

MASLAHAH BASED FATWA ON ISSUES RELATING TO WEALTH IN MALAYSIAN CONTEXTS

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Fatwa, in general, refers to a legal opinion on the legal ruling, which is issued by any Muslim jurist (mufti) relating to any particular issue that asked by the public. In principle, fatwa serves as a means of clarifying any issue that arises in Muslim society. The Muslim jurist has to rely on sources of Islamic law from the Qur'an, Sunnah, ijma', qiyas and other sources in his fatwa. One of the sources of Islamic law that becomes a basis of the fatwa is maslahah (public interest). Maslahah under Islamic jurisprudence can be simply defined as 'securing of benefit and interest to the human being and removing harm that might incur on them'. National Fatwa Committee on behalf of the state often issues the legal opinion (fatwa) in order to cope with the problem that arisen in the Muslim community. Issues normally involve personal affairs of the Muslim community, which include ruling relating to family matters, property law, succession law, wealth management, etc. This paper seeks to examine maslahah-based fatwa on issues relating to wealth in the Malaysian context. For that purpose, a number of fatwa issued in Malaysia will be examined and analyzed as to whether such a fatwa is based on maslahah that is recognized and acceptable under the Shari'ah. The research will adopt qualitative research approach where analysis is done based on treatises of the Muslim jurist and the writings of the contemporary Muslim Scholars.

Keywords: *Maslahah, Fatwa, Wealth, Malaysia, Islamic law*

Introduction

The word 'fatwa' is derived from the Arabic word '*fata*' which means an energetic youth.¹ The plural of fatwa is '*fatawa*'.² The term fatwa is also used with the words '*futya*' and '*futwa*'.³ Fatwa literally means what the jurist or an answer given by the mufti clarifies.⁴

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Technically, Zaydan defined *fatwa* as an answering text of mufti or a legal ruling which is informed by mufti in his explanation on a ruling with respect any particular issue.⁵ This reflects that fatwa is in fact a legal ruling explained by the mufti relating to any particular legal issue. The mufti may explain the rule which is deriving from the Qur'an, *Sunnah*, *Ijma'*, *Qiyas* and any other recognized sources of Islamic law. The ruling may be pertaining to obligation, recommendation, prohibition, reprehensible and permission.

There are four important components of fatwa. The first component is '*mustafti*', a person who asks on legal ruling relating to any particular issue. In asking the question, it is legally termed as '*istifta*'. This term is mentioned in the Qur'an on many occasions, for instance, the Qur'an states:

*They ask thy instruction concerning the women, say: Allah doth instruct you about them.*⁶

The second component is 'mufti'. Mufti is a person who explains the law and informing it without a binding effect.⁷ The mufti in giving the legal ruling is legally termed as *ifta'*. *Ifta'* technically means the explanations of rules and informing it without a binding effect. Some of the Muslim scholars give definition of fatwa to means *ifta'* for example, is al-Qaysi. According to him fatwa is the explanation of law in any particular issue, as an answer to the question that has been asked...⁸

The third component is '*mustafta fih*' which refers to the issue that is asked by *mustafti* in order to know its legal ruling. The last component is 'fatwa' i.e. the answer or legal ruling.

Institution of fatwa in Malaysia

There are significantly two levels of the institution of fatwa in Malaysia: the institution of fatwa at national level and the institution of fatwa at state or federal territories level.

The institution of fatwa at the national level is known as Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia or in short is called Fatwa Committee (FC). It was established in early 1970 under Article 11 of the Regulation of the

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National Council for Islamic Religious Affairs Malaysia (MKI). Members of the National Fatwa Council of Islamic Religious Affairs Malaysia consist of: A chairman appointed by the National Council for Islamic Affairs (MKI); mufti of every participating State or one representative of the state from the Islamic Religious Affairs; nine scholars and professionals as well as experts Muslim selected and appointed by the Conference of Rulers; and a Muslim members of the Judicial and Legal service or from legal profession chosen and appointed by the Conference of Rulers.⁹

