

A Study On Students' Research Related to Fatwa Submitted at Malaysian Public Universities

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Abstract

Fatwa generally means a response or judgment by a mufti on any question that might be arises, by the muslim in performing their religion teaching.. The objective of the paper is to determine the trend of research about fatwa either it similar with the previous studies which focusing on the inter-relationship between fatwa and society such as Khalid Masud et al. (1996), Mohd Daud (1997) and Kahera and Benmira (1998), Data were collected from library of Universiti Malaya, Universiti Kebangsaan Malaysia, Universiti Sains Islam Malaysia, and International Islamic University Malaysia. Those data were analysed using Statistical Product and Service Solutions (SPSS). The study focus towards the research variables which includes supervisory patterns, length of theses, type of theses, type of research, methodology patterns, contributing institutions and subject area patterns. Among the significant findings obtained, identified that most of students from Universiti Malaya are very productive in producing theses about fatwa, in which has reached to 58.5 percent of theses written within the period of 1980-2008. It was found that 79.2 percent of the theses were written in Malay language, with the percentage of references used were 100 percent totally from books, articles of journal and fatwa documents. Those results has demonstrated that study about fatwa is really needed nowadays, and it is proved with offering of formal courses at Public Institutions of Higher Education, Institut Pengurusan dan Penyelidikan Fatwa Sedunia (INFAD) at Universiti Sains Islam Malaysia (USIM).

Keywords: Islamic studies, Islamic law, fatwa, public institutions of higher education

Introduction

Fatwa (Islamic ruling or edict) has an important place in Islamic Law that it is even regarded as a key instrument, in which assists in the development of Islamic laws. Fatwa generally means a response or judgment of any question that might be arises, *related to muslim matters in performing their religion teaching*. Linguistically, the word 'fatwa' originates from the root word *aftā*, which means 'explanation' and 'clarification'. It is a clarification of Islamic law for any issues or problems, which is a respond to the issue or question. Fatwa will not be issued unless, if there are any questions or inquiries arise (Noor Naemah, 2001). Fatwa is a unique process under Islamic law. The process is normally involves with two parties – one who expresses the problem or question, known as a *mustafti*, and another who provides the answer or response, known as the *mufti* (Mohd Daud, 1997). For his capacity in clarifying and explaining laws, the Prophet Muhammad (pbuh) was the first ever mufti in the history of Islamic law.

Fatwa is actually a reflection to the contents of fiqh's books, as what is written in fiqh books are fatwas given by Islamic ulama (Mohd Daud, 1997). It is also a reflection of the implementation of Islamic law within a society. In other words, fatwas issued by those involved in the process of issuing fatwa are based on the legal thinking trends that existed in that society. If the dominant legal mindset in a society is tied to the doctrine of a certain *mazhab*, then it will absorb into any activities related to law because fatwa is a reflection of the pervailing legal practice (Hallaq, 1994). In Islam, fatwa is a practice which is based on discipline, procedures and certain schemas as widely discussed by Muslim scholars.

Hence, it is not a product of speculation or fiction created by the scholars of that period, but instead it is based on the real problem faced by the society. Based on this, it is apparent how western researchers in their research of current developments in Islamic law compared to its development in the past, have paid great attention to the workings of the fatwa institution which exists in Muslim society today (Noor Naemah, 2002). Hence, study by some scholars (Kozlowski, 1996, Rispler, 1996) revealed that in the past (Ibn Abidin, n.d) the muftis will take into account the social, economic and political condition of society in their decision before issuing the fatwa faced by the muslim society.

Fatwa develops in accordance with the development of issues and problems related to Islamic teaching which takes place in society. The more advanced the society, the more active the fatwa institution becomes as it is a key tool and important medium in meeting the needs of a society. In relation to this, fatwa is closely related to *ijtihad*, in fact, a fatwa cannot be issued until research and study have been conducted (Noor Naemah, 2002). This means that research and study are the cornerstones of fatwa in Islam. Thus, fatwas can be issued with proper arguments and reasoning so that it can be accepted with full confidence and if necessary, be revised by others if the reasons for the argument raises doubts or is weak (Mohd Daud, 1997).

In Malaysia, all 14 states has their own fatwa institution that will issue fatwas which transpire in their state level. Each institution has its own committee consisting of individuals with qualifications in Islamic Study with various backgrounds and areas of expertise. All procedures in the practice of fatwa are subjected to the authority of the State Islamic Religious Council which is generally bound to the state's enactment on the administration of the religion of Islam. At the national level, there is the National Fatwa Committee that acts as arbitrator, decision maker and issuer of fatwa on any matters related to Islam referred to it by the Conference of Rulers. This committee falls under the Fatwa Division. It consists of 22 individuals including the state muftis. Fatwas issued by this committee is not binding to all states in Malaysia.

