia including Sabah and Sarawak.



One example of khilaf, or differences of opinion, in Malaysia is the disagreement over the interpretation and implementation of Islamic laws and regulations. For example, there may be differing views on the application of hudud laws, which are laws specified in the Quran and the Hadith that prescribe punishments for certain crimes. Another example of khilaf in Malaysia is the disagreement over the role of Islam in politics and government. Some may advocate for a strict adherence to Islamic principles in government, while others may prioritize the need for religious tolerance and pluralism in a multi-religious society. Additionally, there may be differences of opinion over cultural practices that are associated with Islam, such as the wearing of the hijab or the celebration of certain religious festivals. These differences can sometimes lead to tension and conflict within the Muslim community in Malaysia, especially if they are not approached with respect and an open mind.

Common Issues Of Khilaf In Malaysia

a. Differences in understanding the faith (aqidah)

i. The issue of whether Allah has location or not

In Islam, there is a scholarly disagreement on the question of where Allah is located. Some scholars maintain that Allah is everywhere, including both in heaven and on earth, while others believe that Allah is specifically located in heaven. Those who believe that Allah is everywhere argue that Allah's knowledge, power, and presence are not limited to a specific location, but extend to all of creation. They also point to verses in the Quran that mention Allah's knowledge of and control over everything in the universe. On the other hand, those who believe that Allah is specifically located in heaven argue that Allah's physical presence is in heaven, while His knowledge and power extend everywhere. They point to verses in the Quran that describe Allah as being above the heavens and mention the throne of Allah. Ultimately, the issue of where Allah is located is a matter of belief and interpretation and is beyond human comprehension. Muslims are encouraged to focus on the love and obedience to Allah, regardless of where they believe He is located, and to strive to live their lives in accordance with the teachings of the Quran and the example of the Prophet Muhammad.

In the Asha'ari school of thought within Sunni, the belief is that Allah is above His throne, which is in heaven, and that He is not physically present in the world. The Asha'aris argue that Allah's presence in the world is through His knowledge and power, but that He is not physically present in the world. This belief is based on verses in the Quran that describe Allah as being above the heavens and mention the throne of Allah. The Asha'aris believe that Allah's physical presence is in heaven, while His knowledge and power extend everywhere, and that He is not limited by space or time. In Salafi, the belief is that Allah is everywhere, including both in heaven and on earth. Salafis argue that Allah's knowledge, power, and presence are not limited to a specific location, but extend to all of creation. They also point to verses in the Quran that mention Allah's



knowledge of and control over everything in the universe. Salafis believe that Allah's physical presence is not restricted to any place, and that He is not limited by space or time (Abuhamid, 1997). They maintain that Allah is not physically present in the world, but that His knowledge and power extend everywhere, and that He is always present and aware of everything that is happening.

ii. The 20 attributes of Allah

The 20 attributes of Allah are a set of divine attributes or qualities that are commonly referenced in Islamic theology and spirituality. The 20 Attributes are essential aspects of the nature and character of Allah, and they are often used as a means of deepening one's understanding and relationship with the divine. However, the specific list of 20 Attributes is not universally accepted within the Muslim community, and there is some disagreement or diversity of views about their interpretation and significance. Some scholars and traditions may include or exclude certain attributes or interpret them in different ways. For example, some scholars include "The Just" (al-Adl) and "The Guide" (al-Hadi) as two separate Attributes, while others consider them to be a single attribute. Some traditions may include "The Life-Giver" (al-Muhyi) as one of the 20 Attributes, while others may include "The Resurrector" (al-Mumit) instead.