The duty of the National Fatwa Council as in accordance with the Article 14 of the Regulation of the National Council for Islamic Religious Affairs Malaysia is to consider, decide and issue a fatwa on any subject related to Islam, which is referred to it by the Conference of Rulers. The committee will submit its opinions to the National Council for Islamic Religious Affairs Malaysia (MKI) and then send it along with the recommendation to the Conference of Rulers.¹⁰

Fatwa issued by the National Fatwa Committee does not have the force of law. It is merely an opinion relating to the rule or fatwa on an issue involving the interests of all Muslims. However, from a legal point of view, it is binding if it is published in Gazette by the state.¹¹ This is because as according to the Federal Constitution, the matter on religion is under the jurisdiction of the state. All fatwa issued by the National Fatwa Committee may be adopted as a fatwa by any state with or without any modification.¹²

Currently, the secretariat for FC is the Fatwa Management Division, Islamic Development Department Malaysia (JAKIM). It is officially enforced on 1st June 2009.¹³

At a state level or federal territories, there is an office of mufti and deputy mufti in each state and federal territories respectively.¹⁴ The mufti and deputy mufti are appointed by His Royal Highness Sultan.¹⁵ The role of mufti is to assist and advise His Royal Highness Sultan in respect of matters of Islamic law.¹⁶ Besides that, there is a committee, which is known as the Fatwa Committee. The Committee shall consist of the Mufti, as Chairman; the Deputy Mufti; the state legal adviser: two members of the *Majlis* nominated by the *Majlis*; an officer of Islamic Religious Department who is well versed in

Islamic law to be appointed by the *Majlis*; not less than two person and not more than seven fit and proper persons appointed by the *Majlis*; and an officer of the mufti's department appointed by the *Majlis*, as Secretary.¹⁷ The power of fatwa committee is to prepare fatwa on any unsettled or controversial question of or relating to Islamic law on the direction of His Royal Highness, or on the committee initiative or on request of any person by letter addressed to the mufti.¹⁸ The fatwa committee shall also adopt any advice and recommendation of National fatwa council.¹⁹ A fatwa published in the Gazette is binding and shall be recognized by all courts in the state.²⁰

The principle of “*maslahah*”

Literally, *maslahah* means benefit. It also means a cause to benefit, for instance, it is said that trading is a *maslahah*, meaning that it is the cause of benefit.²¹ As benefit is contrary to harm and they cannot be combined together, so removing harm is also *maslahah*. Thus, *maslahah* literally means securing benefit and removing harm.²² Technically, *maslahah*, as defined by al-Ghazali is “the benefit that intended by The Law Giver for mankind in preservation and protection of their religion, life, reason, lineage and property. Whatever ensures the protection of these five things is beneficial (*maslahah*), and whatever causes the missing of these five things is harmful (*mafsadah*) and to remove it, is a *maslahah*.”²³

Muslim jurists have divided *maslahah* into three categories.²⁴ The first type is *maslahah mu'tabarrah*. It is a *maslahah*, which is acknowledged by the Shariah. It includes all types of *maslahah* where the Qur'an and Sunnah enacted a law for its realization. There are of three types namely: essential public interest (*masalih daruriyyah*), needed public interest (*masalih hajiyyat*) and refining public interest (*masalih tahsiniyyat*). For example, *maslahah* of preservation of religion, life, reason, lineage and property.²⁵ This type of *maslahah* can be relied upon.²⁶

The second type is *maslahah mulghah*. It is one that is not acknowledged by the *Shari'ah*. This type of *maslahah* is nullified by the Qur'an and *Sunnah* for example, practicing usury in the

transaction, prohibition of polygamy, the equal share of man and woman in the inheritance.²⁷ This type of *maslahah* cannot be relied upon.²⁸

The third type is *maslahah mursalah*. It is a *maslahah* that is neither acknowledged nor rejected by Shari'ah. There is no text validates it nor invalidates it, for example, the compilation of the Qur'an, using the prison, liability of trustee, registration of marriage, HIV test for those to get marriage, etc.²⁹ The majority of Muslim jurists consider this type of *maslahah* as a source of Islamic law.³⁰