Study on fatwa has been introduced in Islamic Studies as formal subject in Public Institutions of Higher Education (IPTA) to fulfil requirement for *istinbat* officers and trained research officers within the Mufti Departments who need direct exposure to matters relating to fatwas in closer detail (Ahmad Hidayat, 2004). Studies and research on fatwa through various approaches has long been the focus among both Islamic and Western scholar. For a long time, studies on fatwa have been the attention and even mentioned in history that it started from the early Islamic era when the prophet's companions unwavering memorized on and referred to the prophet's fatwa in resolving questions which arose (Abu Zuhrah, 1987). The same practice was also carried out by the *tabi'in* generation to the extent that they put very high consideration on the companions' fatwas and made them as reference in any legal decision that they were going to make. Such approach continued to be practised well into the excellent era of Islamic law where fatwa by great imam of that period were examined and thoroughly read to formulate methodologies which can be used until it formed a clear flow of legal thinking (Abu Zuhrah, 1987).

When Islamic law faced a decline around 7 hijrah until the 12th century, intensive efforts were taken by the ulama of that time in producing collections of fatwa writings. As such, writings like al-Fatwa al-'Itabiyyah, al-Fatawa al-Khaniyyah, Fatawa al-Zahiriyyah, al-Fatawa al-Mahdiyyah, al-Fatawa al-Hindiyyah, Fatawa al-Ramli, Fatawa 'Alish and others which contain fatwa laws which were issued by the ulama were published (Mahmood Zuhdi, 1992). Studies and writings on fatwa are continuously done by either classical or contemporary ulama. Their writing and research approaches touch on the conceptual matter of fatwa, history and its development (al-Syatibi, n.d. and Ibn Qayyim, 1996). Their writings will usually discuss the concept of fatwa, mufti and mustafti as well as matters related. There are also a few current scholarly writers who analyze the development of fatwa institutions which started as the ulama's individual activities on an official duty in the religious administration in Islamic countries (Zaydan, 1969, al-Hajawi, 1977, Anderson, 1976 and Esposito, 1980).

In historical context, fatwa institutions in Malaysia started as the Sultan's advisor and later expanded into executive position in states religious administration (Othman Ishak, 1981). Focus on the historical aspect of the fatwa institutions in Malaysia is also touched by Abdul Hamid Yunus (Abdul Hamid, 1991). An article written by Abd. Monir Yaacob (Abdul Monir, 1998) also touched on the administration of fatwa institutions viewed from the historical point and its development as well as organization and job scope. A study done by a group of researchers from Universiti Malaya (Ahmad Hidayat, 2004) has also looked into a few aspects of the administration of the fatwa institution.

Among the approaches taken in the research of fatwa is the analysing of the content of a fatwa. Such approach is done mostly by the western researchers in their writings like those of Gillespie (2007), Hallaq (1994), Pink (2003) and Hosen (2004). They have made comments on fatwas produced by law scholars as a mufti referred to in solving cases which take place in the society. The studies come up with several significant conclusions. Among them, as found by Gerber (1998) in his study on Mufti Khayr al-Din al-Ramli's fatwas. According to Gerber, Ramli's fatwas have managed to push aside claims that fatwa law is something that is rigid and static when al-Ramli used a lot of ijihad methods, giving rooms to Islamic law like the '*urf, istihsan, maslahah*' and other similar methods. Study done by Kahera and Benmira (Kahera and Benmira, 1998) are also related. These study have focused on the scrutiny of chosen fatwas from *Kitab al-Mi'yar al-Mughrib* and *Kitab al-Bunyan* by giving focus to the fatwas issued based on the *la darar wa la dirar* (harm shall not be inflicted no reciprocated)

Some great compilations which touch on the study of fatwa analysis is edited by Masud et al. (1996). It has been written in a book titled *Islamic Legal Interpretation: Mufti's and Their Fatwa's* (Masud, Messick and Powers, 1996). Many articles which touch on various analysis aspect have been included in the book where the discussions are arranged according to the chronology of the mufti analyzed. The analysis clarifies how fatwa has functioned as an indicator of social ranking, economy, scholar and religion which have existed in society. In fact, the fatwas that existed portray the flow of mindset and legal practice adopted by a society (Powers, 1990 and Mohd Daud, 1997) Study in this form is also done by writers in south-east Asia like Djamil (1995) who has made commentary on the fatwa of Tarjih Muhammadiyah Council. Rosyada (1999) has examined Hisbah Halls Fatwas around the years 1990-1995. His study concluded on the Dewan Hisbah Persis' method of legal study. Mudzhar (1993) has analysed on the fatwas of the Indonesia Ulama Council and focused on extent the social surrounding had influenced the fatwa decision.