According to the Ash'ari view, the 20 Attributes of Allah are essential aspects of the divine nature and character, but they are not to be understood as physical attributes or material qualities. Instead, the attributes are divine actions or expressions of the divine will. For example, the Ash'ari view considers "The Hearing" (al-Samad) and "The Seeing" (al-Basir) to be Attributes that reflect the ability of Allah to hear and see all things, without any limitations or impediments. Similarly, "The Living" (al-Hayy) is considered to be an Attribute that reflects the self-sustaining and self-sufficient nature of the divine, while "The All-Knowing" (al-Alim) reflects the comprehensive knowledge and understanding of all things that Allah possesses. In this view, the 20 Attributes of Allah are expressions of the divine nature and character, but they are not to be understood as physical or material qualities. The important thing is to approach the Attributes with humility, respect, and a commitment to seeking knowledge and understanding of the divine (al-Qaradawi, 1992).

Meanwhile, the Salafi school of thought is a strict, conservative interpretation of Sunni Islam, and it has its own understanding and interpretation of the 20 Attributes of Allah. According to the Salafi view, the 20 Attributes of Allah are essential aspects of the divine nature and character, and they are to be understood literally and without any allegorical interpretation. In this view, the Attributes are considered to be physical or material qualities that belong to Allah, and they are to be accepted as such without any questioning or further elaboration. For example, the Salafi view considers "The Hearing" (al-Samad) and "The Seeing" (al-Basir) to be Attributes that reflect the ability of Allah to hear and see all things, without any limitations or impediments. Similarly, "The Living" (al-Hayy) is considered to be an Attribute that reflects the self-sustaining and self-sufficient nature of the divine, while "The All-Knowing" (al-Alim) reflects the



comprehensive knowledge and understanding of all things that Allah possesses. In this view, the 20 Attributes of Allah are considered to be literal qualities that belong to Allah, and they are to be accepted without any questioning or further elaboration. The important thing is to approach the Attributes with humility, respect, and a commitment to following the teachings and traditions of the Salafi school of thought (Abuhamid, 1997).

In Malaysia, the 20 Attributes of Allah are widely recognized and considered to be important aspects of the divine nature and character. However, there may be some variations in the interpretation and understanding of these attributes among different individuals and communities within the Malaysian Muslim population. Some Malaysian Muslims may follow the traditional Sunni or Ash'ari understanding of the 20 Attributes, while others may follow more contemporary or mystical interpretations. Additionally, some Malaysian Muslims may place a greater emphasis on certain attributes, while others may place a greater emphasis on others. Given the diversity of beliefs and practices within the Malaysian Muslim community, it is difficult to generalize about a "Malaysian Muslim practice" regarding the 20 Attributes of Allah. However, it is important to approach this topic with respect for different interpretations and to consult qualified Islamic scholars for guidance.

iii. The issue of whether the parents of the Prophet Muhammad (Peace Be Upon Him) were Muslims or not

The issue of whether the parents of the Prophet Muhammad (peace be upon him) were Muslims or not is a matter of disagreement among Islamic scholars. Some scholars believe that they were Muslims, while others believe that they were not. The argument for the belief that they were Muslims is based on the idea that the Prophet Muhammad's parents were righteous and devout people who lived in accordance with the moral and ethical principles of their time, and that they likely embraced Islam after the Prophet's mission began. On the other hand, the argument for the belief that they were not Muslims is based on the idea that Islam was not yet a recognized religion at the time of their death, and that they were not alive to embrace Islam after the Prophet's mission began (al-Siba'i, 1978). It is important to note that this is a matter of theological debate and interpretation, and that individuals should approach it with respect for different perspectives. Ultimately, the belief in the ultimate salvation or otherwise of an individual is in the hands of Allah and cannot be definitively determined by human beings.

b. Differences in understanding the jurisprudence (fiqh)

i. The issue of touching a woman invalidating one's ablution

According to Islamic law, there is a scholarly disagreement on the issue of touching a woman invalidating one's ablution (wudhu). Some scholars maintain that touching a woman with desire invalidates one's wudhu, while others argue that it does not. It is important to note that the concept of "touching a woman with desire" is not limited to



physical touch, but also includes looking, talking, and thinking with desire. If someone fears that their ablution has been invalidated due to touching a woman, it is recommended that they perform ablution again as a precaution. It is also recommended to avoid situations that may invalidate one's ablution, such as being alone with a non-mahram (non-related) woman. Ultimately, it is recommended to follow the guidance of a trusted Islamic scholar and to cultivate a strong relationship with Allah through prayer and obedience to His commandments.