Some *fatawa* relating to wealth

There are many *fatawa* issued by Fatwa Committee of the National Council of Islamic Religious Affairs Malaysia. This study will focus on some of the *fatawa* relating to wealth, which include:

- Measures to develop the State Islamic Religious Councils *waqf* land from the perspective of *Shari'ah*;
- Management of Unclaimed Monies and Assets belonging to Muslims and the Status of the Ministry of Finance as the National Treasury to Act as *Baitulmal* (Islamic Treasury) for such Management;
- Bank Interest;
- Distribution of *Syariah* (*Shari'ah*) Non Compliance Property to the *Baitulmal* and other Islamic Institutions;
- The Status of Conventional Policy Insurance Compensation Benefits After the Death of Policyholder;
- Ruling on the Channeling of Penalty Funds of Islamic Financial Institutions to *Baitulmal* (Islamic Treasury);
- The ruling on Employees Provident Fund Money as Jointly Acquired Property;
- Employee's Death Compensation Granted by the Government or Private Companies;
- EPF Money, SOCSO and Alike for Dead Muslim Members; and
- Inheritance and Jointly Acquired Property in FELDA.

Measures to develop the State Islamic Religious Councils waqf land from the perspective of Shariah

The dialogue of Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia was held on 3rd-4th November 1996. It discussed the measures to develop MAIN *waqf* land from the perspective of Shari'ah. The Committee has decided that substitution of *waqf* property (*istibdal*) and *waqf* share are very good measures and these shall be applied in our present day. It is due to the fact that there are plenty of waqf properties left undeveloped causing difficulties for the authority. The time has come to amend and improve the management of *waqf*. The reference shall not only confine to the view of the Shafi'i School. The view of the Hanafi school or any other suitable views of the other school shall rely on depending on the circumstances and time. The management of waqf property should be with care and more caution (*ihtiyat*), i.e. not arbitrarily. In addition, in order to establish *waqf* or develop waqf property, it is advised that such property is managed under *waqf* share. If *waqf* share cannot be practiced because of several reasons, substitution of *waqf* property (*istibdal*) shall adopt but with certain requirements and it should be managed properly.³¹

The above fatwa clearly shows that *maslahah* has been applied in order to develop waqf property in Malaysia. The Committee has recommended certain contemporary means in developing the waqf property which seems to be very much relevant in order to meet contemporary issues.

Fatwa on Management of Unclaimed Monies and Assets belonging to Muslims and the Status of the Ministry of Finance as the National Treasury to Act as *Baitulmal* (Islamic Treasury) for such Management

The 99th Discourse of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia was held on 4-6 May 2012. It discussed the ruling on the management of unclaimed monies and assets belonging to Muslims and the status of the Ministry of Finance as the National Treasury to act as *Baitulmal* (Islamic Treasury) for such management.

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The National Fatwa Committee emphasized that according to Islamic law, unclaimed monies must be given to *Baitulmal* as it is categorized as one of the resources under unseasonal assets (*ghayr dawriyyah*). Nevertheless, the law deals with unclaimed money and asset is a federal law. Consequently such recommendation cannot be applied. Thus, the National Fatwa Committee agreed to the proposal that the Islamic Financial Institutions that deal with customer particularly Muslim has to provide a mechanism with respect to unclaimed money to be considered as donation or charity. Thus unclaimed money of Muslim customer at Islamic Financial Institutions shall be handed over to *Baitulmal*. So that such money shall be utilized for the general benefit of the Muslim community.³²

This is another fatwa that is very much in line with the *Shari'ah*. Unclaimed money belonged to the Muslims should be utilized efficiently for the interest of the Muslims at large. The implementation of this fatwa will bring an optimum benefit to the Muslims as a whole in terms of education and medical purposes as well as other general facilities for the needy and the destitute.