Other further approach is the scrutinization on the fatwa methodology and can be obtained partly in form of books, articles and theses. Writings by classic muslim scholars also looked into the aspect of manners and laws related to the mufti. In this matter, they will touch on what should be done when faced with different views, what is the method of issuing fatwa by the mufti who have not reached the absolute mujtahid level and also other matters related to mufti methodologies in exercising fatwa (Ibn Al-Salah, 1406H, Ibn Qayyim, n.d., and al-Baghdadi, n.d.). Al-Qaradawi (1992) has given a specific stress on this matter, he has discussed the type of method and principles to those involved in the practice of fatwa today. According to Al-Qaradawi, a paradigm shift is needed to handle issues on Islamic law which occur in today's society. By continuously following old tradition in issuing fatwa, it will make the suggested fatwa seen as something isolated from reality of society life. Therefore a more current and realistic fatwa approach is needed. Approaches mentioned previously have also been adopted by studies done by students from the higher learning institutions in Malaysia either at the doctorate, masters or even degree levels. Details will be shown in this article. The objective of this article is to investigate the pattern of researches on fatwa undertaken by Public Institution of Higher Education students in Malaysia. Do the students at higher education in Malaysia aware that the fatwa or Islamic law judged by their mufti associated with the society's condition.

Methodology

Data taken from academic reports, dissertations and theses submitted to four universities in Malaysia namely Universiti Malaya (UM), Universiti Kebangsaan Malaysia (UKM), International Islamic University of Malaysia (IIUM) and Universiti Sains Islam Malaysia (USIM). In order to get valid data the researcher set two criteria for universities to be selected as a sample, which are:

1. Public Higher Learning Universities in Malaysia which offers Bachelor, Masters and PhD degrees in Shariah and Islamic Studies.
2. Full-fledged university so that the researcher can exclude college universities, which only offers diploma in shariah and Islamic studies, from the sample.

However the research includes Kolej Universiti Islam Malaysia (KUIM), which was previously a college university before its establishment as a full-fledged university in 2007, for two reasons. The first reason is because KUIM also offers B.A. degree on Fiqh and Fatwa under its Shariah and Law Faculty. The second is because INFAD was established by 2003. Therefore, in order to visualise the significant contribution of KUIM in fatwa study, we will analyze KUIM separately from USIM.

At the same time, Universiti Sultan Zainal Abidin has not been chosen as a sample because its B.A. programme in Shariah and Islamic Studies was only offered from 2008 after the merging of Kolej Universiti Sultan Zainal Abidin (KUSZA) with Universiti Sultan Zainal Abidin (UNISZA). KUSZA has only offered Diploma degree level. The methodology adopted in analysing the pattern of research works done by the students of higher learning institutions is similar to that used by Raihanah & Asmak (2009), by Tiew, Abdullah and Kaur (2002), Bakri and Willet (2008) in their bibliometric analyses in the *Malaysian Journal of Library and Information Science*, as well as Kaur's (2006) bibliometric analysis in the *Malayan Law Journal*. Data collected is for a period of twenty eight years starting from 1980 through to 2008, with a total of 106 academic reports, dissertations and theses. Data was analysed pertaining to types of research studies, year, supervisor's name, higher learning institutions submitted to, length and language of thesis, and subjects studied. Data was compiled and analysed using descriptive statistics and cross tabulation.

Results and Discussions

Types of Thesis

There were 106 works produced by students in Public Institutions of Higher Education (IPTA). Of this number, 81.1 percent of the project papers were undertaken at degree level, 15.1 percent dissertations at Master's level and 4 were PhD thesis. Table 1 shows that most of the research undertaken in the area of fatwa was conducted by undergraduate students because the number of undergraduate students is bigger compared to postgraduate candidates.

Table 1: Types of thesis on Fatwa

Type of thesis	Frequency	Valid Percent
Project paper	86	81.1
Dissertation	16	15.1
PhD Thesis	4	3.8
Total	106	100.0

Types of Thesis and Year

Table 2 shows the types of research works and year they were written. The study found that students began undertaking research on fatwa since 1980 with most of them are project papers at the first degree level. Between 1990-1994 the research on fatwa at the level of Master was written. The study on fatwa at the PhD level started in 2004-2004. .