In the Shafi'i school of thought, it is generally considered that touching a woman invalidates one's ablution (wudhu), regardless of whether it was done with desire or not. According to this viewpoint, touching a woman, even without desire, requires one to perform ablution again to pray. However, it is important to note that some contemporary Shafi'i scholars have advocated for a more lenient stance, allowing for the possibility that touching a woman without desire does not invalidate one's wudhu. These scholars argue that the texts that are used to support the idea that touching a woman invalidates one's wudhu should be understood in context, and that in certain situations, it may not apply. Ultimately, the Shafi'i school of thought encourages individuals to seek guidance from a trusted Islamic scholar, and to strive to follow the guidance of the Prophet Muhammad and the teachings of the Quran (al-Jaziri, 2003).

Islamic practices and interpretations can vary across different cultures and communities, and Malaysia is no exception. In Malaysia, most Muslims follow the Sunni branch of Islam, with a significant majority adhering to the Shafi'i school of thought. Based on the Shafi'i school of thought, as discussed in previous discussion, touching a woman is generally considered to invalidate one's ablution (wudhu) in Malaysia. However, it is important to note that there may be some variations in interpretation and practice within the Shafi'i community in Malaysia. It is also worth mentioning that there may be regional or cultural differences within Malaysia that affect the interpretation and implementation of Islamic laws related to wudhu and other aspects of worship. As such, individuals should seek guidance from a trusted Islamic scholar who is knowledgeable about the local context and practices.

In Malaysia, the ruling on the issue of whether touching a woman invalidates one's ablution (wudhu) is determined by the religious authorities. These authorities have the responsibility of interpreting and implementing Islamic law in the country. Most of the religious authorities in Malaysia follow the Shafi'i school of thought, which considers touching a woman to invalidate one's wudhu. However, there may be some differences in interpretation and practice within the religious authorities, and these can be influenced by cultural, historical, and other factors. It is important to note that the rulings issued by the religious authorities in Malaysia are not necessarily binding on all Muslims, and individuals are free to seek guidance from a trusted Islamic scholar who they believe is knowledgeable and experienced. Ultimately, the goal of Islamic law is to help individuals maintain their spiritual purity and draw closer to Allah, and the interpretation and implementation of the law should always be guided by this fundamental principle.



- ii. Disagreement on the Issue of whether it is recommended or necessary to perform additional prayers or supplications (Wirid) after the prescribed prayers (Salah)

In Islam, there is a scholarly disagreement on the issue of whether it is recommended or necessary to perform additional prayers or supplications (wirid) after the prescribed prayer. Some scholars maintain that it is recommended to perform wirid after the prescribed prayers as a means of drawing closer to Allah and seeking His blessings and protection. These scholars often cite the example of the Prophet Muhammad and the companions of the Prophet, who would perform wirid regularly after the prescribed prayers. On the other hand, some scholars argue that while performing wirid after the prescribed prayers is permissible, it is not necessary. They maintain that the prescribed prayers, when performed properly and with the correct intention, are sufficient to attain the benefits of prayer and draw closer to Allah.

In Salafi, the belief is that it is not necessary to perform additional prayers or supplications (wirid) after the prescribed prayers (salah). Salafis believe that the prescribed prayers, when performed properly and with the correct intention, are sufficient to attain the benefits of prayer and draw closer to Allah. Salafis believe that the focus should be on performing the prescribed prayers correctly, with sincerity and with the correct intention, rather than on the performance of additional prayers or supplications (al-Jaziri, 2003; al-Maliki, t.t). They argue that the Prophet Muhammad and the companions of the Prophet did not perform wirid regularly after the prescribed prayers, and that the focus should be on following the example of the Prophet and the companions in performing the prescribed prayers.