Fatwa on Bank Interest (*riba*)

The 3rd dialogue of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia held on 21st-22nd Jan 1971. It discussed the issue of bank interest. The Committee decided that;

1. Interests obtained on savings made by the Islamic institutions, business or Muslim charity organizations can be accepted by the organizations on the basis of economic emergency at the moment.
2. Interests obtained on savings made by a Muslim in any bank can be accepted on the basis of emergency, but the interest obtained must be given to the *Baitulmal* or used for public purpose.³³

Fatwa on Distribution of *Shari'ah* Non Compliance Property to the *Baitulmal* and Other Islamic Institutions

The 87th dialogue of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia held on 23rd-25th June 2009. It discussed the issue of distribution of Shariah non-compliance wealth to the *Baitulmal* and other Islamic institutions.

The Committee has decided that in Islam, property gained from unlawful means such as the transaction contains the element of uncertainty (*gharar*), usury (*riba*), gambling, fraudulence, or property that taken by means of robbery, bribery and others are considered as unlawful and cannot be used as a benefit or for personal use. The property should be handed over to the *Baitulmal* so it can be used for public good such as building, maintaining bridges, roads, toilets and many more or to be given to the poor and needy. In case, if the property was gained from robbery activities or alike, the property should be returned to the rightful owner. If the owner is dead or cannot be found, it must be returned to the family of the owner (heir). If the heirs were not known, the property should be handed over to the *Baitulmal*.

Fatwa on the Status of Conventional Policy Insurance Compensation Benefits After the Death of Policyholder

The 94th Discourse of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia convened on 20th-22nd April 2011 had discussed the status of conventional policy insurance compensation benefits after the death of the policyholder. The Discourse has decided as follows;

1. The conventional insurance is a form of *Shari'ah* non-compliant transaction as it contains elements contrary to fundamental Islamic principles.
2. Pursuant to that, the Discourse has decided that compensation benefits under a conventional insurance policy received by legal heirs of a deceased policyholder are considered as a non-*Shari'ah* compliant asset.

3. In this case, only the principal amount of the premiums paid by the policyholder during his lifetime shall be distributed according to the inheritance rule. Meanwhile, the surplus of the compensation benefits cannot be inherited by the heirs according to the inheritance system and must be disposed of by surrendering them either to *Baitulmal* authorities of State Religious Councils or by way of donation for welfare purposes, including to the poor and destitute.
4. If any of the policyholder's legal heirs, such as the wife or child is categorized as a destitute or poor person, then it is permissible for the said heir to receive the compensation benefits under the conventional insurance policy in such requisite amount sufficient for him (to meet his needs) as a destitute or poor person upon the approval given by the authority or the Kariah Committee of the relevant residential area. The surplus of such compensation benefits shall then be disposed of according to the method specified in paragraph (3) above.³⁴

Fatwa relating to the ruling on the channeling of penalty funds of Islamic Financial Institutions to *Baitulmal* (Public Treasury).

The 99th Discourse of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia convened on 4-6 May 2012 had discussed the Ruling on the channeling of penalty funds of Islamic Financial Institutions to *Baitulmal* (Public Treasury). The following decisions were made: the Discourse emphasized that the permissibility of imposing penalty on defaulting debtors is based on the hadith of Rasulullah (s.a.w.) that describes the late payment of debt by one who has the means to pay as an oppression and can harm the Islamic financial institution. The Discourse is also of the view that the penalty imposed by Islamic financial institutions must be channeled to institutions that are specifically relevant to the Muslim community so that it will not be abused.

In relation thereto, in line with the position and function of *Baitulmal* as the highest institution that manages the monies and

assets of the Muslim community, the Discourse has agreed to decide that the penalty funds of Islamic financial institutions must be channeled to *Baitulmal* to ensure that the application of such funds corresponds to the public interest (*maslahah amah*) of the Muslim community.³⁵

The above *fatawa* were clearly addressed to solve issues relating to unlawful wealth, which is acquired by unlawful means, from banking interest (*riba*), conventional insurance policy and penalty fund from Islamic financial institutions. This is in line with the view of Muslim jurists and contemporary of Muslim scholars. As regards the unlawful, it is agreeable that the unlawful property should not be destructed or destroyed but to be utilized for the interest of the public. This is also due to the fact that this type of wealth is not tainted by itself but due to the external factor i.e. means of its acquisition. Therefore, its destruction is not in line with the concept of *maslahah*.