Table 2: Type of Research Works on Fatwa and Year

Year/ Type of Thesis	Project Paper	Dissertation	PhD Thesis	Total
1980-1984	3(2.8%)	0(0.0%)	0(0.0%)	3(2.8%)
1985-1989	6(5.7%)	0(0.0%)	0(0.0%)	6(5.7%)
1990-1994	20(18.9%)	1(0.9%)	0(0.0%)	21(19.8%)
1995-1999	15(14.2%)	5(4.7%)	0(0.0%)	20(18.9%)
2000-2004	28(26.4%)	7(6.6%)	3(2.8%)	38(35.8%)
2005-2008	14(13.2%)	3(2.8%)	1(0.9%)	18(17.0%)
Total	86(81.1%)	16(15.1%)	4(3.8%)	106(100.0%)

Form of Research Works

We, classify the research works into two types: library research and field research. The library based research works are based on sources from books, articles and working papers. On the other hand, field research is based on field data such as minutes of meetings, fatwa documents, interviews and fatwa collections. Table 3 shows that the majority of research works (74 or 69.8 %) are based on field research while 32 (30.2 %) are based on library research. Interestingly research method employed by the student is not only limited to library research but they also used fieldwork research. By doing fieldwork research they can explore further (David, 2004) the practice of issuing fatwa. This study indicates that students prefer to conduct fieldwork research maybe due to advises from their supervisors.

Table 3: Form of Research Works Written

Type of Research Works	Type of Research		Total
	Library	Fieldwork	
Academic reports	25(23.6%)	61(57.5%)	86(81.1%)
Dissertation	7(6.6%)	9(8.5%)	16(15.1%)
PhD Thesis	0(0.0%)	4(3.8%)	4(3.8%)
Total	32(30.2%)	74(69.8%)	106(100.0%)

Rank List of Most Prolific Supervisor

Several studies have shown that there is a relationship between the productivity of theses produced by students and supervisors' expertise, whereby students were more inclined to choose a topic based on the expertise of their supervisors. A study conducted by Ray (2007) shows that in choosing a supervisor, the key criteria considered by students are the capability of providing supervision in the subject area that the students are interested in and supervisors who have the expertise in this subject area. Overall, a total of 106 works by students are supervised by 61 supervisors from four higher learning institutions. The most prolific supervisors are Noor Naemah Abdul Rahman who supervised 13 theses, Mahmood Zuhdi Abd Majid with 10 theses and Md. Salleh Hj Md @ Ahmad who supervised 8 theses (table 4).

All three leading supervisors are from the Academy of Islamic Studies, University Malaya, and are recognized by the public, by religious authorities and industries for their expertise in fatwa. Mahmood Zuhdi was appointed as a member of the Jemaah Ulama Kelantan (Kelantan Ulama Council) since 1990. Mohd Salleh was appointed as a member of Jawatankuasa Fatwa Negeri Perak (Perak State Fatwa Committee) since 1994. All of them also have been appointed to sit in as Shariah Board Members for Islamic Banking in Malaysia namely in AmIslamic Bank Berhad, Public Bank and Bank Muamalat Malaysia Berhad. Islamic Banking is developing tremendously since it has been established in 1983 with only one Islamic Bank and there are 17 Islamic Banks and 11 Islamic insurance operating in Malaysia in 2012. Under the guideline of Central Bank of Malaysia all Islamic banks and Islamic insurance must appoint shariah advisors after getting approval by the Central Bank of Malaysia. The committee consists of 3 members and 5 members starting 2011 must have qualification in shariah degree especially Islamic jurisprudence, Islamic law of transaction and Islamic legal maxims which are among the required knowledge in deriving the fatwa. These committees will issue fatwa on any issues arise relating to the business of the Islamic Banking and Islamic insurance.

Table 4: Most Prolific Supervisor

Rank	Name of Supervisor	Institution	Number of Thesis Supervised
1	Noor Naemah Binti Abdul Rahman	UM	13
2	Mahmood Zuhdi Bin Hj. Abdul Majid	UM	10
3	Md. Salleh Hj Md @ Ahmad	UM	8
4	Yaakob Bin Hj. Ismail	UM	5
5	Suwaid Tapah	UM	4
6	Abdul Karim Ali	UM	3
6	Mat Saad b. Abdul Rahman	UKM	3
6	Rahimin Affandi Abdul Rahim	UM	3
6	Siti Zalikah Md Nor	UKM	3
6	Hassan b. Hj Ahmad	UM	3
7	18 Supervisors supervised		2
8	33 supervisors Supervised		1
	Total		106

Ranking of Most Productive Institution

Table 5 presents the ranking of the most prolific institution which has produced the most number of theses in this area or study.