In Malaysia, the practice of performing additional prayers or supplications (wirid) after the prescribed prayers (salah) varies among the Muslim population. Some Malaysian Muslims may regularly perform wirid after the prescribed prayers as a means of seeking Allah's blessings and protection, while others may not perform wirid and may focus solely on the prescribed prayers. There is no one "right" or "wrong" way to perform wirid after the prescribed prayers, as the issue is a matter of personal choice and interpretation, guided by individual preference and circumstances. Some Malaysian Muslims may follow the guidance of traditional scholars who recommend performing wirid after the prescribed prayers, while others may follow the guidance of contemporary scholars who argue that it is not necessary.

- iii. The celebration of the Prophet Muhammad's birthday (Mawlid)

The celebration of the Prophet Muhammad's birthday (Mawlid) is a matter of debate and disagreement among Muslims, and there is a long-standing tradition of both celebrating and rejecting the occasion. On one hand, some Muslims view the celebration of Mawlid to honor the Prophet Muhammad, pay tribute to his life and teachings, and remember his impact on the world. They believe that this celebration is a means of expressing love and devotion to the Prophet and of seeking his intercession. On the other hand, some Muslims argue that the celebration of Mawlid is not supported



by Islamic teachings, and that the focus should be on following the Prophet's example and teachings, rather than celebrating his birthday. They may argue that the celebration of Mawlid is a bid'ah (innovation) that was not practiced by the early generations of Muslims and goes against the principle of avoiding unnecessary religious innovations (Shahid, 2014). It is important to note that the debate over the celebration of Mawlid is not limited to a single school of thought or region, and that Muslims from various backgrounds and perspectives hold differing views on the issue.

The Salafi school of thought generally does not support the celebration of the Prophet Muhammad's birthday (Mawlid). Salafis believe that the focus should be on following the Prophet's example and teachings, rather than celebrating his birthday. They view the celebration of Mawlid as a bid'ah (innovation) that was not practiced by the early generations of Muslims and goes against the principle of avoiding unnecessary religious innovations. Salafis argue that the Prophet himself did not celebrate his birthday and that there is no evidence from the earliest generations of Muslims that such a celebration was part of their practices (al-A'zami, 1980). They believe that the celebration of Mawlid is a later development that has no basis in the Quran or the Sunnah (practice of the Prophet). It is important to note that not all Salafis hold the same view on the celebration of Mawlid, and that there may be some differences of opinion among those who identify with the Salafi tradition. Regardless of one's view on the celebration of Mawlid, the Salafi school of thought emphasizes the importance of following the Quran and the Sunnah, avoiding unnecessary religious innovations, and focusing on the worship of Allah (al-Siba'i, 1978).

The religious authorities in Malaysia generally take a nuanced approach to the celebration of the Prophet Muhammad's birthday (Mawlid). While they acknowledge that the celebration of Mawlid is a widespread practice among many Muslims in the country, they also emphasize the importance of adhering to the principles of the Quran and the Sunnah (practice of the Prophet) in all aspects of one's life, including the celebration of religious events. In their view, the celebration of Mawlid should be in line with the teachings of Islam and should not involve any practices that are contrary to the principles of the faith. They also encourage Muslims to focus on the teachings and example of the Prophet, rather than just celebrating his birthday, as the best way to honor and remember him. In general, the religious authorities in Malaysia view the celebration of Mawlid as an acceptable practice, provided that it is done in accordance with the principles of Islam and does not involve any innovations or practices that go against the teachings of the religion. They encourage Muslims to approach the celebration of Mawlid with an open mind, taking into consideration the different opinions and practices among the Muslim community, while striving to live their lives in accordance with the guidance of the Quran and the Sunnah.