Fatwa on EPF, SOCSO and Alike for dead Muslim members

The 49th dialogue of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia held on 19th September 2000 has discussed EPF money, SOCSO and alike for dead Muslim members. The Committee has decided that;

1. EPF money and savings are considered as an inheritance that must be divided according to the rule of inheritance.
2. EPF nominee is the administrator of the property. The nominee should divide the EPF money according to the rule of inheritance.
3. The Law Division of the Department of Islamic Development Malaysia should advise EPF to review any current regulations and requirements regarding nomination to be *Shari'ah* compliance.³⁶

The above provision of fatwa is in line with the principle of Islamic law of inheritance as the EPF is a fund that belongs to the contributor i.e. the deceased. The fund is deducted from the deceased salary and is contributed by the employer for the deceased. Therefore, such money is part of the estate of the deceased.

Fatwa relating to the ruling on Employees Provident Fund Money as jointly acquired property

The 67th dialogue of the Fatwa Committee National Fatwa Council for Islamic Religious Affairs held on 22nd February 2005 has discussed the ruling on Employees Provident Fund money as jointly acquired property. The Committee has decided that EPF money cannot be made jointly acquired property. The Committee also decided that the money is the inheritance that should be divided as according to the rule of inheritance.³⁷

Generally, jointly acquired property is defined as property either movable or immovable, which is jointly acquired by husband and wife as a result of their efforts and contributions together during their marriage. It is included the value of asset which is acquired before marriage and has been developed and improved during their marriage through joint efforts.³⁸ Under Section 51 of the Employees Provident Fund (EPF) Act 1991, the contribution of provident fund by member who is still alive is prerogative owned by him and cannot be transferred to others. It is for the goodness and welfare of him during his elderly aged. In addition, the Employees Provident Fund (EPF) Act is also under Civil law.³⁹

The Committee further argued that there is no specific rule or regulation on the method of division of jointly acquired property in the Quran and *Sunnah*. However, Allah (s.w.t.) has outlined the basic principle of ownership which is based on own effort without differentiating between men and women.⁴⁰

The fatwa further relies upon the juristic views including the four Sunni schools of law on that point and concluded that the contribution of work become an exclusive factor determining the Employees Provident Fund (EPF) as jointly acquired property or not. Partnership in the Employees Provident Fund (EPF) is not property partnership contact. In spite of efforts and labors sharing between spouse, but the contribution of efforts and labors to his or her spouse either indoor or outdoor is not of the same type of work undertaken by the couple. Therefore, the Employees Provident Fund (EPF) is not jointly acquired property but the inheritance that must

be distributed to legal heirs through inheritance when the contributor dies.⁴¹

The above fatwa seems to support the original purpose of the EPF scheme that aimed at guaranteeing the protection of the personal benefit of the wage earners after their retirement.⁴²

Fatwa on Employee's Death Compensation Granted by the Government or Private Companies

The 49th dialogue of the Fatwa Committee of the National Fatwa Council for Islamic Religious Affairs Malaysia held on 19th September 2000 has discussed employee's death compensation granted by the government or private companies. The Committee has decided that compensation granted due to the death of the employee, court claims, SOCSO money and alike are not inheritance.⁴³

This decision is followed by the state of Selangor and Kedah. The dialogue of the Fatwa Committee of the State of Kedah held on 26th April 2003 has discussed employee's death compensation: It is inherited or not? The Committee has decided that compensation granted by the employer to husband or wife (employee) who died while working is owned by nominee if the nominee is determined. However, if the nominee is not determined, then the compensation should be included as an asset that must be inherited. The argument is that the compensation money is courtesy gift or token of appreciation from company to the deceased for his contribution to the company.⁴⁴ The meeting of the Consultative Committee on Islamic Law (FATWA) State of Selangor has decided that compensation money obtained from the employee's death does not count as an inheritance. Thus, the division of the compensation money is not subject to inheritance rule.⁴⁵

It is to be noted that death compensation in general is not part of estate of the deceased as it is a voluntary distribution given by the employer to the spouse of the deceased as a form of appreciation. Therefore, this fatwa is in line with the interest and benefit of the spouses.