Table 5: Prolific Institutions

Rank	Institution	No. of Thesis	Valid Percent
1	Universiti Malaya	62	58.5
2	Universiti Kebangsaan Malaysia	19	17.9
3	Kolej Universiti Islam Malaysia	10	9.4
4	International Islamic University Malaysia	8	7.5
5	Universiti Sains Islam Malaysia	7	6.6
	Total	106	100.0

The most productive institution is the Universiti Malaya which produced 62 (58.5%) study papers on fatwa. The second was the Universiti Kebangsaan Malaysia with 19 study papers (17.9%), followed by the Universiti Sains Islam Malaysia, formerly known as KUIM (Kolej Universiti Islam Malaysia) At the Universiti Malaya, interest in the study of fatwa may be triggered due to the formal courses on fatwa offered at the undergraduate level as elective courses. Fatwa study is also offered as an elective course for a Master Degree in the Department of Fiqh and Usul since 2005 (ie Fatwa Study IFGH 6316). (Buku Panduan Program Ijazah Tinggi Sesi 2005/2006) The IFEH 3102 (Buku Panduan Program Ijazah Dasar Sesi 2005/2006) Fatwa Institution course has been taught since 1997 and following a curriculum review this course has been changed to IFEH3313 Fatwa Practice which was first introduced in year 2002. With the formal exposure to fatwa, students have a better understanding of the importance of fatwa study and this contributes to the higher number of theses produced by Universiti Malaya's students.

UKM is the first university to offer an Islamic Studies Bachelor Degree, producing the first research study on fatwa, but did not achieve a high percentage in fatwa study. This may be because fatwa is not the main subject focus or the main area of expertise with its lecturers, or it may be due to the fact that fatwa is only a small sub-area compared to the Shariah study in general. It is general knowledge that the Shariah Department of the Faculty of Islamic Studies at UKM normally focuses on the subjects of Shariah Law, Islamic Family Law and *Muamalat*. In comparison, USIM, formerly known as KUIM, produced a higher percentage of fatwa research works even though it is a relatively new university. This may be due to the existence of the Fiqh and Fatwa Bachelors Degree of INFAD that has resulted in more works on fatwa.

6. Subject Area of Research Works

Table 6 reveals the rank list of research works by subject area. The table shows eight subject areas covered in students' research works.

Table 6: Subject Area of Research Works

Subject	No. of Research Works	Percent
Fatwa Analysis	35	33.0
Fatwa Administration	32	30.2
The Use of Usul Fiqh in Fatwa Issuance	23	21.7
Fatwa Methodology	7	6.6
Society's Response to Fatwa	4	3.8
Scholars of Fatwa	3	2.8
Comparative Study on Fatwa	1	.9
Relationship Between Fatwa and Judiciary	1	.9
Total	106	100.0

The most popular subject covered within the period of this study is analysis of fatwa, with 35 theses. On the other hand, administration of fatwa was second with 32 theses (30.2%), and the use of Usul Fiqh (Methodology of Islamic Jurisprudence) in fatwa issuance is third with 23 theses. Since most of the studies done by undergraduate students as shown by table 1, it is expected that they tend to do a simple research for example frequency of fatwa issued per year and type of fatwa due to the first degree level. This finding indicates that throughout the duration of this study, students have not focused research on inter-relationship between fatwa and the real condition of the society even though there is clear evidence of the strong inter-relationship between fatwas and the condition of the society as agreed by many for example Khalid Mas'ud (Khalid Ma'ud et.al, 1996).

The inter-relationship and the real condition of society is consistent with the theory of Islamic Law “changes in fatwa because of changes in time, place and culture” (Ibn Khaldun, 1993 and Ibn Qayyim, 1996).

Quantitative Growth of Subject by Years

Table 7 shows the frequency of each subject being covered by students in four-year bands. Findings indicate that the subject of fatwa administration have been written on every year, whereas the subjects of fatwa analysis and the use of *Usul Fiqh* in determining fatwas have also been covered except between 1980-1984 where no studies have been done in those years.

Table 7: Subjects Covered by Articles in Four -Year Bands

Subjects	1980-1984	1985-1989	1990-1994	1995-1999	2000-2004	2005-2008	Total
Fatwa Analysis	0	1	6	6	16	6	35
Fatwa Administration	3	3	5	6	8	7	32
The Use of Usul Fiqh in Fatwa Issuance	0	2	8	5	6	2	23
Fatwa Methodology	0	0	0	1	4	2	7
Society's Response to Fatwa	0	0	1	2	0	1	4
Scholars of Fatwa	0	0	0	0	3	0	3
Comparative Study on Fatwa	0	0	1	0	0	0	1
Relationship Between Fatwa and Judiciary	0	0	0	0	1	0	1
Total	3	6	21	20	38	18	106

Distribution of Theses Based on Number of Pages

Table 8 presents the distribution of theses according to number of pages. The distribution of theses shows that the average length of theses (42.5%) was between 101-200 pages as it is common requirement (Buku Panduan Program Ijazah Tinggi Sesi 2005/2006). There are two project papers that have a length of more than 300 pages which included appendices of fatwas.