iv. The number of rakaah (units of prayer) performed during Taraweeh prayer

The number of rakaah (units of prayer) performed during Taraweeh prayer in the holy month of Ramadan is a subject of disagreement among different schools of thought



within Islam. Some scholars and communities follow the practice of performing 20 rakaah of Taraweeh, while others follow the practice of performing 8 rakaah. The 20 rakaah practice is based on a tradition (hadith) that states that the Prophet Muhammad performed 20 rakaah of Taraweeh prayer during Ramadan. This practice is followed by many scholars of the Hanafi and Shafi'i schools of thought. The 8 rakaah practice, on the other hand, is based on a different tradition that states the Prophet Muhammad performed 8 rakaah of Taraweeh prayer. This practice is followed by many scholars of the Hanbali school of thought and is prevalent in some countries, such as Saudi Arabia. In the end, the number of rakaah performed during Taraweeh is a matter of interpretation and personal choice. Muslims are free to follow the practice that they believe is most in line with the teachings of the Quran and the Sunnah, and the guidance of the scholars they trust (al-Ansari, 1996). The important thing is to perform the prayer with sincerity and devotion, seeking the pleasure of Allah and the forgiveness of one's sins.

In Malaysia, both the 20 rakaah and 8 rakaah practices of Taraweeh prayer are followed by different segments of the Muslim community. Some Muslims perform 20 rakaah of Taraweeh in accordance with the tradition that the Prophet Muhammad performed 20 rakaah, while others follow the practice of performing 8 rakaah, based on another tradition. There is no official ruling by the religious authorities in Malaysia on the number of rakaah to be performed during Taraweeh, and it is largely a matter of personal choice and interpretation. Muslims in Malaysia are free to follow the practice that they believe is most in line with the teachings of the Quran and the Sunnah, and the guidance of the scholars they trust. In general, the religious authorities in Malaysia encourage Muslims to perform Taraweeh prayer with devotion and sincerity, seeking the pleasure of Allah and the forgiveness of their sins, regardless of the number of rakaah they choose to perform. The important thing is to perform the prayer with the right intention and in accordance with the principles of Islam.

v. Celebrating a non-Muslim's Religious Holiday

The issue of celebrating a non-Muslim's religious holiday is a matter of personal choice and interpretation in Islam. There is no consensus among Muslim scholars and communities on this issue, and opinions on the matter may vary depending on cultural, social, and political factors. Some Muslims believe that participating in or celebrating non-Muslim religious holidays is not in accordance with Islamic principles and may promote religious syncretism. They believe that Muslims should not participate in non-Muslim religious celebrations because they may appear to endorse or support beliefs that are contrary to Islam (al-Syaukani, 1929). However, other Muslims take a more lenient approach and believe that participating in such celebrations is a matter of personal choice and a way of showing respect and friendship towards non-Muslim friends and neighbors. They believe that it is possible to participate in these celebrations in a way that is consistent with Islamic principles and that avoids compromising one's faith.



In Malaysia, most Malaysian Muslims may choose not to participate in or celebrate non-Muslim religious holidays, while others may feel comfortable doing so as a way of showing respect and friendship towards their non-Muslim friends. Meanwhile, the issue of a Muslim greeting "Merry Christmas" to a Christian friend is a matter of personal choice for Muslims in Malaysia. Some Malaysian Muslims may choose not to greet their Christian friends with "Merry Christmas" as they feel it goes against their religious beliefs, while others may feel comfortable doing so as a way of showing respect and friendship towards their Christian friends. It is important to note that the opinions of Islamic scholars on this issue can vary, and that the issue is not a central concern in Islamic theology. Ultimately, the decision of whether to greet a Christian friend with "Merry Christmas" is a personal one and should be made based on one's own understanding of Islam, the guidance of trusted religious authorities, and cultural and social context.