Conclusion

Maslahah is one of significant principles and sources of Islamic Law. The derivation of rule based on *maslahah* indicates the dynamism and flexibility of Islamic law. In case if any particular issue does not fall under the clear text of the Qur'an and Sunnah and there is no consensus of opinion among the jurist or the rule cannot be derived through analogical reasoning, the resort can be made to *maslahah* where the principle of benefit and harm to the society would be measured. The application of the principle of *maslahah* can solve many new issues that arisen in the society. This reflects the flexibility of Islamic law, which is suitable for the implementation in all time and place. Many fatwa issued by Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia relating to wealth which applied the principle of *maslahah* is actually based on acceptable and agreeable *maslahah*. Such *fatawa* have also resolved many new issues that arise in the society from time to time. This is in line with the spirit and objective of Islamic law that brings benefit to the people and society and to remove harm that might incur on them.

Notes

1. Al-Fayumi, al-Misbah al-Munir, al-Maktabah al-'Ilmiyyah, Beirut, Vol. 2, 462.
2. Ibid.
3. Ibn Manzur, Lisan al-Arab, Dar Sadir, Beirut, n.d., Vol. 15, p. 147.
4. Ibid.
5. Zaydan, Abd al-Karim, *Usul al-Da'wah*, Dar al-Kutub al-'Arabiyyah, n.p.p., 1401H/1981, p. 157.
6. Al-Quran, Al-Nisa' (4): 127
7. Al-Bahuti, Mansur bin Yunus bin Idris, *Kashshaf al-Qina' 'an matn al-iqna'*, Dar al-Fikr, Beirut-Lebanon, Vol. 6, p. 299.
8. Al-Qaysi, Nabil bin Abi al-Hasan, *Adab wa Ahkam al-Fatwa*, Dar al-Iman, Alexandria-Egypt, 2008, p. 10.
9. See Peraturan Majlis Kebangsaan Bagi Hal Ehwal Ugama Malaysia (endorsed by Conference of Rulers in 1968), s. 11(a).

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10. See Peraturan Majlis Kebangsaan Bagi Hal Ehwal Ugama Malaysia, s. 14.
11. See for example Administration of Religion of Islam (State of Selangor) Enactment 2003, s. 52.
12. See Federal Constitution of Malaysia, 9th Schedule, List II – State List.
13. See Profile JAKIM. Available online at www.islam.gov.my/bahagian/pengurusan-fatwa/755-profile, Retrieved 22 April 2017.
14. Malaysia is a federation consists of thirteen states and three federal territories. Eleven states are in Peninsular (West Malaysia) i.e. Johor, Melaka, Negeri Sembilan, Selangor, Perak, Pulau Pinang, Kedah, Perlis, Kelantan, Kuala Terengganu and Pahang. Two states in the island of Borneo (East Malaysia) i.e. Sabah and Sarawak. The three federal territories are Kuala Lumpur and Putra Jaya in peninsula Malaysia and Labuan is in the East Malaysia. See Wan Arfah Hamzah & Ramy Bulan, *An Introduction to the Malaysian Legal System* (Penerbit Fajar Bakti SDN BHD, Selangor Malaysia, 2003), p. 1; See also Sharifah Suhana Ahmad, *Malaysian Legal System*, 2nd edition (Malayan Law Journal, Malaysia, 2007), pp. 105-106.
15. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 44.
16. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 45.
17. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 46.
18. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 47.
19. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 52.
20. See for instance Administration of Islamic Religion (State of Selangor) Enactment 2003, s. 49.
21. Hassan, Husayn Hamid, *An Introduction to the Study of Islamic Law*, Adam Publishers & Distributor, New Delhi-India, 2005, p. 194.
22. Ibid., pp. 194-195.
23. See Hassan, Husayn Hamid, *Nazariyat al-Maslahah fi al-Fiqh al-Islami*, Maktabat al-Mutanabbi, Cairo-Egypt, 1981, pp. 5-6.