Table 8: Distribution of Research Works According to Number of Pages

Pages					Total
Type of thesis	1-100	101-200	201-300	>300	
Project Paper	40(37.7%)	38(35.8%)	6(5.7%)	2(1.9%)	86(81.1%)
Dissertation	1(0.9%)	7(6.6%)	6(5.7%)	2(1.9%)	16(15.1%)
PhD Thesis	0(0.0%)	0(0.0%)	1(0.9%)	3(2.8%)	4(3.8%)
Total	41(38.7%)	45(42.5%)	13(12.3%)	7(6.6%)	106(100.0%)

Language of Research Works

Table 9 indicates the number and percentage of language used in the research works produced. The majority of research works (79.2%) were written in the Malay language (Malaysia's official language). Only 13 works (12.3%) were written in English and 9 theses (8.5%) written in Arabic. Malay language is the official language of the IPTA and majority of the student are Malaysians but they have an option to write in English or Arabic upon approval from the university. However, UIA and USIM required theses are written in English or Arabic.

Table 9: Language of Research Works on Fatwa

Language				Total
Type of thesis	Malay	English	Arabic	
Project Paper	69(65.1%)	11(10.4%)	6(5.7%)	86(81.1%)
Dissertation	11(10.4%)	2(1.9%)	3(2.8%)	16(15.1%)
PhD Thesis	4(3.8%)	0(0.0%)	0(0.0%)	4(3.8%)
Total	84(79.2%)	13(12.3%)	9(8.5%)	106(100.0%)

Gender of Authors and Types of Research Works

Table 10 shows that out of 106 research works, 52 were contributed by male students and 54 by female students. At the PhD level, two male and two female students wrote theses on fatwa.

Table 10: Gender of Students

Sex \ Type of thesis	Project Paper	Dissertation	PhD Thesis	Total
Male	39	11	2	52
Female	47	5	2	54
Total	86	16	4	106

Type of References Cited

Data shows that types of references cited by students consisted of journal articles, books, chapters in books, proceedings, magazines, fatwa meeting documents, PhD theses, dissertations and project papers.

Table 11 shows that the most cited references are books (100%) and chapters in books (35, 33%) which is common in the research of Art and Humanities especially in Islamic Studies. Nevertheless articles in academic journals 48 (45.3%) are not less important. They also referred to fatwa meeting documents for more detailed analysis since fatwa is the subject matter of the research. All fatwa will be issued by each states and gazetted to public through the Religious Council bulletin publication. However the details of the issue only can be found in the fatwa meeting documents.

Table 11: Types of references

Types of references cited	Referred N (%)	Not Referred N (%)	Total N (%)
Journal Articles	48 (45.3)	58 (54.7)	106 (100.0)
Books	106 (100)	-	106 (100.0)
Chapters In Book	35 (33.0)	71(67.0)	106 (100.0)
Fatwa Meeting Document	46 (43.4)	60 (56.6)	106 (100.0)
PhD thesis	5 (4.7)	101(95.3)	106 (100.0)
Master's Dissertation	12 (11.3)	94 (88.7)	106 (100.0)
Project paper	43 (40.6)	63 (59.4)	106 (100.0)
Proceedings	20 (18.9)	86 (81.1)	106 (100.0)
Magazine	66 (62.3)	40 (37.7)	106 (100.0)

Number of References

Table 12 shows that a majority of the research works (42, 39.6%) written had 31-60 references, while 32 theses or 30.2% had 1-30 references. It reveals that 1 dissertation and 3 PhD thesis had more than 121 references it is expected due to the postgraduate level.

Table 12: Number of references

Type of Thesis	Number of reference range					Total
	1-30	31-60	61-90	91-120	>121	
Project Paper	32(30.2%)	41(38.7%)	12(11.3%)	1(0.9%)	0(0.0%)	86(81.1%)
Dissertation	0(0.0%)	1(0.9%)	8(7.5%)	6(5.7%)	1(0.9%)	16(15.1%)
PhD Thesis	0(0.0%)	0(0.0%)	1(0.9%)	0(0.0%)	3(2.8%)	4(3.8%)
Total	32(30.2%)	42(39.6%)	21(19.8%)	7(6.6%)	4(3.8%)	106(100.0%)

Institution Being Researched

Table 13 shows the fatwa institutions being researched however there is research that is not related to fatwa institution but focusing on general subject pertaining to fatwa including scholars of fatwa, administration of fatwa and application of Usul Fiqh in fatwa issuance. Interestingly fatwas issued in the state of Kelantan is the most frequently researched since one of the most prolific supervisor i.e Mahmood Zuhdi Abdul Majid is the member of Kelantan Fatwa Committee which might enhance the interest among students to do research there. Besides that a research on comparative fatwa among the states in Malaysia, fatwas in Association of Southeast Asian Nations (ASEAN) countries namely Thailand, Brunei, Jambi and Singapore has also been examined.

Fatwas in ASEAN countries are conducted by the students from those particular countries. These findings shows that the fatwa institution as the autonomous authority in issuing the fatwa is performing their role in each muslim countries in order to deal with the religious issues among the society.