vi. Reciting qunut during Fajr prayer

Regarding the recitation of the qunut during the Fajr prayer, there is a difference of opinion among scholars as to whether it is recommended or not. Some scholars consider it recommended while others consider it disliked. However, it is generally not considered a khilaf or contradiction within the prayer itself. In the Shafi'i school of thought, the recitation of qunut during the Fajr prayer is considered Sunnah Mu'akkadah, which means an emphasized sunnah or a highly recommended act of worship. According to this school of thought, the qunut should be recited immediately after the ruku (bowing) in the second rak'ah of the Fajr prayer. The qunut is a form of supplication where one raises their hands and makes a supplication to Allah, asking for His help, guidance, and forgiveness. The content of the qunut can vary and may include requests for the forgiveness of sins, guidance for oneself and others, protection from harm, and other similar supplications (al-Wansirinsi, 1980). One such evidence is a hadith narrated by Abdullah ibn Zaid, who reported that the Prophet Muhammad (peace be upon him) used to recite qunut in the Fajr prayer. Another evidence is the practice of the companions of the Prophet (peace be upon him) and the early generations of Muslims, who were known to have consistently recited qunut during the Fajr prayer. It is also believed that the recitation of qunut during the Fajr prayer has numerous benefits, such as increasing one's connection to Allah and seeking His protection and guidance.

CONCLUSION

Ijtihad is a lifeline that is very necessary in the field of jurisprudence to protect the welfare of the community, when evidence seems vague especially in branch matters. Ijtihad makes a huge contribution in the world of jurisprudence where the problems that arise are sometimes complicated and difficult to imagine. The result of ijtihad activities has given rise to authoritative mujtahid scholars and become legal guides for the next generation. The stability of a sect has been tested and proved to be successful in translating the law in line with the meaning of syariah despite different views. Sourced from the ijtihad recognized by syariah, has resulted in the khilaf between scholars. The biggest mistake in fiqh is the formation of four sects of Muslims that are followed around



the world. This is proof that khilaf is an ijihad that is very necessary for the advancement of fiqh. However, when the wisdom that has been proven to be effective in setting the law for the Muslim community around the world is not followed, then conflict erupts. What is also worrying is that religious people are also involved in complicating this situation when there is a khilaf in understanding the will of the scriptures due to different ideas from each other. This situation also resulted in conflicts in the field of science, leading to the birth of groups that claim that they are the only ones in the truth, and even lead to more dangerous things, such as accusations, slander and even disbelief to defend their views and opinions. This phenomenon is very dangerous and needs to be dealt immediately to avoid a worse situation and harm the whole community. The true spirit of khilaf debate, as pioneered by the scholars of the past, should be brought by scientists in the discussion and even make the aspects of morals, manners, brotherhood as the top and main thing as the key to khilaf. Therefore, as Muslims, they are strongly advised to refer to the Quran and Sunnah when we are in any form of khilaf, let alone if it involves religious matters that are very important to harmony and love and be wise in dealing with the problems that arise. In addition, the Qur'an also mentions muhkamat (clear and unambiguous) verses whose laws are fixed and do not need to be explained. In fact, the Qur'an also states about mutasyabihat (less clear and ambiguous) verses which are not fixed and leave room for disagreement. The space provided by syariah is conditional and cannot be made arbitrarily to the point of causing slander and harm in society and institutions.

In matters of religious practice and worship, differences of opinion among Muslim communities can sometimes arise. When this happens, it is important to maintain unity and respect for one another, even if there are differences in beliefs or practices. Here are some tips on how to handle differences of opinion within the Muslim community. Firstly, to seek understanding and try to understand the reasoning and basis for the differing opinions. This can help to build mutual respect and appreciation for one another's perspectives. Secondly, to focus on common ground by emphasizing the things that all Muslims agree upon, such as the belief in Allah, the importance of prayer and other acts of worship, and the belief in the Prophet Muhammad (peace be upon him) as the last prophet. Thirdly, to avoid criticism and judgment. It is important to avoid criticizing or judging others for their beliefs or practices. Differences of opinion do not give anyone the right to be condescending or disrespectful towards others. Fourthly, to seek guidance from knowledgeable sources if there is confusion or uncertainty about a particular issue, it is always best to seek guidance from a knowledgeable teacher or religious authority. Lastly, to maintain unity and always remember that unity and cooperation among Muslims is highly valued in Islam. Differences of opinion should not lead to division or conflict, but rather should be seen as an opportunity for growth, learning, and coming together as a community. In conclusion, it is important to remember that differences of opinion within the Muslim community are a natural part of the diversity of Islam, and that the most important thing is to maintain respect and unity for one another, regardless of differences in beliefs or practices.



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