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24. See Sha'ban, Zakiy al-Din, *Usul al-fiqh al-Islami*, Dar Nafi', n.pp., n.d., p. 131.
25. Ibid.
26. Ibid.
27. Ibid., p. 132.
28. Ibid., p. 132
29. Ibid., p. 134.
30. Ibid., p. 134.
31. E-Fatwa, "Langkah-Langkah Membangunkan Hartanah Waqaf MAIN Dari Perspektif Hukum," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/langkah-langkah-membangunkan-hartanah-waqaf-main-dari-perspektif-hukum>> (accessed 4 Disember, 2015).
32. E-Fatwa, "Pengurusan Wang Dan Harta Milik Orang Islam Yang Tidak Dituntut Dan Status Kementerian Kewangan Sebagai Perbendaharaan Negara Yang Boleh Bertindak Sebagai Baitulmal Dalam Menguruskannya," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/pengurusan-wang-dan-harta-milik-orang-islam-yang-tidak-dituntut-dan-status-kementer>> (accessed 8 Disember, 2015).
33. E-Fatwa, "Wang Faedah," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/wang-faedah>> (accessed 8 Disember, 2015).
34. E-Fatwa, "Status Pampasan Polisi Insurans Konvensional Selepas Kematian Pembeli Polisi," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/status-pampasan-polisi-insurans-konvensional-selepas-kematian-pembeli-polisi>> (accessed 8 Disember, 2015).
35. E-Fatwa, "Hukum Penyaluran Hasil Gharamah Institusi Kewangan Islam Ke Baitulmal," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/hukum-penyaluran-hasil-gharamah-institusi-kewangan-islam-ke-baitulmal>> (accessed 8 Disember, 2015).
36. E-Fatwa, "Wang Simpanan KWSP, SOCSO Dan Seumpamanya Bagi Ahli Beragama Islam Yang Meninggal Dunia," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/wang-simpanan-kwsp-socso-dan-seumpamanya-bagi-ahli-beragama-islam-yang-meninggal-du>> (accessed 8 Disember, 2015).

37. See Himpunan Keputusan Muzakarah Jawatankuasa Fatwa Kebangsaan Berhubung dengan Isu-isu Muamalat. Available online at e-muamalat.islam.gov.my/keputusanmuzakarah/hukum-menjadikan-caruman-kumpulan-wang-simpanan-pekerja-sebagai-harta-sepencarian, retrieved on 24th April 2017.
38. See for example Islamic Family Law (Federal Territories) Act 1984, ss. 2 & 122.
39. See Employees Provident Fund (EPF) Act 1991, Act 452, s. 51.
40. Al-Quran, Al-Nisa' (4): 32.
41. Ibid.
42. For further reading see Najibah Mohd Zin *et al.* (2016). *Islamic Family Law in Malaysia*. Thomson Reuters Malaysia Sdn Bhd: Kuala Lumpur.
43. E-Fatwa, "Wang Pampasan Kematian Pekerja Yang Dianugerahkan Oleh Kerajaan Atau Syarikat Swasta," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-kebangsaan/wang-pampasan-kematian-pekerja-yang-dianugerahkan-oleh-kerajaan-atau-syarikat-swast>> (accessed 8 Disember, 2015).
44. E-Fatwa, "Wang Pampasan," Muamalat/Ekonomi, <<http://www.e-fatwa.gov.my/fatwa-negeri/wang-pampasan-3>> (accessed 8 Disember, 2015).
45. E-Fatwa, "Kedudukan Wang Pampasan Kematian Pekerja Yang Dianugerahkan Oleh Kerajaan Atau Syarikat Swasta," Lain-Lain, <<http://www.e-fatwa.gov.my/fatwa-negeri/kedudukan-wang-pampasan-kematian-pekerja-yang-dianugerahkan-oleh-kerajaan-atau-syarikat>> (Retrieved 8 December, 2015).