Table 13: Subject / States Most Frequently Researched

Rank	States / Subject Being Researched	Frequency	Valid Percent
1	Miscellaneous	14	13.2
1	Kelantan	14	13.2
2	Selangor	11	10.4
3	Malaysia	9	8.5
4	Kedah	8	7.5
5	Kuala Lumpur	7	6.6
5	Perak	7	6.6
5	Thailand/Brunei/Jambi/Singapore	7	6.6
6	National Fatwa	6	5.7
7	Pahang	5	4.7
7	Terengganu	5	4.7
8	Johor	4	3.8
9	Comparison of state fatwa	3	2.8
9	Negeri Sembilan	3	2.8
10	Pulau Pinang	2	1.9
11	Melaka	1	.9
	Total	106	100.0

Conclusion

In conclusion, even though there is a big numbers of research have been done by the students of public institutions in higher education about fatwa, but most of the research conducted by them is not totally focused on the crucial aspects of study about fatwa, in terms of inter-relationship between fatwa and the real life in society. Whereas there are a few researches found that, there is an inter-relationship between fatwa and society such as Tyan (1955), Kahera and Benmira (1998) and Masud et al. (1996).

References

- Abdul Hamid Yunus. 1991. "Ijtihad dan Amalannya Dalam Pembinaan Fatwa di Malaysia," Disertasi Sarjana, Fakulti Syariah, Akademi Pengajian Islam Universiti Malaya.
- Abdul Monir Yaacob. 1998. "Perkembangan Institusi Mufti di Malaysia" dalam *Mufti dan Fatwa di Negara-negara ASEAN*, Abdul Monir Yaacob dan Wan Roslili Abd. Majid (ed). Kuala Lumpur: IKIM.
- Abu Zuhrah. 1987. *Tarikh al-Madhahib al-Islamiyyah fi al-Siyasah wa al-'aqaid wa Tarikh al-Madhahib al-Fiqhiyyah*. j.2. London: Dar al-Hadith.
- Ahmad Hidayat Buang (ed). 2004. *Fatwa di Malaysia*, Kuala Lumpur: Jabatan Syariah dan Undang-undang, Akademi Pengajian Islam Universiti Malaya.
- Akel. I. Kahera and Omar Benmira. 1998. "Damages In Islamic Law : Maghribi Mufti's and The Built Environment (9th - 15th Centuries C.E). *Islamic Law and Society*, Vol. 5, no. 2: 131-164.
- Al-Baghdadi. (t.t). *Al Faqih Wa Al Mutafaqiqih*. j. 2. Beirut: Dar Al-Kutub al Arabiyyah.
- Al-Hajawi. 1977. *al-Fikr al-Sami Fi Tarikh al-Fiqh al-Islami*, j. 1. Madinah: al-Maktabah al 'Ilmiyyah.
- Al-Qaradawi. 1992. *Al-Fatwa Bayn al-Indibat wa al-Tasayyub*. Kaherah: Dar al-Sahwah. al-Syatibi. (n.d). *al-Muwafaqat Fi Usul al-Syari`ah*, Abd Allah Darraz (ed), j. 4. Beirut: Dar al-Fikr.
- Anderson, J.N.D. 1976. *Law Reform in The Muslim World*, London: Athlone Press.
- Anyi, K.W.U, A. N. Zainab, N.B. Anuar. 2009. Bibliometric studies on single journals: a review. *Malaysian Journal of Library & Information Science*, Vol. 14, no 14(1): 17-55.
- Bakri, Aryati and Willet, Peter. 2008. *The Malaysian Journal of Library and Informatio Science 2001-2006: A Bibliometric Study*. *Malaysian Journal of Library & Information Science*, Vol. 13, no. 1: 103-116
- Buku Panduan Program Ijazah Dasar Sesi 2005/2006, Akademi Pengajian Islam, Kuala Lumpur: Penerbit Universiti Malaya.

- Buku Panduan Program Ijazah Tinggi Sesi 2005/2006, Akademi Pengajian Islam, Kuala Lumpur: Penerbit Universiti Malaya.
- Coulson, N.J. 1964. *A History of Islamic Law*. Edinburg: Edinburgh University Press.
- Dede Rosyada. 1999. *Metode Kajian Hukum Dewan Hisbah Persis*. Jakarta: Logos.
- Esposito, John L. 1980. *Islam and Development: Religion and Socio-political Change*, New York: Syracuse University Press.
- Fathurrahman Djamil. 1995. *Metode Ijtihad Majlis Tarjih Muhammadiyah*. Jakarta: Logos Publishing House.
- Gerber, Haim. 1998. "Rigidity Versus Openness In Late Classical Islamic Law: The Case of The Seventeenth-Century Palestinian Mufti Khayr al-Din al-Ramli,". *Islamic Law and Society*, Vol. 5, no. 2: 165-195.
- Gillespie, Piers. 2007. Current Issues In Indonesian Islam: Analysing The 2005 Council of Indonesian Ulama Fatwa No.7 Opposing Pluralism, and Secularism. *Journal of Islamic Studies Advance Access*, pp. 1-39.
- Gray, David E. 2004. *Doing Research In The Real World*. London: SAGE Publication.
- Gregory, C. Kozlowski. 1996. "A Modern Indian Mufti" Islamic Legal Interpretation Muftis and Their Fatwas (ed). Masud, Messick & Powers.
- Hallaq, Wael. 1994. "From Fatwas To Furu': Growth and Change in Islamic Substantive Law," *Islamic Law and Society*, Vol. 1, no. 1: 29-65.
- Hosen, Nadirsyah. 2004. Behind The Scenes: Fatwas Of Majelis Ulama Indonesia (1975-1998). *Journal of Islamic Studies*, Vol. 15, no. 2: 147-179.
- Ibn 'Abidin al-Hanafi (t.t). *Risalah Nasyr al-'Urf*
- Ibn Al-Solah. 1460H. *Fatawa wa Masail Ibn Al-Solah*. Beirut: Dar Ma'rifah.
- Ibn Khaldun. 1993. *Muqaddimah*. Beirut: Dar al-Kutub al-Ilmiyyah.
- Ibn Qayyim. (t.t). *A'lam al-Muwaqqi'in*, j. 1. Kaherah: Idarah Taba'ah Muniriyyah.
- Ibn Qayyim. 1996. *I'lam Al-Muwaqqi'*, Idarat al-Tiba'ah al-Muniriyyah.
- Mahmood Zuhdi Abdul Majid. 1992. *Sejarah Pembinaan Hukum Islam*, Kuala Lumpur: Penerbit Universiti Malaya.
- Manna' al-Qattan. 1985. *al-Tasyri' wa al-Fiqh fi al-Islam*, Beirut: Mu'assasah al-Risalah.
- Mohamad Atho Mudzhar. 1993. *Fatwa-fatwa Majelis Ulama Indonesia: Sebuah Studi Tentang Pemikiran Hukum Islam di Indonesia 1975-1988*, Jakarta: INIS.
- Mohd Daud Bakar. 1997. Instrument Fatwa dalam Perkembangan Perundangan Islam, *Jurnal Syariah*, Vol. 5, no. 1: 1-14.
- Masud, Muhammad Khalid, Brinkley Messick and David S. Power (eds). 1996. *Islamic Legal Interpretation Muftis and Their Fatwa's*, London: Harvard University Press.
- Noor Naemah Abd. Rahman. 2001. Fatwa dan Realitinya Pada Zaman Rasulullah, *Jurnal Syariah*, Vol. 9, no. 1: 13-32.
- Noor Naemah Abd. Rahman. 2002. Ruang Ijtihad Dalam Amalan Fatwa di Malaysia: Sorotan Dari Sudut Pentadbiran Fatwa, *Jurnal Syariah*, Vol. 10, no. 2: 19-30.
- Othman Ishak. 1981. *Fatwa Dalam Perundangan Islam*. Kuala Lumpur: Penerbit Fajar Bakti.
- Pink, Johanna. 2003. A Post-Qur'anic Religion Between Apostasy and Public Order: Egyptian Muftis and Court On The Legal Status Of The Baha'i Faith. *Islamic Law and Society*, Vol. 10, no. 3: 409-434.
- Powers, David S. 1990. Fatwas as a Sources of Legal and Sosial History: A Dispute Over Endowment Revenues From Fourteenth Century Fez, *Al-Qantana*, J. 5, bil 2, Madrid.
- Raihanah Abdullah and Asmak Ab Rahman, 2009, Fifteen Years of Jurnal Syariah (1993-2007): A Bibliometric Study, *Malaysian Journal of Library & Information Science*. 14(3): 59-76.
- Subhajyoti Ray. 2007. Selecting a Doctoral Dissertation Supervisor: Analytical Hierarchy Approach to the Multiple Criteria Problem, *International Journal of Doctoral Studies*, Vol.2, pp: 24-32.
- Tiew, W.S., Abdullah, A., and Kaur, K. 2002. Malaysian Journal of Library and Information Science 1996-2000: A Bibliometric Study. *Malaysian Journal of Library & Information Science*, Vol. 6, no.2: 43-56.
- Vardit Rispler-Chaim. 1996. "Postmortem Examinations in Egypt" in *Islamic Legal Interpretation Muftis and Their Fatwas* (ed). Masud, Messick & Powers.
- Zaydan, 'Abd al-Karim. 1969. *al-Madkhal Li Dirasah al-Syari'ah al-Islamiyyah*, c. 2, Baghdad: Matba'ah al-Aini.